

Summary

Human activity in various areas of life is associated with the need to fulfill legal obligations, the non-fulfillment of which is sanctioned by the state. Legal sanctions are, for instance, presently vastly used fines, the legal nature of which raises controversies in both doctrine and jurisprudence. It is therefore necessary to specify the standards of protection that should be provided to the entity against which proceedings for the imposition of a fine are pending. When analyzing this issue on the example of Polish telecommunications law, it is necessary to take into account EU regulations, because fines from TL are a manifestation of the implementation of EU telecommunications directives in the national legal order. There is also a need to refer to convention standards, because the ECHR had a significant impact on the development of the human rights protection system in the EU and as a living instrument it dynamizes the rights and freedoms arising from the Charter of Fundamental Rights. At the same time, as an international agreement, it is a binding source of fundamental rights in the national legal order.

In this dissertation, the institution of fine as a form of legal sanction was analyzed in detail. Its features, functions, types and criteria of division were defined. An attempt was also made to answer the question of the nature of fines applied in administrative law. Then, fines regulated in Polish telecommunications law were examined. Conclusions regarding the function and nature of generally recognized administrative fines were confronted with the regulation adopted under telecommunications law. The subjective and objective scope of fines, which was presented using the author's own systematics of these sanctions, was analyzed. The proceedings for imposing a fine from TL and control proceedings were also examined. After explaining the meaning of the fine institution, the concept of standard was analyzed. Sources of standards for the use of fines under telecommunications law, derived from relevant EU and convention regulations, were also presented. The interaction of these sources with national law was also analyzed, as a result of which the need to take into account the constitutional standard was also considered. The key part of the dissertation examined the relevant standards in cases concerning imposition of administrative fines resulting from fundamental rights protected at the EU, convention and constitutional levels, as well as the manner of their implementation in proceedings for imposing a fine conducted on the basis of TL.

The whole of those considerations allowed the positive verification of the hypothesis that it is possible to decode human rights protection standards in force at the EU, convention and constitutional levels that are applicable in proceedings for imposing fines provided for in Polish telecommunications law. The analysis made it possible to formulate *de lege lata* and *de lege ferenda* postulates regarding appropriate respect for human rights standards in proceedings for imposing financial penalties under telecommunications law, as well as recommendations for the President of UKE and courts, inclusion of which will contribute to the proper exercise of an entity's rights against which proceedings for imposing a fine are pending.

The analysis of issues covered by the dissertation was carried out using appropriate research methodology. Above all, the dogmatic method was used, analyzing the rich normative material and extensive judicature of national courts, of the European Court of Human Rights and the Court of Justice of the European Union. Using the comparative method, the differences between standards for the use of fines derived from human rights protected at EU, convention and national levels were examined. As an auxiliary, the historical method was used, which served to outline the evolution of shaping specific human rights in individual legal orders.

The topics covered by the scope of this dissertation have not yet been the subject of a comprehensive study in domestic law literature. The doctrine contains solely analyzes of its individual elements. For this reason, and also because of the practical aspect of the study, it may not only contribute to the development of the doctrine on the principles of the use of fines, but also to increase the awareness of the parties to proceedings for imposing a fine in terms of their rights, as well as administrative bodies and courts in terms of their obligations and their complex sources.