

Summary of the doctoral dissertation

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Subject of the dissertation: "Constitutional and statutory conditions for the protection of historic cemeteries"

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The subject under consideration in this doctoral dissertation is an issue of legal protection of historic cemeteries, which constitute a large group of immovable monuments in Poland. The subject of my research was focused particularly on the constitutional and administrative as well as, to a much lesser extent, criminal law regulations specifying systemic solutions for the protection of historic cemeteries.

The aim of the dissertation is to diagnose the legal status and actual protection of historic cemeteries, as well as an attempt to formulate *de lege ferenda* conclusions in the sphere of legal protection of these objects. The considerations undertaken in the dissertation concern the scope of the legal protection of historic cemeteries with concern for the respect to dignity of human remains and the perception of historic cemeteries as components of cultural heritage.

As the main thesis of the dissertation, I adopt the statement that the necessity to legally protect historic cemeteries results from the provisions of the Constitution of the Republic of Poland of April 2, 1997. In connection with the main thesis formulated in this way, it was necessary to thoroughly analyze those aspects related to the functioning of the legal protection of the monuments of cemeteries, which proved the correctness of the proposed thesis. Moreover, in the work I showed that the applicable legal regulations do not sufficiently protect historic cemeteries.

The dissertation consists of an introduction, five chapters ending with conclusions formulated on the basis of the deliberations presented therein, and a summary. At the end of work is a bibliography and a list of legal acts, which include separate acts of international, EU and national law, as well as a list of judgments of the Supreme Court and courts of appeal.

The first chapter entitled "General issues related to the protection of historic cemeteries" is an introduction to the topics discussed in the work. In it, I explained the concepts of a monument, a cemetery and a necropolis as key to my further considerations. In addition, I presented the classifications and characteristics of historic cemeteries as well as indicated and discussed the premises from which the need for legal protection of historic cemeteries should be derived. This chapter ends with a brief presentation of the origins and history of the legal protection of historic cemeteries.

In the second chapter of the work, entitled "Protection of historic cemeteries in the light of the Constitution of the Republic of Poland", I referred to the constitutional conditions, because the definition of axiological and normative foundations binding regulations regarding the protection of historic cemeteries is not possible without referring to the Basic Law. I showed that the source of the legal protection of historic cemeteries is found in the provisions of the Constitution, setting the standards that should be met by the provisions of statutes also in the field of protection of historic cemeteries.

The third chapter of the work entitled "The scope of legal protection of historic cemeteries" includes considerations concerning the care for historic graves and necropolises in the aspect of Polish law. As a starting point, I first analyzed the provisions of international law due to the scope of their impact on national legislation. Later in this chapter, due to the dispersion of regulations on the protection of historic cemeteries, I referred in succession to the most important acts of Polish law regulating relevant issues in this protection.

In the fourth chapter, entitled "Forms and methods of legal protection of historic cemeteries", I refer more broadly to the statutory forms of protection of monuments related to necropolises, thus an entry in the register of monuments, recognition as a Historical Monument, establishment of a cultural park, inclusion of cemeteries in planning documents and location decisions and the inclusion of necropolises in the records of monuments.

The content of the fifth chapter entitled "Financing the care of historic cemeteries" is devoted to the analysis of the sources and methods of seeking financial support in the care of necropolises. Provided financial support helps the owners and managers to take care of the historic cemeteries, and enables the necessary conservation, restoration and construction works to be carried out in order to ensure that these monuments survive in an undeteriorated condition

and eliminate the negative effects of the time passage along with the impact of external factors. In this chapter, I showed that financial aid in the form of subsidies is often the only and insufficient source of material support that is the deciding factor for the survival of historic cemeteries. The costs of restoration and conservation works as well as construction works on necropolises and historic graves usually exceed the financial capabilities of the families of the buried deceased – if these graves have living caretakers at all – and cemetery administrators.

The dissertation ends with a summary of the considerations undertaken in individual chapters and the conclusions formulated therein. In this part, I present the *de lege ferenda* postulates regarding the provisions of laws relating to historic cemeteries.

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