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Summary of the doctoral dissertation entitled:
“Participation of third parties in enforcement proceedings”

The dissertation is devoted to the issue of the participation of third parties in judicial enforcement proceedings. It is to be the first comprehensive study on this topic.

In Polish enforcement proceedings, the research on the parties to these proceedings and the authorities conducting the enforcement has come to the fore so far. The participation of third parties is only supplementary to the mainstream regulations. As a result, the legal position and role of third parties has so far remained beyond the sphere of the broader attention of the doctrine.

Considering the above, the main task and purpose of the doctoral dissertation was to establish the concept and subjective scope of a third party and its legal position in judicial enforcement proceedings. While implementing the aim of the study, legal regulations - historical and binding - the most important views of the doctrine and jurisprudence of the Supreme Court, the Constitutional Tribunal and common courts were taken into account.

These analyses were to enable the identification of third parties among the entities of enforcement proceedings, their ordering and indicating the role they perform in this proceeding. Out of necessity, representatives of third parties were selected from those whose legal position was at least partially regulated by the legislator in the Code of Civil Procedure and who are the most representative for the discussed topic.

The structure of the work is as follows. Chapter I discusses important issues related to the essence and purpose of enforcement proceeding, as well as presents the criteria defining the position of entities in enforcement proceedings - enforcement bodies, parties and other participants.

On the basis of these criteria, Chapter II distinguishes three categories of third parties among entities participating in enforcement proceedings.

Firstly, "third party" as a statutory category resulting from a legal provision, when the legislator clearly introduces the term "third party" into the act, but does not define it. In such cases, the authority applying the law has to determine who is a third party and who is not in particular enforcement proceeding. You can call such an entity a third party in the strict sense.

The second category of third parties are entities that perform various roles in enforcement proceedings, e.g. expert, probation officer or witness. These entities are not called directly by the legislator "third parties", but they are actually in relation to the party and the enforcement body. And only for this reason they can perform the roles entrusted to them in these proceedings. I have named these third parties *ipso jure*.

The third category is made up of persons in a dual role, that is as a third party and as a debtor at the same time. They are specific only to enforcement proceedings.

Chapter III presents the most important issues related to the legal position of a third party in the strict sense. Chapter IV is devoted to the extensive coverage of *ipso jure* third

parties. Chapter V analyses the criteria determining the possibility of including some entities participating in enforcement proceedings in the category of persons in a dual role.

The research theses presented in the dissertation and the analysis of selected third parties have shown the diversification of their legal situation. In particular, in terms of their rights, obligations, liability and the right to remuneration. This differentiation, especially among ipso jure third parties, is unjustified. It does not result from the special position of these entities in the procedural act, nor from the chosen method of enforcement or the enforcement action taken by the enforcement authority.