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Abstract of the doctoral dissertation on

“Reduction of benefits of former employees of state security organs and members of their families - Constitutional principles vs. practice”

The subject of the dissertation is the presentation, analysis and evaluation of the introduced regulations reducing benefits to former employees of state security organs and members of their families in the context of compliance with constitutional principles. The choice of the topic is due to cognitive reasons, related to the desire for a closer explanation of the process of systemic transformation, legislation and constitutional and legal issues relating to this period, as well as *de lege ferenda* conclusions boiling down to the need to undertake the legislative process and enact new norms on pension security for former officers of state security organs and members of their families. It should be emphasized that the work takes into account the current state of the law, the achievements of doctrine and jurisprudence.

The purpose of the work is to obtain an answer as to whether the regulations on the reduction of pension benefits for former officers of state security organs and members of their families contain norms that adequately and effectively guarantee not only the appropriate level of Polish legislation, but also correspond to constitutional principles. In addition, whether these regulations were adopted with the preservation of acquired rights to benefits and whether they should remain in the legal system. The paper is devoted to a critical analysis of the regulation and practice of application of the regulations in question.

The main research hypothesis of the dissertation boils down to the following statement: the reduction of pension benefits to former officers of state security organs and members of their families in practice does not meet constitutional standards.

In the dissertation was used a dogmatic method, consisting mainly of an analysis of legal acts and Polish vetting legislation, taking into account case law on specific issues, supplemented by an analysis of available literature. The comparative method was also used,

which allowed the evaluation of the solutions applied in the Polish legal system in comparison with other legal orders of selected countries of the former communist bloc according to the criteria applied to officers. In turn, with the help of the historical method, the evolution and activities of the state security organs during the period of systemic transformation were presented. The dissertation also uses research methods related to qualitative analysis, quantitative analysis and descriptive method.

This dissertation consists of an introduction 5 substantive chapters and a conclusion. The first chapter presents the essence of constitutional values and principles and the characteristics of the principle of social justice, non-retroactivity, equality, the right to social security, the protection of acquired rights and the confidence of citizens in the state and the law, as well as the issues of protecting the dignity, freedoms and rights of man and citizen.

The second chapter is of a comparative nature, bringing closer the solutions of selected countries of the former communist bloc - Czechoslovakia, East Germany and the Baltic countries - to the officers of the state security apparatus. The starting point for the discussion of this issue was the presentation of models for settling the past after the fall of communism. Next, vetting laws against officers of the state security apparatus were analyzed and the activities of the vetting commissions were described.

The third chapter takes a closer look at the origins and activities of the state security organs and the process of decommunization.

The fourth chapter describes the process of reducing benefits after the introduction of the law of January 23, 2009, as well as constitutional doubts, the main assumptions of the law, the process of reducing benefits in practice, and the jurisprudence of the Constitutional Court, the Supreme Court and the European Court of Human Rights.

Chapter five presents the procedure for the introduction of the Law of December 16, 2016 and the process of reducing benefits to former employees of state security organs and members of their families. Against this background, constitutional concerns about the legislative process are presented.

The conclusion of this work is a summary of the main observations and the evaluations and results of analysis contained in its content, as well as the presentation of the final conclusions.

Keywords:

Constitutional principles, decommunization, vetting, legislative process.