

## **Doctoral dissertation abstract**

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**Subject of dissertation:** Public law rescue service conditions

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The subject under consideration in this dissertation is an issue of public law rescue service conditions. Therefore, the subjects of research were to the main extent constitutional and administrative and to the lesser extent criminal law aspects determining systemic regulations of organization and functioning of a rescue institution, which main objective is to provide help in case of threat to public safety, public order, and legally protected goods.

The main objective of this dissertation is to analyse organization and functioning of a rescue system including its entities competencies and duties in terms of constitutional law norms which ensure public safety, public order and other legally protected values and goods. Contemporary conception of constitutional rights and values determines a content and range of rights and freedoms as legal goods which constitute a legally protected integral area of an individual. From a rescue service perspective, which claims to be an element that ensures and protects these values and rights, the meaning of constitutional norms for interpretations of law norms which regulate this area of the state and its organs is essential.

The subject matter of public law rescue service conditions was discussed in six chapters of this dissertation. In the first one, titled "Constitutional meaning of public safety and order" these values were presented from the perspective of axiological and normative basis. The beginning of consideration was to indicate the way of defining safety generally because of the fact that in science of law as well as in other fields of science there are common means of defining what may be the starting point for constitutional and next statutory meaning of the subject. Focusing on axiological value special attention is brought to the preamble of Constitution by "good and being" of a Homeland and "sovereign and democratic determining its fate" which are possible to achieve only by providing state and public safety. The definitions of a state and nation safety as well as a public safety were evaluated in this context in constitutional terms. In the area of normative bases, the meaning of a general safety clause and public safety as a constitutional value for interpreting statutory norms was proved. So the attention was paid to the safety aspect as a programmatic norm and a public subjective right. An element that should not be omitted during the constitutional meaning of safety and public order analysis is undoubtedly dignity which is a source of law and freedom.

The issues raised in the second chapter are an introduction to public law rescue service conditions.

Special attention was paid to analyse the range of referents of internal security of a state, public or general safety and public order which in their definition basics, in the statutory context, contain crucial contents which are useful to assess the subject of consideration. As a consequence it was possible to make a definition of a rescue service more detailed which as a result helped to define the rescue system meeting these requirements. At the end of the chapter the influence of threats on a rescue system was ranked.

In the third chapter general rules and functions of public authorities providing safety and public order within a rescue system were discussed. It was proved that during accomplishing tasks in this area constitutional principles must be applied by public authorities in many aspects of their activity. Considering the subject matter of this dissertation, especially in the area of fulfilling the purpose of the existence of a state by mean of providing safety, public order and prevention of legally protected goods by the obligated public authorities via a rescue system. In this aspect an inner function of a state was the subject of evaluation as it is determined by a pointed purpose and constitutes a basis for considering next precise functions. First of all, an executive function according to a democratic state of law, law-abiding and legalism and tripartite separation of the authority. Second of all, organizational, management, planning and supervisory – controlling functions according to decentralization and centralization. Finally, order and rationing functions including legislative and addressing social market economy and social justice.

The fourth chapter is an analysis of a constitutional executive body which fulfils competencies and tasks in the area of a rescue system providing safety and public order including the President, the Council of Ministers and the Chairman of the Council of Ministers. Since the role of those authorities in a rescue system is different, even though sometimes they may cooperate, each of them was subjected to the evaluation of a system position, range of competences and tasks (also those resulting from the act). Verification and evaluation of the authorities allowed to assume that the most important of them, according to the organization and functioning of the rescue system, is the Council of Ministers and/or the Prime Minister which is a consequence of a current state policy of those authorities in the area of safety and public order.

In the fifth chapter the State Medical Emergency Service, which is a part of an internal security organization of the state as well as the constitutional right to healthcare, was described. Moreover, the constitutional right to healthcare was widely analysed. So that guaranteed norms and subject rights were taken into consideration. Therefore, organization, functioning, competencies and tasks of system entities both in an administrative and medical structure (which provides healthcare services and need to be partly improved) constitute the subjected to evaluation. Special attention in

this area should be paid to designed or introduced changes in the medical emergency system as well as to Emergency Notification System and as a result to the centralistic attitude of the legislator to healthcare and organization of the evaluated systems.

The last chapter of this dissertation deals with National Rescue and Firefighting System as an element of inner state safety and public order organization guaranteed by Constitution. The range of tasks and competences of the government and local government authorities on different levels of organization and functioning of the system were the main subject of this evaluation. In conclusion the definition of rescue in the context of a system results in current procedures and structures which provide security and safety of life, health, goods or environment, which need some additional work in certain aspects. Just as in the previous chapter, emergency calls service which works via Emergency Notification System was taken under consideration.

The dissertation ends with a summary of the deliberations made in particular chapters, which allowed to form the conclusions and postulates of *de lege ferenda*.

A handwritten signature in blue ink, reading "Agnieszka J. Koraska". The signature is written in a cursive style with a large initial 'A' and 'K'.