Summary

The doctoral dissertation deals with the issue of the best interests of the child as the superior determinant of the scope of parental authority in family law and bioethics. A child as a being who has not yet reached full physical, mental and emotional maturity requires special attention in terms of respecting its rights and freedoms.

The decision to choose the subject of the work is dictated by the belief that in the current state of literature there is no position that would connect the issues related to the positioning of the child's position and his well-being in the era of contemporary bioethical and legal problems in the perspective of parental authority exercised over him. The intensive civilization development of the world related to such areas as biology, technology, medicine has resulted in the fact that the supremacy of the child's welfare encounters numerous obstacles, and the role of parents and their decisions regarding the child are sometimes controversial, especially when there is a conflict the best interest of the child with the interest of the parents.

The considerations contained in this dissertation focus on the best interests of the child, which is the principle and superior value of family law in relation to all decisions concerning minors, including those related to bioethical issues. The scope of parental responsibility is wide and it is an open catalog. One of the key components of parental authority is personal care, including factual actions and formalized decisions of parents made in relation to the child. The dissertation focused on several important bioethical problems, where decisions about a child evoke extreme reactions from both scientists and the general public. This limitation is due to the complexity and breadth of the problem.

The main goal of the dissertation is to place the best interests of the child as a fundamental value that requires priority treatment over the interests of third parties, including, in particular, parents in terms of contemporary bioethical problems.

The research methods used in the dissertation are mainly the legal - dogmatic and legal - comparative methods. At the initial stage of the hearing, the historical and legal method was also used to show the evolution of the protection of children's rights over the years. The legal and dogmatic method was used in the major part of the dissertation, consisting in a detailed analysis of legal acts and judicial decisions. As a supplementary, the legal-comparative method was used by indicating the legal systems and individual legal institutions in the exemplary countries, putting them together.

The dissertation consists of five chapters.

The first chapter of the dissertation was devoted to the rights of the child and their protection in the light of international and Polish standards. The most important legal acts of general and specific nature, European and Polish standards, which testify to the development of the protection of children's rights over the years, were reviewed. The second chapter is based on the placement of the child in family law, with emphasis on the parent-child relationship, establishing the child's origin, but above all with the issue of parental authority, its scope and exercise. In the third chapter, the child is placed in bioethics, initially referring to bioethics and its relationship with law, including children's rights, then focusing on selected universal and European bioethical standards, ending with the relationship of bioethics to the family. The fourth chapter of the dissertation deals with the concept of "the child's welfare" along with the specification and definition of its components, bearing in mind international law and Polish law. Moreover, the interests of the child were compared with the interests of parents and society in terms of parental authority. There has also been a placement of the child's welfare in bioethics. The fifth chapter of the dissertation is the most extensive and the most important, and at the same time the culmination of the conducted research. It was here that selected bioethical problems related to the exercise of parental authority over a child were raised. The first subject of analysis was the in vitro fertilization procedure with issues such as parental authority over a child born using the in vitro procedure, the right of a child conceived as a result of the IVF procedure to know its own identity, and the right to anonymity of a donor of reproductive cells embryos, paternity of a child born as a result of this procedure and the special situation of non-heterosexual and transgender people who want to become parents. The next section focuses on modern forms of "emergence" and "use" of a new life, ie surrogacy and post-mortem fertilization, taking into account the child's origin and parental authority, as well as the issues of "child design". The next subsection is devoted to consent to a minor's medical procedure, in particular regarding legal abortion and death in the context of exercising parental authority. The last issue analyzed was the child's gender identity along with the change of the parents' gender and its influence on parental authorities, as well as the change of the minor's sex.

The whole discussion is crowned with final conclusions.