

SUMMARY

of the Doctoral Dissertation

The Disciplinary Proceedings in the Prison Service Officers' Cases

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The scientific issue presented in the dissertation is a matter of procedural issues of disciplinary liability of the Prison Service officers. I concentrated my research on the official stage (stage of the office) of the proceedings. The court stage of the proceedings was only subsidiary mentioned, as to fulfill the directive of the complimentary of the scientific research.

The autonomous nature of the proceedings in the Prison Service officers makes it the issue of interest to three different legal disciplines: the criminal execution law, criminal proceedings law and administrative proceedings law. As a result, the rules governing the course of the official stage of the disciplinary proceedings constitute a common research condominium of these disciplines. The consequence of this situation is the need to take into account different methodology approaches.

The primary research goal of this dissertation was to analyze the norms of the Act on Prison Service governing the conduct of disciplinary proceedings from the perspective of axiology of the democratic rule of law state. Universal carrier of values for each type of proceedings are the standards of procedural fairness. The research undertaken in this study was to answer a question to what extent the standards governing the conducting of the disciplinary proceedings in cases of the Prison Service officers guarantee theirs respect. According to the directive of the complexity of the research object dogmatic analysis covered both static and kinetic of the proceedings. At this point it is worth noting that they were also carried out on the fundamental principles and functions of the disciplinary proceedings.

The main aim of the research study is to determine to what extent the applicable statutory regulation, in terms of disciplinary proceedings in cases of the Prison Service

officers, corresponds to the values pursued by universal standards of procedural fairness and the basic rules of a democratic rule of law state. Particularly important are issues of respect of the rights and interests of the entities participating in disciplinary procedure. Firstly, there are all guarantees to protect the interests of the accused officer and the victim. On the other hand, under great importance is also the question of the extent to which this procedure ensures the proper functioning of the Prison Service, in particular, whether can effectively eliminate or at least limit appearing in its structure reprehensible behavior. This work was based on the idea of relative homeostasis of interests in a procedural level between the parties to the proceedings and the others involved in it.

The preliminary part of the dissertation refers mainly to the methodological aspects of terminology, axiology and history (Chapters 1-3). The second - substantial part (Chapters 4-17) has as the object institutions and mechanisms governing the conduct of proceedings in the Prison Service officers cases in the official stage. They are carried out in the classical form of dogmatic sequencing, starting from initiation, through the first and second instance, ending with the execution of the judgment. A separate chapter in this part of the dissertation is devoted to the issues of proceedings before the labor court.

The work was based mainly on the analysis of Polish normative and doctrinal material. At the core of the research laid dogmatic studies conducted both on the theoretical and practical level. In the dissertation were used the universal methods of interpretation of the law, including the relevant directives preferences. Subsidiary there were also used statistical mechanisms and exemplifications. The latter relate mainly to the practical functioning of the Prison Service.

The interpreting the norms of the Act on Prison Service was guided by the findings in the theory of law. As a result, I used four basic methods: logical-linguistic, axiological, sociological-statistical and historical. As the nature of things in the central importance is the first one. In the course of further arguments it remains in close coincidence with other methods indicated above.

In more specific terms, the dissertation was constructed based on the following methodological directives:

- complexity,

- proportionality,
- sequencing,
- erudition,
- interdisciplinary.

The research covers all stages of the proceedings – from the initiation of it to the decision of imposition of a disciplinary penalty by the disciplinary supervisor officer. The dissertation includes also types of determination of the proceedings and its consequences. The attention was paid on different possibilities of the determination of the proceedings. Also types of decision were scrutinized.

The basic hypothesis of the research was to examine whether and to what extent disciplinary proceedings pursues procedural fairness standards developed in the doctrine of the law. It examined in what aspects respecting of the aforementioned standards affects the type and retribution of a disciplinary penalties imposed by the disciplinary supervisor officer. In the final results it pointed out which specific standards are implemented and in what way.

During the course of the scientific work it was researched what the legal character of the disciplinary proceedings of the Prison Service officers in Poland is. This concerns research in which the boundaries of the classic branches of law (criminal executive law, criminal proceedings and administrative proceedings) are crossed and connections are made between these areas of the law. To the different stages of the proceedings different norms of law are applied. Such legal situation creates grounds for dogmatic analyses. It led me to the conclusion on the interdisciplinary character of the disciplinary proceedings in the Prison Service officers' cases.

To sum up presented in the dissertation considerations it can be said that the current standards of the Act on Prison Service in the range of disciplinary proceedings establish the relative homeostasis of interests between the parties and other entities participating in it. That relativity is manifested by the fact that the balance between the positions of the parties to the proceedings is seriously divided at the various stages. By nature, the disciplinary authorities attributes disciplinary authority which can more effectively protect the interests of the service than the accused officer of self-interest law. However encoded into the norms

of the Law on SW standards of procedural fairness and the basic rules of conduct, in various sizes neutralize the advantage disciplinary authorities, serving aligned in the plane of the formal status of the parties to the proceedings. It can be asserted that analyzed normative regulations usually allow reasonable protection of the interests of the accused officer and other parties involved in the disciplinary proceedings, also the implementation of the interests of the service, represented by the disciplinary authorities is protected.

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