

“The value of secular documents in canon law and of Church documents in Polish legal system”.

A doctoral dissertation's summary

The principle of the state's and the Church's autonomy and independence in the area of the systems of public and canon law have an effect in the form of mutual recognition of respective legal norms and in the possibility of being governed by them in the respective legal system. It has to be emphasized that it does not contribute to a complete isolation of these organisms. Despite the basic dissimilarities in both systems, their mutual permeation is clearly visible. In consideration of this aspect, the value of the documents and their widespread use in both Polish and Church law systems becomes apparent.

The primary objective of the work was first to answer the questions pertaining to the understanding of the document in canon and Polish law, the function of the document in both systems of law, its probative value, and then the analysis of the value of select ecclesiastical documents on Polish law's ground and of select secular documents on canon law's ground.

The paper was divided into four chapters. The first chapter was dedicated to the nature of the document in canon law. The analysis pertained first to the understanding and kinds of documents as well as their function and probative value. Particular elements of the document, a status of documents acquired illicitly, illicit in se and anonyms were discussed. Moreover, rules of the legal system applying to the relations between the state and the Church in Poland and likewise opinions of some experts on the subject of legal status of Church documents in state law were presented.

The second chapter had focused its attention on the understanding of the document in the Polish system of law. Regulations from areas of administration, civil and penal law were provided. The evolution of understanding and systematics of documents in the abovementioned branches of law, the value of copy and extract from the document, and also a transformation of legal solutions of the official documents' value as well as particular forms of official and private documents were discussed.

In the third chapter of the dissertation the value of selected documents useful with respect to exercising public functions of the Catholic Church in Poland was presented. The research included: various modes of acquiring legal personality by Catholic Church's basic structural units; Catholic Church's institutions as non-governmental (NGO) organizations; a confessional

form of civil marriage; marriage by proxy; presumption of death and declaration of death; separation; catechesis and education; preservation of historical sites; funeral law; revindication after 1989.

In the last, fourth chapter the legal nature of select documents useful in the area of one's own matters and public actions in the public sphere of Catholic Church in Poland was discussed. The following areas were considered: a procedure of removal from office; pastoral activity; adoption; proving Polish descentance of repatriates; temporal and financial aspects of Catholic Church's activity in Poland; judicial cooperation between ecclesiastical and state courts; the method of obtaining proofs from other entities of public life; and finally; the protection of personal information in the Catholic Church in Poland.