

## **Streszczenie rozprawy doktorskiej mgr Justyny Jastrun /j.angielski/ pt: „Paper document versus electronic document in administrative procedure”**

The main purpose of this paper is to compare rules and regulations concerning paper and electronic documents under the Polish Code of Administrative Procedure. In addition to a detailed analysis of legal solutions at particular stages of the administrative procedure, this topic is presented in a broader perspective.

Therefore, an attempt is made to define the term ‘document’ in informal language, and the language functioning in areas of law other than administrative procedure. Further, the issue of informatisation of administration is discussed. Apart from the definition of ‘informatisation of administration’, also its operating models in Poland and the European Union are explained. Furthermore, examples of e-administration, as well as its strengths and shortcomings, are given. A definition of the term ‘electronic document’ is introduced as a condition necessary for conducting a comparative analysis. Finally, both types of documents are compared. The paper also features extensive data from own research: surveys and interviews.

The fundamental aim of the study is to provide answers to the working hypotheses stated in the introduction. The analysis of particular issues allowed for their verification. Said issues may be summarised in four statements:

- **Categorising documents into electronic and paper ones not only implies a change of the carrier, but affects the entire procedure as well.**
- **The law does not keep up with technology.**
- **Office clerks and the majority of regular citizens are used to documents in paper form, thus the fear of electronic ones.**
- **Electronic documents will soon dominate, and eventually most likely replace, traditional documents.**

Four research methods were used in this paper: a formal-dogmatic method, an empirical method, a comparative legal analysis, and a historical method. The formal-dogmatic method was applied to the study of the applicable provisions of law. Also judicial decisions pertaining to issues were the subject of this study. The empirical method took two forms, i.e. anonymous surveys and interviews with persons on opposite sides of the issue: office clerks and applicants. The legal comparative method was used to compare domestic regulations with those applicable in the EU and selected Member States. The use of the historical method

made it possible to identify changes that occurred in the perception of the legislator, and, consequently, in the regulation of principles governing the use of paper and electronic documents.

The paper consists of an introduction, four chapters, an ending, and a supplement, the latter containing detailed results of the research. The aim of the introduction is to give an overview of the most important features of the study. The first chapter covers the topic of informatisation of administration seen as the beginning of changes in the perception of documents. The second chapter defines the term 'document'. The third chapter deals with the issue of the document in administrative procedure. It also describes the nature of electronic documents with particular focus on their application within administrative procedure. In addition to the definition of 'electronic document' and examples of using same, attention is drawn to the electronic signature mechanism. Also the legal nature of certified copies is analysed. The key chapter for the study is the fourth chapter, which provides a comparison between a paper and an electronic document at particular stages of administrative procedure. Similarities and differences between both types of documents are elaborated one based on an analysis of the provisions of the Polish Code of Administrative Procedure. The ending of the paper is a short summary of the most important issues together with an evaluation of the current situation and conclusions *de lege ferenda*. A supplement featuring detailed results of the research forms the final part of the paper.

**Keywords:**

administration, administrative procedure, document, e-administration, e-document, e-government, electronic communication, ePUAP, informatisation, internet