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***Administrative and legal police interference issues in freedom and  
human rights***

SUMMARY

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The choice of the dissertation subject was dictated in particular by the significance of the police and the real threat of excessive interference in freedom and human rights. The role of this formation is first and foremost to meet the need for safety in human life and in human-made communities. The police - as a uniformed and armed formation - serves the public. It is designed to protect the safety of people and to maintain public safety and order. The scope and nature of the tasks of the police - with increasing and various perils - make the obligations of the formation continually expand. It should be emphasized that with the increase in the number of threats, the scope of the Police's powers is also increasing, connected with the broadening of the catalog of appeals available to its officers. It is not without importance that the police activity has been regulated in more than 100 acts, which can significantly influence the proper discernment and assessment of the sphere of duty and powers of this formation. There is no doubt that the tasks entrusted to it are related to the protection of human rights and freedoms, while the protection of certain freedoms or rights in practice often impinges on others, and consequently the optimal balance of legally protected goods is required. In this particular area, there is a key issue of legally permissible limits of police interference in freedom and human rights. Despite the significance of the importance attributed to the police and the number of studies devoted to its functioning, the issue of these borders was not explored in doctrine, which largely contributed to the choice of the subject of dissertation.

The dissertation consists of four chapters. The first one concerns the general characteristics of the police. It is of great importance in the wider administrative police. The genesis of the police formation is crucial. It influenced the current status of the police, which requires a closer presentation. In my dissertation I also dealt with clarifying the notion of police. Its range of meaning has undergone many transformations over the centuries. In the further part, the important role and general characteristics of the organization and tasks of the police were presented.

The second chapter of the dissertation is referring to the protection of freedom and human rights and the interference in these freedoms and rights. Protection of

freedom and human rights is a fundamental duty of public authorities in a democratic state. Mechanisms of this protection can be shaped in different ways. This protection is guaranteed by numerous provisions of national law, including the Constitution of the Republic of Poland, but also by international law. The European Convention for the Protection of Human Rights and Fundamental Freedoms, of which Poland is a party, is of particular importance here, and as such is subject to the case law of the European Court of Human Rights. In the second chapter, the concept, form and characteristics of police intervention in freedom and human rights were also presented. Both the forms and the legally admissible extent of interference depend on a variety of factors, and may in certain cases be shaped in a different way. Nevertheless, this interference cannot violate the essence of freedom and human rights. It can also not be done in particular in violation of the principle of proportionality, which was thoroughly analyzed in the dissertation.

The key to the subject matter of the dissertation is the notion of the limits of legally permissible interference of the police in freedom and human rights. These concepts and determinants of those limits are presented in Chapter Three. This part of the study is primarily focused on the analysis of legal and non-legal factors that delineate the legally admissible limits of the interference. Legally protected goods by the police play a primary role among these determinants. This issue was further elaborated in the second part of the third chapter.

Despite the extensive catalog of measures to ensure the police to act on the basis of and within the law, this formation is often beyond the legally permissible framework of action. The fourth chapter of the dissertation contains reflections on the concept and categories of getting beyond the limits of the legal intervention of the police in freedom and human rights as well as the legal consequences of violating those borders. The practice of the police functioning, reflected among others in statistics data on complaints and disciplinary procedures in the framework of the Police structure, as well as judicial decisions (including administrative courts in particular), show that getting beyond the limits permissible intervention by the police in freedom and human rights can take various forms and extends. The consequences of

this type of behavior will depend on the form and extent of the overrun. The analysis allowed to categorize the forms of getting beyond the limits. Finally, the data illustrating the selected cases of going beyond the boundaries of the police intervention in freedom and human rights in the practice of the police activity have been traced. Exploration also included rulings pointing to examples of violation of these borders. In this part of the dissertation I dealt in principle with the consequences of violating the permissible limits of interference, including those resulting from disciplinary proceedings. The disciplinary responsibility of the officers is characterized by the high level of discretion of the authorities in assessing the conduct of officers and the imposition of disciplinary penalties.

In my thesis I have used extensive, diverse source material. The basis of the analysis are the regulations of law and their significant complement are: case law (mostly of administrative courts) and views of doctrinal representatives, although these are mainly in the first two chapters.

Extremely important in the dissertation was dogmatic-legal method. In the first part of the study I also used the historical-legal method. In the last chapter of the work, analyzing the overrun of the legally permissible intervention of the police in freedom and human rights in comparison to the practice of the Police, I used empirical method. In my reflections I did not omit the legal-comparative method in my reflections.

The issue of police interference in freedom and human rights is important both legally and practically. The operation of this formation is often unavoidable, but the interference itself must always be carried out with extreme caution, on the basis of and within the limits of the law.