

## **The concept of the doctoral dissertation**

The subject of the dissertation entitled "The Status of a bailiff - a comparative law study" is an analysis of the regulations shaping the legal and systemic status of a bailiff in contemporary Polish enforcement law. The subject of the research are the most important and current issues regarding the profession of bailiff and enforcement activities, taking into account the latest legislative changes. In addition to the historical context, the work contains considerations significant both in the current legal status and showing possible directions for transforming the legal status, scope of activities and competences of court bailiffs. The conducted research is an attempt to answer some problems related to the execution.

**Justification for the choice of topic.** The status of a bailiff is in the circle of my interests due to my work in a bailiff's office and completing an application in this field. My dream was to confront my practical knowledge with the development trend of Polish bailiffs. The changes in the enforcement introduced by the legislator prompted me to complete my knowledge, not only from the practical, but also theoretical and historical side.

The basis for the dissertation are the following categories of source materials: about 400 literature items; 80 sources of popular science, including articles from specialist journals; 90 sources of law; 65 case law.

Due to the importance of the topic, the thesis required an analysis of a number of legal and political regulations, as well as a comprehensive diagnosis of the issues related to changes in Polish enforcement law over the years. The goal was to find an answer for the question whether the current model of judicial enforcement, subject to constant changes, is currently the most optimal and whether it ensures the most effective implementation of the objectives of enforcement (applies to the Act of 1 January 2019 - on court bailiffs).

For understandable reasons, I referred to selected theoretical and legal issues of judicial enforcement. The original solution of the work was a perspective approach to the problems of judicial enforcement and the status of a court bailiff in various legal and systemic frameworks.

On the day of starting the research, there was no comprehensive study that would allow to determine to what extent the goals set by the legislator have been achieved. Thus, I was the first to attempt a legal and comparative analysis. In most of

existing publication as a rule, is associated with reforms and re-enacted laws on court and are an attempt to answer the questions of interpretation that appeared on the background of the interpretation of the new rules.

The aim of the work was to show the historical perspective of the regulations concerning the institution of a bailiff - from the execution in ancient Rome, through the changes resulting from the influence of partitioning laws on uniform Polish regulations, to regulating the status of this profession after the political changes in 1989 - up to the present day.

I put forward a research hypothesis that all statutory changes were aimed at shaping the enforcement and, consequently, the institution of the bailiff and the model of his operation under the influence of social, economic and political changes. The main goal of any changes was to improve the enforcement process.

The functioning of the bailiff has been analysed on various levels, in particular: in terms of competence, organization of the office, remuneration, supervision by the court and other authorities . The selected topic is very extensive, which is why the work includes a selection of basic regulations resolving the most important disputes about the legal status of a bailiff.

The dissertation consists of an introduction, seven chapters, conclusion, list of abbreviations, list of literature, sources of law and case law. The introduction defines the methodological basis of the research, the main and specific aims of the work, research problems, methods and the hypothesis adopted. It also includes a description of the sources used to develop the work.

The initial historical part showing the first forms of enforcement - is the starting point for considering the shaping of the profession of court bailiff in Poland. Further considerations lead to contemporary procedures conducted on the basis of the currently binding legal regulations. The considerations were supported by the achievements of the doctrine. The final part of the work is an analysis in the context of practical problems related to the introduction of new regulations. The internal structure of the work shows a certain continuity of Polish scientific thought and legal regulation in the field of court enforcement and enforcement proceedings in civil law.

The first chapter presents the profession of a bailiff from its inception. I begin my historical outline with an execution in ancient Rome, and then introduce the issues of Polish disputes over the legal position of a bailiff - using the example of

several journalistic voices from different points of view, how old dilemmas still find new incarnations in bailiff law and its public perception.

In the second chapter, I discussed selected issues of the enforcement systems in Belgium, France and Germany. I have highlighted the most characteristic solutions in order to get to know the legal order of other countries and compare them with the Polish ones.

The third chapter presents the legal status of a court bailiff as the main enforcement authority in civil cases. Its legal situation was analysed due to the regulations of individual branches of law, including constitutional, administrative and criminal law. I also discuss the issue of the public-law status of a court bailiff, which is of paramount importance for determining his legal position and affects his situation in private-law relations. In addition, I present a general description of the profession of a bailiff, taking into account the systemic changes in the bailiff law after 1989, the performance of public functions in court enforcement and non-enforcement activities requirements for obtaining professional qualifications, requirements regarding the workplace .

In chapter four, I describe enforcement activities and the financial system, including the settlement of bailiffs' activities. I present the bailiff's workshop, tasks and duties in accordance with the 1997 Act and those after the changes of 2018.

Chapter five presents the specificity of post-2018 systemic solutions. Chapter six deals with issues related to the supervision of the bailiff's activities and the imperative actions of the Minister of Justice taken in relation to court bailiffs.

The seventh chapter presents the changes to the new act in the opinion of the bailiff community, theoretical and practical problems.

At the end of the work, I collect synthetically conclusions from the analyses carried out and give a brief introduction to the current discussions on changes in the bailiff law. The final considerations show that the disputes over the legal status of the bailiff are not over and (probably) will never end, as the legislator must always balance and weigh the conflicting interests. The recent changes elude unambiguous assessments, as despite the positive changes, there were many critical remarks concerning normative solutions and substantive reservations. Commenting on the current legislative decisions, apart from the provisions ordering court enforcement, there are also gaps and the legislator's imprecision in regulating the legal status.