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Abstract

Administrative and legal aspects of conducting public collections

The organization and conduct of public collections are one of the foundations of civil society, whose members are entitled to associate and carry out public tasks within individual organizations. Public generosity has a very long history. It was already known in ancient times, and its flourishing occurred in the Middle Ages with the expansion of Christianity. Currently, the organization and conduct of public collections are regulated by the act of 14 March 2014 on the principles of conducting public collections (consolidated text, Journal of Laws of 2019, item 756 as amended), according to which the concept of public collection should be understood as collecting cash or gifts in a public place for a specific purpose remaining in the sphere of public tasks, indicated in art. 4 (1) of the act of 24 April 2003 on public benefit and volunteer work (consolidated text, Journal of Laws of 2019, item 688, as amended), and for religious purposes.

Despite the introduction of the definition of public collection there are still some problems related to the practical application of the act. Therefore, the following hypothesis was put forward: are public collections an inseparable element of civil society and do they trigger solidarity and readiness to participate in the implementation of many public and religious goals. In addition, with this hypothesis, an attempt was made to answer the question: whether collections conducted via the Internet, which are considered by the public to be public collections, and in the light of applicable law they are not, require separate statutory regulation, or maybe they should be considered as public collections or maybe left as private as now.

Answering these questions became possible thanks to the use of methodology and conceptual apparatus in the field of administrative law. Institutions in the field of theory of law, constitutional law and misdemeanours law have also been referred to.

In the first chapter of the doctoral dissertation the genesis of public

collections was presented, which allowed to show the historical development of public donations and legal regulations regarding this issue. It was also indicated how public collections were regulated in the provisions of international and european law, as well as in the national provisions of some countries.

The basic factors determining the legality of public collection are the content of chapter two. They relate to the place of public collection and its purpose, which cannot be accidental and must fit into the sphere of public tasks or be a religious purpose.

The next chapter focuses on entities authorized to organize public collections, indicating what type of collections can be conducted by individual entities.

In the process of organizing and conducting public collections, operating principles are important. They result not only from the provisions of substantive law, but also from constitutional norms, as general constitutional principles. The fourth chapter of the doctoral dissertation was devoted to these issues.

The last chapter presents legal forms of action used in the process of legalization and conducting public collections. The conclusions and postulates constituting the consequence of the conducted research are contained in the ending of this dissertation.

Administrative and legal analysis of aspects related to the organization and conduct of public collections allowed to state that the hypothesis expressed at the beginning has been positively verified. Studies have shown that public collection for a specific public or religious purpose triggers a sense of solidarity in the society and a willingness to help others. In addition, it was considered that collections conducted via the Internet should be covered by the statutory regime because payments made in a non-cash form are, at present, the property of the organizer, who has no legal obligation to transfer the collected amount for the declared purpose.