

Summary of the doctoral dissertation

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Dissertation topic: Disciplinary responsibility in the Polish Hunting Association

The dissertation thesis is devoted to disciplinary responsibility in the Polish Hunting Association, which has both a justice function and a function of individual and general prevention in regard to the members of the Polish Hunting Association, who have a disciplinary responsibility according to the the rules dictated by the principles of contemporary substantive and procedural criminal law .

Since 21 April 2014, the matter of disciplinary responsibility in the Polish Hunting Association has been regulated by the Hunting Law Act, which came about due to the ruling of the Constitutional Tribunal of 6 November 2012, ref. no. act K 21/11, ordering the legislator to regulate the following in hunting law: the concept of a hunting disciplinary tort, a catalogue of disciplinary sanctions, bodies conducting disciplinary proceedings and at least general rules of such proceedings. As soon as the hunting disciplinary procedure received the status of law, this matter ceased to be only an internal affair of the Association. Disciplinary sanctions in these proceedings are imposed not only on the authority, but on the order of the legislator, who made sure that the procedure of enforcing compliance with the legal order from the members of the Polish Hunting Association guaranteed both the protection of constitutional rights and freedoms. Despite this, the issue of hunting disciplinary responsibility has not yet been the subject of legal publications, which as a consequence provided the author of this study with motivation to take up this subject matter, arguing that the clarification of legal regulations will contribute to effective counteracting the actions of hunters violating the law, ethical standards and good customs.

As a result of a critical analysis of the current legal status, case-law and the research results the author of this study published in the pages of the hunting press and "Prokuratura i Prawo" and "Nowy Przegląd Notarialny" journals, as well as the results arrived at by other authors in the field of related research topics, *de lege lata* and *de lege frenda* conclusions have been formulated.

The author acted in intent to ensure that the study was used in practice, therefore it is addressed first to hunters, with particular emphasis on people associated with hunting-related disciplinary jurisdiction. Hence, the key material and procedural regulations are discussed, and the last chapter features drafts of procedural documents and case-law, which can be used by practitioners in this field.

This study consists of eleven chapters. The first chapter describes the types of responsibility in effect in Polish law and discusses the role of disciplinary responsibility in it, then presenting the main subject of deliberations in the context of existing systemic legal solutions in the area of disciplinary responsibility. The aim of a broader illustration of the problem was to introduce a contrast in the form of a brief summary of disciplinary procedures regarding doctors, notaries and police officers.

The subsequent chapters present the process of shaping the hunting disciplinary law in Poland, after which the substantive legal grounds for disciplinary responsibility in the Polish Hunting Association as well as the rules and course of the disciplinary procedure are discussed in detail. In order to raise practical values, the paper discusses examples of the rulings of the Chief Hunting Court of the Polish Hunting Association, featuring useful drafts of forms and pleadings. Disciplinary law, due to its repressive nature, is systematised within the limits of criminal law. For this reason, in the penultimate chapter, the provisions of substantive criminal law contained in the Hunting Law are discussed in detail.

The statistics quoted in the study, made available by the Main Board of the Polish Hunting Association in Warsaw, indicate that the number of disciplinary proceedings is growing rapidly. This fact may result from the deterioration of discipline. However, it is more likely that the increase in the number of proceedings results from propagating the functioning of the disciplinary judicature following the adoption in 2014 of an amendment to the Hunting Law Act introducing an independent disciplinary judiciary into the Polish legal order. Increasing trust in hunting courts through the creation of statutory procedural safeguards could have contributed to more frequent notification of disciplinary proceedings representatives about suspected torts, which in turn results in an increase in the number of cases processed.

The content of the study is a combination of theoretical deliberations using the case-law and views of the doctrine with the observations and experience of the author who is the President of the District Hunting Court of the Polish Hunting Association.

Marcin Stobor