

STRESZCZENIE

w języku angielskim rozprawy doktorskiej
pt. „Administracyjnoprawne ograniczenia wykonywania prawa własności nieruchomości

This study is about restrictions on the right of ownership of real estate of an administrative nature, and thus in a vertical relation between the owner and public authority. The purpose of the analysis is to investigate the nature of administrative law restrictions on the exercise of ownership of real estate and to present their overall systematization. The main thesis of the study is the claim that restrictions on the right of ownership should be strictly separated from expropriation. Restrictions, in contrast to expropriation, can not violate the essence of property rights, even if compensation is awarded. The author of the study proposes in the field of systematization of restrictions of the right of ownership a typology based on the dimension of ordinariness - extraordinariness of the regulation. Due to the constitutional prohibition on violation of essence of the right of ownership by way of limitation, in order to allow limiting the right of ownership in extraordinary situations, the author proposes a concept of flexible essence of the right of ownership. In this approach, this concept would be variable, in contrast to the concept of a universal essence of property law, depending on the ordinariness - extraordinariness of the situation. Such an approach makes it possible to increase the protection of the owner in ordinary situations and enables the legislator to limit the right of ownership without compensation in extraordinary situations.


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