

Summary

“The right to family benefits as a public subjective right and the guarantees of its protection”.

This doctoral dissertation deals with the issues of the right to family benefits in the Polish law. A thorough analysis of the regulations of the Family Benefits Act brought reflection that the institution of public subjective rights can be used on the grounds of the Family Benefits Act.

The main thesis of the dissertation is a statement that the right to family benefits is a public subjective right. The justification of this thesis required theoretical and legal considerations on public subjective rights as well as transferring those considerations onto the grounds of family benefits.

The research work required the analysis of the regulations of the Family Benefits Act and the judicial practice of administrative courts as well as the analysis of views on legal doctrine performed in light of public subjective rights.

The dissertation consist of seven chapters. Each chapter finishes with a conclusion. The first chapter was devoted to theoretical and legal considerations on public subjective rights. The next part focuses on the family as a subject of interest of many branches of law as well as on the legal foundations of protection of family rights. The following chapter presents a broad analysis of family benefits on the grounds of the effective Family Benefits Act. The right to family benefits was presented with the use of theoretical structure of public subjective rights. Administrative proceedings in cases related to family benefits were widely discussed. A separate chapter was devoted to unduly received family benefits and the rules concerning their return. It presents the institution of the return of unduly received family benefits as well as its influence on the guarantee of protection of acquired rights. The analysis of the adjudications of administrative courts in cases concerning family benefits is an important part of the dissertation. It also puts emphasis on divergences in jurisprudence of administrative courts which cause the violation of the constitutional principle of equality before the law. The last part of the dissertation concerns Children’s Ombudsman as a supporting institution which enables the family to function properly and protects children's rights.

The dissertation ends with final conclusions confirming the main thesis of the dissertation. A few research methods were used in the dissertation. The main method was the legal-dogmatic method which is based on the exegesis of a legal text. Additionally, legal historical method and empirical method were used.