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In search of the optimal model of the polish civil service – summary

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The Polish civil service requires new legal solutions ensuring the implementation of its basic features of professionalism, reliability and impartiality and political neutrality. The main thesis of the doctoral dissertation is the conviction of the need to change the shape of the civil service in the Republic of Poland in such a way as to ensure the implementation of the state's tasks while maintaining its constitutional features. Therefore, there is a need to carry out the research on legal solutions from the point of view of the optimal model of civil service. The doctoral dissertation contains ideas for solutions that will serve to protect the constitutionally defined features of this formation, instead of causing their gradual decline.

The civil service is established to carry out the tasks of the state, which are of interest to many areas of law. The proper organization of government administration is conducive to the best performance of the state's tasks, which are of the highest state rank, which is why the civil service attracts the attention of representatives of administrative law. Confirmation of this thesis is the functional criterion of separating the civil service, related to the performance of specific tasks of the state, which include, among others, the protection of human life and health or ensuring public safety and order. Undoubtedly issues in this field are the center of interest of the field of administrative law. It is beyond doubt that research on the structure of both central and local government administration falls within the scope of interest in this field of law. Nevertheless, certain issues, including those concerning forms of employment or disciplinary liability, are closely related with a field of labor law. For this reason, the issue of the civil service is an important research material for both representatives of the field of labour law and administrative law.

It seems that individual aspects of the civil service, such as the recruitment procedure, preparatory service, employment, as well as remuneration and disciplinary responsibility, have a significant impact on each of the main, constitutionally defined features of the civil service. The Civil Service Act, which is the key legal act regulating its operation, detailed in executive ordinances and orders, is constantly amended when new political parties come to power.

The doctoral dissertation consists of five chapters, the first of which deals with general issues, and the others describe individual main features and the legal

institutions of the civil service that implement them. The systematics of discussing individual features is consistent with the order in which they are listed in art. 153 of the Constitution of the Republic of Poland.

The concept of civil service is presented in various qualification criteria: in institutional, subjective and objective terms, in the personal, objective and functional context. In the civil service, the following models were distinguished: positional, career and mixed. The career model is exemplary in the Federal Republic of Germany, the position model mainly in Great Britain, and the mixed model in most countries, including the Republic of Poland. The mixed model combines certain elements of both systems and own developed solutions. The aim of the doctoral dissertation is to develop an optimal mixed model of the polish civil service by using certain solutions of the career and position models, as well as legal institutions regulated in legal acts for other professions. The chapter also addresses the subject of professional ethics in order to show the value of respecting the main features of the civil service.

The professionalism of the civil service is shown in the constitutional and colloquial context and on the basis of the Civil Service Act. The thesis is put forward that professionalism is primarily implemented on the basis of the recruitment procedure, because at this stage candidates for the civil service should be properly prepared in terms of education and specialist knowledge. The dissertation analyzes whether the current recruitment procedure implements this feature well. The lack of unified recruitment procedures and the reduction of qualification requirements may have a negative impact on the professionalism of civil servants. Recruitment procedures in the career and position model are indicated, and then solutions for conducting the recruitment procedure in the optimal model is proposed. A solution is presented, previously unknown on the basis of the Civil Service Act, and used in the foreign service, consisting in the introduction of the clerical application. The application would be largely modeled on the solicitor's application. The clerical application proposed in the doctoral dissertation could be an effective tool to ensure the professionalism of staff and serve to specialize individual applicants within the specific needs of employment in government administration bodies in a given year.

The optimal model of the civil service assumes that the preparatory service, which is a transitional element between the end of the clerical application and taking up work in a given position in the service, can be used to get to know the newly employed person and verify his reliability at the initial stage of service. Sense of responsibility, reliability, solidity and

conscientiousness during his service would guarantee the efficient handling of matters in public administration bodies. Graduation of the clerical application could prove whether the person is reliable in the context required for the civil service, but the preparatory service would be a stage during which the superiors could focus their attention on observing whether the trait of reliability is an attribute of the newly hired. The preparatory service, in contrast to the way it is carried out now, would not be aimed at verifying the candidate's knowledge. It could be focused solely on getting to know the entire organization of the office's work by the newly hired employee and getting to know him by the superior and co-workers.

The introduction of an effective, motivating system of bonuses for officials and tightening the system of imposing disciplinary penalties by ensuring their inevitability could have a strong impact on the official's impartiality. Unswayed to any influence and pressure civil servants, as well as not susceptibility to corruption, ensure equal access of citizens to public administration and the right to have their case heard in a fair and independent of their position in society. Decent wages are of particular importance in relation to the lack of vulnerability to any corruption attempts and promises of financial benefits in exchange for a positive conclusion of the administrative matter. Low salaries do not encourage well-educated people who want to receive adequate remuneration for their qualifications to take up employment in the civil service. The introduction of an improved bonus system in the civil service would motivate civil servants and improve the quality of their work.

The stability of employment can be guaranteed by maintaining two basis of employment: employment contracts for civil servants and appointment as a form of employment for civil servants. The currently occurring in the polish civil service vocation as a form of employment of people in executive positions in the service, threatens the freedom in filling these positions and instability in the management of the office. Freedom in employ on the executive positions is not only an attempt to destabilize the continuity of the offices, but also carries the risk of rewarding executive positions in the service for political merits.

Implementation of the main features of the civil service, which are professionalism, reliability, impartiality and political neutrality, is important for shaping civil service personnel as an elite professional group. The code of ethics

should be of the highest value. Such an approach will have a positive impact on the fulfillment of state tasks and on the assessment of the work of public offices by citizens.

In the light of this considerations, it should be assumed that the polish civil service has great potential, but requires a reasonable preparation of its personnel structures. While developing the doctoral dissertation, it took many years analyzing its structures and legal acts constituting the civil service. A well-functioning civil service is the hard core of the state's activities. Without civil servants, the state apparatus would not be able to carry out its design briefs, thereby improving the quality of life of citizens. The state is like one organism whose organs work together and influence each other. The failure of one organ affects the dysfunction of the whole organism. An efficient civil service, embodying constitutional features, therefore has a huge impact on the satisfaction of a citizen's life in a given country. For this reason, comprehensive attention to problems in the polish civil service is crucial.