

Hanna Nowak

Ph.D. dissertation

Title of dissertation: "The phenomenon of certainty and uncertainty of administrative law on the example of the local spatial development plan"

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### Summary

The subject of the doctoral thesis is an analysis of the phenomenon of the certainty and uncertainty of administrative law on the example of the communal (local) spatial development plan. In addition to issues related to certainty and uncertainty in communal (local spatial planning), legal certainty and uncertainty of administrative law was also discussed on county level, voivodship level, the country level, the task of government administration governor, the impact of EU and international law.

The purpose of the dissertation is to answer for the question of whether and what is the link between the adoption and entry into force of the local spatial development plan and the certainty and uncertainty of administrative law. Does the local spatial development plan, which constitutes the local law, eliminates the uncertainty in administrative law, or ensuring certainty in administrative law, or does not eliminate uncertainty?

Various ways of understanding legal certainty and uncertainty have been presented, both in linguistic terms and in the basis of the academic achievement in administrative law and theory of law. Theoretical considerations have been enriched with the practical aspects of spatial planning based on the case law of administrative courts and local spatial planning acts and others planning acts.

In addition to issues related to the certainty and uncertainty of administrative law, there were expressed in this doctoral thesis the views about inflation of administrative law, the quality of administrative law, the elimination of administrative law by civil law, the postulate of legal elasticity, the protection of legitimate expectations.

The doctoral thesis has five chapters. The first chapter is a presentation of the history of urban development in an interdisciplinary way from antiquity to the 21st century and the development of the legal system of spatial planning in Poland, starting with the laws from XIX century when Poland was the part of Prussia, Austria, Russia to the 1994 Law on Spatial Development. The second chapter is an analysis, based on the provisions of the Act of 27 March 2003. Planning and spatial planning, spatial planning, spatial planning, discussion of the legal nature of the local spatial development plan, study of conditions and directions of development, decisions on determining development conditions. The third chapter covers issues related to the concept of law, the concept of norms, functions and purposes of law, application of law, lawmaking, law enforcement, observance of law, non-observance, interpretation of law, interpretation of administrative law, dismissal of administrative law by civil law. Chapter four expressed views on the phenomenon of certainty and uncertainty of administrative law in a theoretical perspective in substantive, procedural and systematic administrative law. This section discusses the relationship between the uncertainty and uncertainty of administrative law and the quality and inflation of administrative law. Moreover, in terms of the uncertainty and uncertainty of

administrative law, the selected values of spatial planning were analyzed: protection of monuments, protection of property, protection of the environment.

In section five of the doctoral thesis were presented legal solution to spatial planning law in others countries. This chapter presented the legal system of spatial planning in the Netherlands, Belgium, Luxembourg. In this part of the paper are presented the most important facts in the history of these states, the most important issues of the constitutional system, the system of local government. The views of administrative law, including legal certainty, legal flexibility, the protection of legitimate expectations have also been presented.

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