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Doctoral dissertation topic

LEGAL MEANS OF SHAPING THE BASIC TERRITORIAL DIVISION OF THE STATE

Summary

This thesis discusses legal means of shaping the basic territorial division of the state. Although the concept of the territorial division of the state does not have a legal definition and is formulated only in doctrinal terms, the problem of the fundamental territorial division is all the more important as this type of spatial differentiation of the country is often reduced to determining the basis for the organization and activity of local government units. Meanwhile, the fundamental territorial division also applies to local-level government administration authorities and at the same time constitutes a material criterion for communes, poviats and voivodships, setting the framework for the existence and functioning of self-government communities – the primary entities of local government. The dissertation analyses also the problem of alternative institutions to those adopted by the basic territorial division, without carrying out territorial reforms. Therefore, it seems justified to claim that apart from the concept of the basic territorial division in the structural (institutional) sense, the functional meaning of the basic territorial division is beginning to emerge. Thus, the concept of the territorial division of the state requires redefinition, as in its present formulation it does not reflect its contemporary essence and function.

The adequate conceptualisation of the territorial division is an extremely important legal issue, in particular for the study of administration and administrative law. However, this academic topic is also of interest to such disciplines as political studies, geography, history,

economics, organization and management, and sociology. It also has a practical dimension. Therefore, due to its complexity, it requires a theoretical and legal study.

The aim of this work was to provide a comprehensive and exhaustive presentation of the problems of the principles, methods and forms of the legal shaping of the fundamental territorial division of the state, analysed from both the structural (institutional) and functional perspective. Since particular solutions pertinent to the territorial division are specific to each country, in this dissertation attention has been focused on problems that are typical to Poland. This does not mean limiting the research matter, as particular issues were also discussed in the context of comparative and European legal aspects. The dissertation makes an extensive use of the literature on the subject, both domestic and foreign, including studies and articles (also those not immediately belonging to the scope of administration studies and administrative law), legal acts of Polish and foreign law, as well as empirical material, in particular the jurisprudence of courts and tribunals, acts of administrative practice, official documents and results of studies. These sources were analyzed using appropriately selected research methods, including mainly the dogmatic and legal method characteristic of legal studies.

Following the path of deduction, the dissertation focuses on the following specific problems: the essence of the basic territorial division of the state, the legal shaping of the basic territorial division in the European context, territorial reforms of the state, alternative forms of legal influence on the territorial structure and the assessment of the basic territorial division of the state.

Analyses and considerations presented in the dissertation have led to many detailed findings, especially to the confirmation of its initial hypotheses. It is one of the conclusions of the conducted research that a definition of the basic territorial division must include not only the relatively permanent fragmentation of the state territory which results in units of its division, but also functional connections between these entities that allow to transgress – at least in some cases – the boundaries between units established by legal provisions regulating the division.