

Abstract
of the dissertation written under the
academic supervision of
Prof. Marek Wierzbowski, Ph.D., Assoc.

„Administrative proceedings in social insurance cases.
Insurance Ordinance Act as a potential *de lege ferenda* postulate”

Author: Dominik Wojtasiak, Master of Law

This dissertation is an effort to delve into the subject of application of procedural regulations when deciding on the matters that lie within the competence of ZUS, and also lay a particular emphasis on the scope of norms pursuant to the Social Insurance Act dated 13 October 1998 (Dz. U. 2021, poz. 423, with subsequent alterations). Not only is the problem area vital on account of its dogmatic perspective, but also to a cumulative social impact it makes. The topic area set under analysis covers the ways the rights of millions of physical persons and parties falling under a general definition of payers of social insurance contributions are determined on the grounds of social insurance law.

The dissertation primarily aims to explore the issues of completeness, regularity and cohesion of existent solutions as applied in the proceedings; in effect, the research also offers an insight into the expediency of creating autonomous norms for the proceedings, in parallel to the provisions of Administrative Proceedings Code, that be applicable to social insurance cases. Attainment of the projected objective had been preceded by an in-depth analysis, pivoting as well on the considerations behind distinguishing of social security as a branch of law with its inherent component in a form of social insurance contained therein.

The topic area of the analysis inevitably determines related research methodology, which dictates that the legal - dogmatic method be selected. The areas explored herein are the following: the legal acts in force, overall doctrinal literature on the topic area under scrutiny, in particular, the vast jurisprudence of common courts of law, regional administrative courts, the Supreme Court and the Supreme Administrative Court. A profound insight must be given as

well to the Constitutional Tribunal verdicts in respect of social insurance considerations addressed and the rulings given.

The finding of the research is the identification of several inconsistencies present in the adopted solutions, which within the existing mechanism for granting decisions on social insurance matters bear the status of binding laws. Said mechanism, which involves implementation of the norms stipulated by Administrative Proceedings Code, and at the same time the obligation for the afore to be replaced by the provisions of the Social Insurance System Act as having primacy over the former, shall give rise to numerous critical ambiguities and doubts. This, under some circumstances, be perceived as a notional deficiency or a conceptual gap. In addition, the dissertation aims to pinpoint a wrongful but popular omission made in reading legal and systemic position of the Social Insurance Company as a body entitled by way of granting decisions to rule on the matters that lie within the scope of social insurance

The key conclusion arising from the dissertation is that proven is the expediency of creating norms for the purpose of their implementation into a branch of law in a form of social security, i.e. a set of autonomous working norms for the proceedings to be defined as „Insurance Ordinance Act”. The future regulations should be comprehensively adjusted on account of the specificity of the matters within social insurance as well as the legal nature of the body entitled to implement legal solutions within said scope, i.e. *ZUS* Social Insurance Company. The notion as presented and analyzed in the dissertation and herein referred to as „Insurance Ordinance Act” should be treated as an effort to provide evidence for the gravity of matters that lie within the scope of social insurance, not lesser than that of the tax law area.