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Summary

The subject of this doctoral dissertation is „The principle of equality of parties in administrative proceedings". The main purpose of the work is to present comprehensively the process aspect of the equality directive (and thus demonstrating that considering the principle of the parties equality only as an element, even an important one, the principles of instigating the confidence of the participants in the proceedings, is a far-reaching simplification) and proving the thesis that the directive of the equality of parties is an autonomous principle of administrative proceedings that can be derived from the entire codex regulation.

The work is divided into six chapters with an introduction, an ending, a list of sources and literature and a list of abbreviations.

In the first chapter of my work I analyze the concept of the legal principle, I define the role of principles in the legal system, and also present different concepts of resolving the conflict of norms of a fundamental nature. The considerations made in this chapter are also focused on the issue of the rules of administrative proceedings; I analyze their function, I change the way of understanding the general principles of the Administrative Code, and a system of administrative procedures. In this chapter of the work, I also determine the place and role of the principle of equality of parties in the catalogue of procedural rules, as well as the arguments for recognizing the principle of equality as an independent procedural rule.

In the second chapter of the work, I discuss the assumptions of the two-party structure of administrative proceedings and the construction of co-participation. I also present the types of participation characteristic for administrative proceedings, supported by the most common examples in practice.

I carry out fundamental deliberations on the shape and scope of the principle of equal parties in administrative proceedings in the third, fourth fifth and sixth chapters. They concern successively: the initiation phase, the investigation phase, the decision-making phase and the decision verification phase. In these chapters, I analyze individual regulations, regulations and institutions in force in administrative proceedings, from which the discussed principle can be derived or with which it has a direct connection. I also investigate whether the procedural position of individual parties, in the situation of their multiplicity in the

proceedings, is the same (i.e. whether these entities are equal in terms of the process). Due to the above mentioned objectives, I present the principle of equality on two levels, in the context of the procedural rights and/or obligations of the parties and from the point of view of procedural steps that the authority is required to perform if more than one party is involved in the proceedings. Moreover – because the principle of equality of parties to administrative proceedings is not absolute – I present cases in which parties to proceedings are not always equal when it comes to their procedural rights and/or obligations.

From the considerations contained in the work it is absolutely evident that the parties equality directive meets the requirements of a legal norm with the nature of a procedural rule. Several important arguments support this conclusion.

First of all, the principle of equality of the parties can be interpreted from the whole of the provisions of the applicable code of administrative proceedings by means of interference rules considered to be non-contentious. As I gave it expression in the third, fourth, fifth and sixth chapters, finding sources of this principle in procedural constructions in which expressisverbis is referred to the multiplicity of parties (including article 61 § 4 of the Code of Administrative Procedure, article 62 of the Administrative Code, article 131 of the Administrative Code, article 132 of the Administrative Code, article 136 § 3 of the Administrative Code) and in those in which the character of the interrelationship between their demands, i.e. the conformity or contradiction of demands (inter alia, article 13 of the Administrative Procedure Code, article 89 § 2 of the Administrative Code, article 132 of the Administrative Code) is fully admissible. It should be noted that these provisions – because they regulate the participation of more than one party in the proceedings – also create procedural mechanisms appropriate to ensure equal use of procedural rights by the parties, thus enabling balancing their interests in the proceedings.

Secondly, the principle of equality of parties is of fundamental importance to administrative proceedings, because it is an essential element of a wider, collective concept – „procedural justice".

Thirdly, the principle in question is undoubtedly directly concerned with the field of administrative proceedings.

Fourthly, the principle of equality applies to all stages of administrative proceedings. It is used both in proceedings before the first and second instance authorities, as well as in ordinary and extraordinary verification of decisions.

Fifth, the principle of equality includes the axiological content. The axiological dimension of this principle comes to striving to reflect in the administrative procedure the general principle of equality of citizens before the law.

Sixthly, the principle of equality is implemented by specific procedural institutions established in the Code of Administrative Procedure. Whenever, in the situation of a multitude of parties in the proceedings, the public administration body interprets and applies the provisions of the Code regarding individual procedural institutions, it should also take into account the Directive of Equality.

Seventh, the principle of equality is not a logical consequence of any of the applicable procedural rules and is not entirely included in any of the rules. I have already emphasized on several occasions that the principle of equality shows a number of links with the principle of deepening citizens' trust in state organs, however, in the deliberations of the work I have presented many manifestations of the impact of this principle not related in any way to the principle of article 8 sec. 1 of the Administrative Procedure Code, in particular, I analyzed the issue of equal rights of the parties.

The purpose of the work was not only to prove that the principle of equality is an independent principle of administrative proceedings, but also to analyze the scope of implementation of this principle in the code of administrative proceedings in force.

In connection with this, I have examined whether the procedural position of individual parties, in the situation of their multiplicity in the proceedings, is the same (i.e. whether these entities are equal in terms of process). Therefore, in the third, fourth, fifth and sixth chapters, I showed which procedural rights expressed in the code, and addressed to the party, in the situation of a multiplicity of parties in administrative proceedings, are entitled to all parties (i.e. both the „main" and „side" side) and which only the „main" side or „side" page.

Moreover, due to the fact that in the current formula of the provision article 8 sec. 1 of the Administrative Procedure Code expressisverbis, it was pointed out that the public administration authority is under an obligation to treat the parties of the administrative proceedings equally, and discussed the issues at work. In the third, fourth, fifth and sixth chapters, I showed these powers and procedural obligations to be performed, which the body is obliged to deal with in a plurality of parties in the proceedings. This in turn revealed which powers and responsibilities are carried out – by the authority – taking into account the principle of equality.

There is no doubt, therefore, that the scope of the implementation of the principle of equality of parties in administrative proceedings has been discussed in the work.