

Security of mass events. Administrative and legal study

Abstract

The subject of the PhD thesis is the administrative and legal aspects of security of mass events, prepared on the basis of the Act of March 20, 2009 on the safety of mass events. As it currently stands, the Act on the Safety of Mass Events is still not working properly and requires changes. In particular, the concepts and provisions indicated in the paper require clarification, because in current form they imply a very large decision-making gap, which in many cases harming the event organizers. The study analyzes and interprets source texts in domestic and foreign literature, domestic legal acts and legal acts of other European countries related to the issues of security of mass events. An attempt was made to resolve the emerging doubts regarding the substantive application of individual provisions of the Act on the safety of mass events. The considerations presented in the dissertation are accompanied by views contained in the jurisprudence of administrative and common courts. The work was enriched with legal and comparative elements, using examples and legal problems occurring in the legal systems of selected European countries. The legal situation of the organizer of a mass event was defined in the light of the solutions resulting from the provisions of the Act on the Safety of Mass Events, as well as the consequences of using vague terms in some provisions of the Act. The responsibility of the mass event organizer was also specified, recognizing that in some cases the organizer is the addressee of an administrative sanction. Two basic theses of the dissertation were adopted. The first thesis relates to the statement that the Act on the Safety of Mass Events does not fully cover the features of a comprehensive act. The second thesis concerns the effectiveness of tools which, in their assumption, are to support the achievement of the objectives of the act, however, at the stage of applying the law, it raises many interpretation doubts. In the first chapter, in addition to the characteristics of individual categories of mass events, the concepts used in the Act on the Safety of Mass Events, which are important from the point of view of further considerations, were discussed. The second chapter presents the evolution of the legal basis for the organization of mass events in Poland. It explains how individual events in the history of Poland determined legislative changes in the field of security and the organization of mass events. The chapter also refers to the changes dictated by the restrictions introduced in connection with the coronavirus epidemic. The third chapter concerns the characteristics of the permit and the withdrawal of the permit to conduct a mass event. In this fragment of the work it was discussed, inter alia, the procedure for obtaining a permit to conduct a mass event, detailing the rights and obligations of the parties to this procedure. This part of the dissertation addresses the main research problems of the thesis. Chapter four refers to the responsibility of the organizer of a mass event. In addition to a thorough discussion of individual types of responsibility, the role of entities involved in the direct security of the event was specified. The author comes to the conclusion that in some cases the provisions do not specify the scope of the organizer's responsibility, which raises many interpretation doubts and requires the intervention of the legislator. The work ends with chapter five, which presents the legal regulations in force in other selected European countries.