Dissertation abstract

Constitutional right to social security in case of illness

The need for social security to protect of workers in case of the consequences of illness, injury, death of the breadwinner and old age has been constant for decades. The beginning of the formation of the right to social security in Poland dates back to the period before World War I. The creators of social laws in reborn Poland, after regaining independence in 1918, followed primarily a German system, commonly known as the Bismarck Model.

Today, the constitutional basis for the right to social security is the Constitution of the Republic of Poland. According to Article 67 (1) of this act, a citizen has the right to social security in the event of inability to work due to illness or disability and reaching retirement age. The scope and forms of social security are determined by law.

The dissertation attempts to answer the research question: does whether the current legal form of sickness insurance ensure the realization of the constitutional right to social security in case of illness?

This dissertation consists of four chapters. The first, entitled "The nature and essence of the constitutional right to social security in Poland," presents the evolution of social rights in Poland. This section also indicates how the right to social security is framed in Polish constitutions.

The implementation of the constitutional right to social security has been carried out primarily through the Law on Social Security Cash Benefits for Sickness and Maternity. Therefore, the second chapter, "Statutory Implementation of the Constitutional Right to Social Security in Case of Sickness," attempts to interpret and evaluate the entire statutory provisions on social security in case of sickness. In this chapter, the subject and object scope of sickness insurance is discussed, as well as the rules for granting benefits paid in connection with inability to work due to illness.

The third chapter, entitled "The Constitutional Right to Social Security in the Event of Illness in the Jurisprudence of the Constitutional Court," presents the most significant rulings of the Constitutional Court from the perspective of the right to sickness security. An attempt is also made to answer the question of whether the judgments of the Constitutional Court perform an interpretative function with regard to the title right and whether they have an impact on the shape of sickness security.

The fourth chapter, "The Constitutional Right to Social Security in Case of Illness in the Jurisprudence of the Supreme Court and Common Courts," presents the interpretation of the provisions of the Law on Cash Benefits from Social Security in Case of Illness and Maternity by the Supreme Court and common courts. Particular attention was paid to the question of whether in the process of decoding the provisions of the law the courts develop a uniform line of jurisprudence. The chapter takes a closer look at the impact of case law on the shape of the constitutional right to security in case of illness.

The work was crowned with final conclusions related to the issue of sickness insurance and a summary of the results of the research. Viable proposals for legislative changes to optimize the right to sickness insurance were presented.

Keywords: constitution, social insurance, incapacity, illness, salary, sickness benefit.