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Summary of doctoral dissertation

Designated benefit as a social assistance allowance in Poland.

The object of the considerations taken up in the dissertation is to investigate the essence of the designated benefit, provided on the basis of the Act of 12 March 2004 on Social Welfare (Journal of Laws of 2018, item 1508 of the Social Welfare Act - "SWA").

The main purpose of the dissertation is to demonstrate that the designated benefit is an element of social security from the state referred to in the provisions of the Constitution of the Republic of Poland of 2 April 1997, implemented by the municipality most often from the own resources of the local community. An additional intention of the thesis is to assess the legal status in this area. The analyzes carried out were used to formulate *de lege ferenda* postulates.

The considerations regarding the designated benefit have been included in five chapters.

The first chapter describes a problem of helping people who found themselves in a difficult life and material situation, where charity played a major role to solve it. The aim of these activities was to eliminate the shortcomings of state care for the poor. Delivery of specific objects or goods in the form of so-called assistance to persons entitled to help was the original equivalent of the current designated benefit.

The second part of the dissertation presents the principles of the state's implementation of social policy, in which the constitutional concept of "social security" is of key importance. The Constitution of the Republic of Poland does not explicitly refer to the designated benefit, but it has been proved that it is derived from the Basic Law, as the rights to it can be claimed within the limits set out in the Act (Article 81 of the Constitution of the Republic of Poland). The law is made concrete in the "SWA" provisions. This is an expression of the state's fulfillment of the duty to perform a social function. It was noticed that in the context of the designated benefit the subsidiarity principle is of great importance, based on the use of own potential and entitlements by its potential beneficiaries. In their absence, they can count on the support of the social welfare body. Granting of the designated benefit is strictly connected with enabling them to live in conditions corresponding to human dignity. The basic dignity in social life is considered to be the dignity of a person, and protection as an element of the common good of every

community. The above arguments prove that the designated benefit is a constitutional element of social law.

In the next part of the thesis (chapter three) exegesis of the provisions regulating the material aspects of the designated benefit was made, in particular the issue of the entity entitled to the designated benefit was considered and the applicant's compliance with the statutory prerequisites. The designated benefit is individualized and its role is to satisfy the necessary and concrete living need. The legislator enumerates for what purposes in particular it can be granted, but it is worth noting that these roles in the legislation have evolved. Constructions included in art. 39, art. 39a, art. 40 and art. 41 of "SWA", which refer to the designated benefit, in practice, distinguish seven different forms of this benefit, therefore its various types have undergone a detailed analysis. With respect to matters referred to the designated benefit, the legislator used the wording "may be granted", which means that it remains within the framework of administrative recognition, and this matter was given a particular attention. The dissertation also attempted to compare the designated benefit with benefits regulated outside of the SWA.

The fourth chapter contains procedural aspects regarding the right to the designated benefit. In particular, a method of conducting evidentiary proceedings, including the preparation of a family environmental interview, was analyzed. The form of settling cases regarding the designated benefit, which is the administrative decision as a rule, was considered. In this part of the dissertation, the issues related to the instance and judicial review of decisions on matters concerning the designated benefit were included, in particular the attention was drawn to the activities of self-government appeal boards and administrative courts in this area.

The last, fifth chapter concerns a division of municipal roles implemented in the area of social assistance, under which the municipal authorities are obliged to satisfy necessary needs of its residents. The question of financing the designated benefit is connected with this issue. The allocation of money for this purpose is related to the supervision over the spending of public funds.

The thesis ends with a summary of the considerations made and the assessment of the legal status in this respect. At this point, the observations regarding the essence of the designated benefit as well as the conclusions and expectations towards the legislator were presented.

