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Self-presentation providing a description of the scientific achievements

1. Name and surname: Alina Miruć

2. Degrees and diplomas: indicating their title, place and date of obtaining them, as well as the title of the doctoral dissertation;

- 1988 - Master's degree in law (grade: "very good"), University of Warsaw Faculty of Law and Administration, a branch in Białystok; the title of Master's thesis: *The best interests of a child as a negative divorce premise*, supervisor: prof. dr hab. Andrzej Stelmachowski, date of defence: the 5th July 1988.
- 2001 - degree: Doctor of Laws, enacted by a resolution of the Faculty Board of University of Białystok, in the 6th August 2001 on the basis of the doctoral dissertation *Social assistance – administrative and legal issues*; supervisor - prof. dr hab. Eugeniusz Smoktunowicz; reviewers: prof. zw. dr hab. Jan Szreniawski and prof. dr hab. Barbara Kudrycka.

3. Information on hitherto employment in scientific units:

- From November 1988 - assistant at the Department of Administrative Law and Public Administration at the University of Warsaw Faculty of Law and Administration, a branch in Białystok,
- From September 2001 to 28th February 2014 - adjunct lecturer at the Department of Administrative Law at the Faculty of Law in the University of Białystok
- From March 2014 – until now – senior lecturer at the Faculty of Law in the University of Białystok
- From February 2003 to September 2011 – lecturer at the Białystok School of Public Administration

4. Achievement referred to in art. 16, pass. 2 of the act of the 14th day of March 2003 on scientific degrees and a scientific title, as well as on the degrees and title in the field of arts (the uniform text of 2016 Journal of Laws, item 882 with amendments), i.e. it was

obtained after having received a doctor degree and it forms the basis for applying for the conferment of the academic degree of doktor habilitowany:

As a required by law achievement forming the basis for applying for the conferment of the academic degree of doktor habilitowany I indicate the series of thematically related articles and studies, entitled (for the purpose of this self-presentation): **Legal, axiological and praxeological basis of the administration of social assistance activities.** It consists of the three scientific mainstreams:

- 1) Values, general principles, constitutional foundations and transnational aspects of the social assistance;**
- 2) The organization of implementation of tasks of state and entities of territorial self-government, including the issues of administrative staff in social assistance;**
- 3) Procedural aspects of social assistance.**

The choice of the subject of the scientific achievement constituting the basis for applying for the conferment of the academic degree of doktor habilitowany was dictated by multiannual conduction of scientific research on the issues of the legal system of social assistance. In the series presented for evaluation I put 46 independent publications and 2 co-authored publications, of which 18 were announced in scoring national and international journals, and 30 were in co-authored monographs or other collective works published in Poland and abroad.

A. List of publications constituting particular scientific mainstreams

Ad.1) Values, general principles, constitutional foundations and transnational aspects of the social assistance

The first mainstream consists of 18 papers:

- A. Miruć, *The essence of social assistance*, *Administracja. Teoria. Dydaktyka. Praktyka* 2006, no. 4 (5), p. 20- 42;
- A. Miruć, *Social assistance and the process of globalization*, *Administracja Publiczna* 2007, no. 2 (10), p. 68-75;
- A. Miruć, *Polish social assistance law for refugees*, *Białostockie Studia Prawnicze* 2007, part. 2, p. 231- 244;
- A. Miruć, *The subsidiarity principle in the social assistance law*, *Administracja. Teoria. Dydaktyka. Praktyka* 2008, no. 3(12), p. 26- 41;

- A. Miruć, *Human rights and social assistance*, *Administracja Publiczna* 2009, no. 2, p. 93-104;
- A. Miruć, *The principle of information in social welfare*, in: *Proceedings of the 8th Conference on Human Rights: The Rights to Knowledge and Information in a Heterogenic Society*, edited by B. Sitek, J. J. Szczerbowski, A. W. Bauknecht and A. Kaczyńska, Cambridge Scholars Publishing, UK 2009, p. 495- 501;
- A. Miruć, *The principle of increasing citizens' trust in public administration bodies in Poland*, in: *Aktual'ni problemi deržavnogo upravlinnja: zbirnik naukovich prac' Odes'kogo regional'nogo institutu deržavnogo upravlinnja*. Vip. 2 (38), Odessa: ORIDU NADU, 2009, p. 163- 165;
- A. Miruć, *Post-penitentiary assistance for people leaving prisons and detention centers as well as for their families*, in: *A category of other in the social sciences and the practice of public life*, *Pro Publico Bono*, 2009, part. 5, s. 235- 247;
- A. Miruć, *Justice in social assistance as a value and a principle*, *Administracja Publiczna* 2010, no. 1(15), p. 75- 85;
- A. Miruć, *Human dignity as a value and a principle in the Polish legal system of social assistance*, in: *From the tradition of law in Poland. Legal framework in physical culture, the book in memoriam of Janusz Homplewicz*, ed. A. Nowakowski, S. Drozd, Rzeszów 2010, p. 83-96;
- A. Miruć, *Constitutional law basics for social assistance in Poland*, *Administracja. Teoria. Dydaktyka. Praktyka* 2010, no. 1(18), p. 73- 91;
- A. Miruć, *Constitutionalisation of Tasks of Public Administration within its Serving Function with a Particular Emphasis on Goals of social Assistance in Poland*, in: *Evolution of constitutionalism in the selected states of Central and Eastern Europe*, ed. J. Matwiejuk, K. Prokop, Temida 2, Białystok 2010, p. 204- 218;
- A. Miruć, *Interpretation of the principle of subsidiarity in the right of the law on social assistance of 12 March 2004*, *Studies in Logic, Grammar and Rhetoric* 2011, no. 26 (39), p. 147-161;
- A. Miruć, *Statutory law of public administration in the area of social assistance - selected issues.*, in: *Administrative Legislation*, ed. M. Stahl, Z. Duniewska, Wolters Kluwer, Warsaw 2012, p. 486- 501;

- A. Miruć, *The multitude of dysfunctions of social assistance with special emphasis on poverty*, in: *Poverty in Poland*, ed. J. Blicharz, L. Klat-Wertelecka, E. Rutkowska-Tomaszewska, The University of Wrocław Publishing House, Wrocław 2014, p. 97-110;
- A. Miruć, *Social security and the implementation of justice and dignity in social assistance*, in: *Public goods in administration*, ed. M. Woźniak, E. Pierzchała, Adam Marszałek Publishing House, Toruń 2014, p. 153-166;
- A. Brezcko, A. Miruć, *About the values in administrative law*, in: *Rational legislator. Rational administration*, ed. D.R. Kijowski, A. Miruć, A. Budnik, Temida 2, Białystok 2016, p. 95-111;
- A. Miruć, *The subsidiarity principle as the basis for public tasks in the field of social assistance*, in: *Methods of implementation of public tasks*, ed. B. Dolnicki, Wolters Kluwer, Warsaw 2017, p. 472-485.

Ad.2) The organization of implementation of tasks of state and entities of territorial self-government, including the issues of administrative staff in social assistance;

The second mainstream consists of 16 papers:

- A. Miruć, *Efficiency of public administration's operations on the example of the administration of social assistance*, in: *Efficiency of self-government administration's operations*, ed. E. Ura, Rzeszów 2006, p. 385- 400;
- A. Miruć, *Public-private partnership as a way of implementation of public tasks*, in: *Concept of the system of administrative law*, ed. J. Zimmermann, Wolters Kluwer, Warsaw 2007, p. 473- 489;
- A. Miruć, *Social worker – a profession of public tasks?*, *Administracja. Teoria. Dydaktyka. Praktyka* 2007, no. 2 (7), p. 84- 105;
- A. Miruć, *About the need for a state's interference in the sphere of social assistance*, in: *People between law and economy in the process of European integration*, ed. G. Damacco, B. Sitek, O. Cabaj, The University of Warmia and Mazury Publishing House, Olsztyn-Bari 2008, p. 630- 638;
- A. Miruć, *Intersectoral co-operation in a law on public benefit activity and on volunteering* in: *Legal activity of institution of a civil society*, ed J. Boć, J. Blicharz, University of Wrocław Publishing House, Wrocław 2009, p. 265-276;
- A. Miruć, *Organizational problems of social assistance in Poland*, in: *Pathologies in administration*, ed. D. R. Kijowski, P. J. Suwaj, Wolters Kluwer, Warszawa 2009, p. 593- 602;

- A. Miruć, *Multiplicity of administering bodies*, in: *New research problems in the theory of administrative law*, ed. J. Boć, A. Chajbowicz, Kolonia Limited Wrocław 2009, p. 335- 349;
- A. Miruć, *Administration of provision in Poland as a main area of actions of public administration*, in: *Territorial self-government in Poland and in Europe – experiences and dilemmas of further development*, ed. J. Ślugocki, Kujawy and Pomorze University Publishing House, Bydgoszcz 2009, p. 217- 228;
- A. Miruć, *Efficiency of Public Administration- selected problems*, *Slovenian Law Review*, vol. VII/ No. 1-2 December 2010, Ljubljana, p. 115- 123;
- A. Miruć, *Training to the profession of "social worker" on the European level*, *Administracja. Teoria. Dydaktyka. Praktyka* 2010, no. 3(12), p. 104- 127;
- A. Miruć, *Cooperation of entities dealing with social assistance*, in: *Forms of co-operation of entities of territorial self-government*, ed. B.Dolnicki, Wolters Kluwer Warsaw 2012, p. 52-71;
- J. Korczak, A. Miruć, *Municipal outsourcing for the benefit of public benefit organizations in the sphere of social assistance in the light of the newest legal legislations*, in: *Legal aspects of privatisation*, ed. J. Blicharz, Prawnicza i Ekonomiczna Biblioteka Cyfrowa, Wrocław 2012, p. 153- 191;
- A. Miruć, *Ethical responsibility of social workers*, in: *The responsibility of the administration and in the administration*, ed. M.Stahl, Z.Duniewska, Wolters Kluwer, Warsaw 2013, p. 322-340;
- A. Miruć, *The role of a social worker in countries with "common law" system*, *Studia Prawnoustrojowe* 2013, no. 20, p. 165- 175;
- A. Miruć, *Professionalization in the profession of a social worker and needs of a modern administration of social assistance (the example of Poland)*, in: *Administration in view of the challenges of the economic crisis and of its social consequences*, ed. W. Mikułowski, A. Jezierska, National School of Public Administration Publishing House, Warsaw 2014, p. 317-335;
- A. Miruć, *Modern administration of social assistance in Poland in doctrinal and functional assistance*, in: *Protective administration*, ed. M. Szreniawska, University College of Enterprise and Administration Publishing House, Lublin 2015, p. 228-248.

Ad. 3) Procedural aspects of social assistance

The third mainstream consists of 14 papers:

- A. Miruć, *Co-operation of public administration and non-governmental sector as a way of implementation of aims and values of social policy*, in: *Administrative policy*, ed. J. Łukasiewicz, Rzeszów 2008, p. 439- 449;
- A. Miruć, *Value of “public interest” and “individual interest” in the process of granting social assistance*, *Administracja Publiczna* 2008, no. 2(12), p. 145-156;
- A. Miruć, *Administrative Pecuniary Penalties as an Example of Sanctions in the Law on Social Welfare*, in: *Legal sanctions: theoretical and practical aspects in Poland and the Czech Republic*, edited by Mariusz Popławski and Dana Sramkova, Brno, 2008, p. 52- 57;
- A. Miruć, *Agreements in actions of administration of social assistance*, in: *Agreements in administration*, ed. J. Boć, L. Dziewięcka-Bokun, Kolonia Limited, Wrocław 2008, p. 345- 355;
- A. Miruć, *Civil-law agreement with recipients in the actions of administration of social assistance*, in: *Interdependence of research disciplines in the sphere of public administration*, ed. S. Wrzosek, M. Domagała, J. Izdebski, T. Stanisławski, C.H.Beck, Warsaw 2010, p. 99- 112;
- A. Miruć, *Timelessness of resolving the matters related to public administration*, *Białostockie Studia Prawnicze* 2010, z.7 2010, p. 321- 333;
- A. Miruć, *Case law of administrative courts and institution of administrative discretion in award procedure of benefits from social assistance*, in: *Anniversary book to mark the fifth birthday of the z okazji 5-lecia of Faculty of Law of School of Management in Legnica. Ius est ars boni et aequi*, volume I, ed. N. Szczęch, School of Management in Legnica Publishing House, Legnica 2010, p. 313- 326;
- A. Miruć, *The administrative decision as a legal form of administration of social assistance*, in: *Administrative power. Public administration in the sphere of an empire and dominion.*, ed. J. Łukasiewicz, TNOiK Publishing House, Rzeszów 2012, p. 423- 441;
- A. Miruć, *Legal forms of actions by public administration in the area of social welfare – the example of Poland*,” *Administrativne Pravo i Proces* 2013, no. 4 (6), p. 213-222;
- A. Miruć, *Limits of the Prohibition of Using Personal Data of Social Assistance Beneficiaries*, *Studies in Logic, Grammar and Rhetoric* 2013, no. 32(45), p. 123- 137;

- A. Miruć, *Right to social assistance - public subjective right, or so-called special right to ask*, in: *Ten years of Polish experiences in the European Union. Legal and administrative problems* volume II, ed. J. Ślugoński, Presscom Publishing House, Wrocław 2014, p. 699-713;
- A. Miruć, *Legal position of a recipient in administrative proceedings with reference to "social factor" in the process of privatization of tasks from the sphere of social assistance*, in: *Social participation in a territorial self-government*, ed. B. Dolnicki, Wolters Kluwer, Warsaw 2014, p. 708-724;
- A. Miruć, *A place of principle of openness in co-operation of public administration and organizations of a non-governmental sector during implementation of tasks in the field of social assistance*, in: *Disclosure of a territorial self-government*, ed. B. Dolnicki, Wolters Kluwer, Warsaw 2015, p. 453-463;
- A. Miruć, *Activity and passivity in proceedings on matters of social assistance*, in: *Individual regarding the actions of public administration*, ed. E. Ura, E. Feret, S. Pieprzny, Rzeszów 2016; p. 477-491.

In the *annex no. 6* of this self-presentation I present statements of the co-authors of the academic works on the individual contribution of each of them in the creations of the works.

These publications - making up the specified scientific mainstreams - are the theoretical and legal studies in the field of administrative law and the study of administration. A doctrinal context of the considerations made in them has been referenced to the legal and practical applications of the law. In my studies I exposed the need for legal protection of an individual (family) both in terms of legislative actions and executive actions of administration, highlighting the subordinate role of government towards citizens.¹

There have been written several monographs concerning institutions of social assistance; in which, inter alia, what is the right to social assistance was determined and the servicing function was analyzed (by defining its nature and an indication of its features in the area of the administration of social assistance). The considerations contained in them were many times contributed to my research and publications. However, a series of thematically related publications, in addition to the legal basis, emphasizes the axiological and praxeological basis in the activities of the administration of social assistance, which were defined by applicable law. Law, axiological and praxeological basis of social assistance

¹ The same theme of my publications has been recognized by Prof. J. Boć in the *Essay on the general police administration*, put in the book in memoriam Professor Eugeniusz Smoktunowicz, entitled *Rational legislator. Rational administration*, ed. D. R. Kijowski, A. Miruć, A. Budnik, Białystok in 2016.

institutions have an impact on the specificity of tasks (especially the dynamism), the role of public administration in the implementation of tasks in this field, including the staff of administration of social assistance in the field of social assistance. The raised issues to a large extent were only vaguely and incidentally indicated in the literature.

B. Discussion on the scientific objective of the above-mentioned work and the results achieved, together with a discussion on their possible use.

The aim of the study was to demonstrate the existence of the impact of axiological and praxeological basis for the operation of the institution of social assistance on the law governing this area of activities of bodies and organizational entities of public administration and other entities involved in the sphere of public activity. The subject of the research was normative and doctrinal construction of a public task in the area of social assistance, and identifying entities that organize and carry out those tasks as well as forms of their implementation.

In my opinion the performance of public tasks in the area of social assistance by non-public entities is complementary to performance of those tasks by the powers of public administration. Moreover, I have shown that the existence of many entities (including a subjectively complex non-governmental sector) and the increase of tasks and their specialization only cause socialization and not the classic privatization.

In the publications I accepted the narrow understanding of social assistance specified in the Act of the 12th March 2004 on social assistance.² The definition of social assistance includes some elements relating to objectives, tasks and subsidiary function of social assistance, entities organizing the assistance in forms provided for by law and the obligation to cooperation of recipients with bodies providing benefits to solve their difficult life situation (A. Miruć, *The essence of social assistance*, Administracja. Teoria. Dydaktyka. Praktyka 2006 No. 4 (5), p. 20- 42). Social assistance in the strict sense of the word, established in the Law on Social Assistance, constitutes - along with a number of executive rules – the stem of its regulation.³

² Uniform Text, Journal of Laws of 2016, item. 930 referred to as the Law on Social Assistance.

³ In material terms the Law on Social Assistance together with implementing regulations and regulating laws includes specific forms of social assistance in separate regulations (eg. the Law on Family Benefits, the law on violence prevention in the family) make up the right to social assistance in the broad sense.

Ad. 1) Values, general principles, constitutional foundations and transnational aspects of the social assistance

In my opinion, for the proper functioning of the administration of social assistance what is important are its values. Among them, what is brought to the foreground in the law of social assistance are: justice and dignity as values (also general clauses) and also the rules – standards (A. Miruć, *Justice in social assistance as a value and a principle*, *Administracja Publiczna* 2010, no. 1(15), p. 75- 85 and A. Miruć, *Human dignity as a value and a principle in the Polish legal system of social assistance*, in: *From the tradition of law in Poland. Legal framework in physical culture, the book in memoriam of Janusz Homplewicz*, ed. A. Nowakowski, S. Drozd, Rzeszów 2010, p. 83-96).

Due to its normative character they make an important element of the Polish right to social assistance. Justice must be realized both in the process of enacting and applying the law. In the application process it may be a legal equalizer of the law where it is "ailing". The concept of dignity plays an important role for the type and scope of benefits provided. The term dignity can be discussed according to its objectives, principles and values. In my opinion, human dignity should be the most important determinant of law of social assistance. What is also important is the issue of social security in the context of implementation of two important values: justice and dignity. The role of the administration of social assistance is to create a sense of social security, to help in creating decent living conditions and to assist helpless people and their families (A. Miruć, *Social security and the implementation of justice and dignity in social assistance*, in: *Public goods in administration*, ed. M. Woźniak, E. Pierzchała, Adam Marszałek Publishing House, Toruń 2014, p. 153-166). I have shown that the essence of the values analyzed above is reflected in the fact that they allow us to notice the complexity of the relationships which exist between particular participants of a complicated process of providing benefits in the area of social assistance. When making individual decisions what is made is evaluation, which is based on an accepted value system. As a result, social assistance authorities dispose of an increased scope of arbitrariness. This can cause both positive and negative consequences for bodies applying for benefits.

The list of values in administrative law is extended (A. Brezko, A. Miruć, *About the values in administrative law*, in: *Rational legislator. Rational administration*, ed. D.R. Kijowski, A. Miruć, A. Budnik, Temida 2, Białystok 2016, p. 95-111). Their prioritising seems impossible. However, fundamental values can be extracted. These include inter alia: the well-being of every individual and the public good. In addition to the positive values, especially when adapting the law to social assistance, there may appear anti-values, understood as

different forms of weakening a situation of an individual in regard to the administrative authority, undermining the sense of this law. What can be specified as examples of anti-values in social assistance are: excessive procedural formalism, uncertainty of the law, powerlessness of a departmental command. All this results in, inter alia, weakening of a position of an individual and a family in regard to bodies of administration of social assistance, while it is the individual who should be the main beneficiary of administrative law in this area. The fundamental values enshrined in law, such as dignity and justice are not fully implemented in practice, which was shown in the above-mentioned publication.

Analysis of law, doctrine and adjudication of the administrative courts justifies the claim that the general principles are the kind of "legal framework", playing a significant role in the process of applying law in respect of cases related to social assistance, providing its formal protection. However, they do not constitute a single directory, they can be extracted on the basis of various criteria. In relation to institutions of social assistance what is a matter of great importance are constitutional principles (of subsidiarity, justice and human dignity), statutory principles (as defined in the Law on Social Assistance, in the Code of Administrative Procedure) and the principles-values developed in theory of social assistance. What plays an important role is first and foremost the principle of subsidiarity having a constitutional and axiological advantage, to which I referred in several studies (A. Miruć, *The subsidiarity principle in the social assistance law*, *Administracja. Teoria. Dydaktyka. Praktyka* 2008, no. 3(12), p. 26- 41, A. Miruć, *Interpretation of the principle of subsidiarity in the right of the law on social assistance of 12 March 2004*, *Studies in Logic, Grammar and Rhetoric* 2011, no. 26 (39), s. 147-161). It constitutes an important basis for the implementation of public tasks in social assistance and determines the proper deployment and implementation of tasks, especially at the level of a municipality or a county. (A. Miruć, *The subsidiarity principle as the basis for public tasks in the field of social assistance*, in: *Methods of implementation of public tasks*, ed. B.Dolnicki, Wolters Kluwer, Warsaw 2017, p. 472-485). In my opinion what is the most important is to consider the principle of subsidiarity in the context of delegating and sharing tasks of the area of social assistance and participation of non-public bodies in the implementation of them. It should be noted that this rule does not allow us to identify clear guidelines about how to make division of tasks between entities of territorial self-government and government administration. Therefore, it should be a constant point of reflections of a rational legislator making transfer of tasks and competences in the field of social assistance. Social assistance is a special area of operation of bodies of public administration, where the principles of information are very important first and foremost from

the point of view of beneficiaries, as well as from the point of view of bodies of social assistance (A. Miruć, *The principle of information in social welfare*, in: *Proceedings of the 8th Conference on Human Rights: The Rights to Knowledge and Information in a Heterogenic Society*, edited by B. Sitek, J. J. Szczerbowski, A.W. Bauknecht and A. Kaczyńska, Cambridge Scholars Publishing, UK 2009, p. 495- 501). It should be also added that one of the forms of social assistance is counseling (legal, psychological and family ones). At the same time, the principle of citizens' trust in the administration of social assistance is one of the fundamental principles on which the whole legal order in Poland is based; and failures of interpretation of a body cannot result in disadvantages for an entity that acts in good faith and in accordance with knowledge of the body (A.Miruć, *The principle of increasing citizens' trust in public administration bodies in Poland*, w: *Aktual'ni problemi deržavnogo upravlinnja: zbirnik naukovich prac' Odes'kogo regional'nogo institutu deržavnogo upravlinnja*. Vip. 2 (38), Odessa: ORIDU NADU, 2009, p. 163- 165). I pointed out that the operation of the administration of social assistance should be not only insightful, fast and efficient, but should also lead to break the psychological resistance (often noticeable barriers of shame) of those who meet the criteria for granting the benefit.

The scope and the method of a legal regulation of the institution of social assistance is a derivative of the degree and extent of a state interference in solving social issues. It should be noted that in the Polish legal system, the legal regulation of the interference is a part of the administrative law. Nowadays social assistance in Poland has an extensive legal regulation, from the regulation in the Constitution of Poland; legal and international regulations; laws on social assistance (and other laws regulating the issues of social assistance separately) to many executive orders and acts of local law. The Constitution of Poland of the 2nd April 1997 does not use the term "social assistance", but uses the term "social protection" instead, which is a broader category (A. Miruć, *Constitutional law basics for social assistance in Poland*, *Administracja. Teoria. Dydaktyka. Praktyka* 2010, no. 1(18), p. 73- 91). At that situation, in my opinion, the right to social assistance does not lose a constitutional advantage of a social right of a public subjective right. Nowadays, the Constitution is still a factor stabilizing public tasks in the sphere of social assistance, as I pointed out in the publication *Constitutionalisation of Tasks of Public Administration within its Serving Function with a Particular Emphasis on Goals of social Assistance in Poland*, in: *Evolution of constitutionalism in the selected states*

of Central and Eastern Europe, red. J. Matwiejuk, K. Prokop, Temida 2, Białystok 2010, s. 204- 218.⁴

However, the trend is to define tasks by a law (eg. the Law on social assistance.), which broadly delegate the ability to decide about the scope of public tasks by bodies of public administration. Not only the administration of social assistance, both at the central level and in the field, does apply the law in this area, but it also enacts the law, in the form of executive orders and acts of local law, which are an essential and obligatory element in the system of sources of universally binding law (A. Miruć, *Statutory law of public administration in the area of social assistance - selected issues.*, in: *Administrative Legislation*, ed. M. Stahl, Z.Duniewska, Wolters Kluwer, Warsaw 2012, p. 486- 501).

Social assistance and the consequent right to the various benefits have a statutory basis which means that the legislator has possibility to modify a form of this law, which will be suitable for social policy implemented at that time. Whereas, the bodies of public administration implementing social assistance will be able to expand the range of their benefits, and increase their height, within their possibilities, and decisions in this regard will depend on opportunities available to an entity of territorial self-government. The analysis of regulations of the Law on social assistance concerning the mandatory authorizations for municipal and counties' councils to regulate important issues by way of resolutions leads to the conclusion that the resolutions have the character of local law, so they are acts of universally binding law in a particular territory, which was demonstrated in the publication *Statutory law of public administration in the area of social assistance - selected issues.*, in: *Administrative Legislation*, ed. M. Stahl, Z.Duniewska, Wolters Kluwer, Warsaw 2012, p. 486- 501.

As for the transnational aspects of social assistance, what required the analysis were issues of social assistance as human rights, social assistance in regard to the process of globalization and social assistance to refugees in Poland. Apart from considerations of human rights in domestic and international law, a right to social assistance is a human right, as recognized in the article *Human rights and social assistance*, *Administracja Publiczna* 2009, no. 2, p. 93-104. I noticed that in modern democratic states there are trends to equate the legal status of a citizen of one's own country and a foreigner, and to forbid discrimination against

⁴ Which was a contribution to a scientific conference devoted to the issue of evolution of constitutionalism in the countries of the Visegrad Group and other countries of Central and Eastern Europe, organized by the Faculty of Law, University of Białystok on 11-12 May 2010. It aimed at exchanging the views of the Polish scientific community with the scientists from scientific institutions in the Czech Republic, Slovakia, Belarus, Hungary.

foreigners (A. Miruć, *Polish social assistance law for refugees*, Białostockie Studia Prawnicze 2007, z. 2, p. 231- 244). The Polish legal regulation concerning refugees - when it comes to issues of social assistance - should be considered satisfactory, but certainly requiring some clarification.

Globalization and the weakening of the welfare state combined with rising unemployment and pauperization resulted in an increase of the importance of care technique, in which benefits are discretionary and optional, which was noted in the publication *Social assistance and the process of globalization*, Administracja Publiczna 2007, no. 2 (10), p. 68-75. In the same article it was shown that the future of social assistance should be seen in conjunction with a number of trends, and above all: individualization of social life, decentralization of a welfare state, deinstitutionalisation - moving to the welfare society.

What is also important from the point of view of activities of administration of social assistance is an issue of difficult life situations, vague concepts that are prerequisites for the granting of benefits, whose list is constantly growing, to which I drew the attention in several publications. We are dealing with a multiplicity of dysfunctions (A. Miruć, *The multitude of dysfunctions of social assistance with special emphasis on poverty*, in: *Poverty in Poland*, ed. J. Blicharz, L. Klat-Wertelecka, E. Rutkowska-Tomaszewska, The University of Wrocław Publishing House, Wrocław 2014, p. 97-110, A. Miruć, *Post-penitentiary assistance for people leaving prisons and detention centers as well as for their families*, in: *A category of other in the social sciences and the practice of public life*, Pro Publico Bono, 2009, z. 5, s. 235- 247). After having made a profound analysis of the above-mentioned studies I determined that the legal regulations as regards grounds for granting benefits can be considered satisfactory, as they try to keep pace with the changing reality and new emerging challenges for social assistance.

Ad. 2) The organization of implementation of tasks of state and entities of territorial self-government, including the issues of administrative staff in social assistance

Social assistance is an area in which the social function of a state and administration of provision are implemented (A. Miruć, *About the need for a state's interference in the sphere of social assistance*, in: *People between law and economy in the process of European integration*, ed. G.Damacco, B. Sitek, O.Cabaj, The University of Warmia and Mazury Publishing House, Olsztyn-Bari 2008, p. 630- 638). A state, by being able to provide assistance in various forms, guarantees the social security of individuals and families, but sometimes the criteria and the amount of benefits may be questionable.

The function of public administration, involving the provision of social assistance, is contained in the so-called. Administration of services or administration of provision (A. Miruć, *Administration of provision in Poland as a main area of actions of public administration*, in: *Territorial self-government in Poland and in Europe – experiences and dilemmas of further development*, ed. J. Sługocki, Kujawy and Pomorze University Publishing House, Bydgoszcz 2009, p. 217- 228). It is a complex activity as it covers activities from the sphere of both organizing and regulatory activity. It seems necessary today; even more so more and more individuals and families are in a difficult life situation, which they are not able to overcome with their own resources, capabilities and powers. The main part of the providing function of public administration are public tasks. In my view, the specificity of public tasks is expressed primarily in: the possibility of establishing their sample standards, the validity of their participation in the implementation of administration, the premises of a modification of the realization of tasks in this regard, forms of their executions, wisdom of a legislator, the future of social assistance in the context of globalization.

I found it expedient to analyse the matter concerning the organization of tasks of administration of social assistance in Poland, especially after the reform of the political system of the state. The analysis of current legal regulations has proven that the tasks carried out in this sphere by entities of territorial self-government are related mainly to the actual granting social aid those in need. In turn, the tasks performed by entities of regional self-government (voivodeship self-governments) are more general, strategic and related mainly to the promotion of municipalities and counties in their activities related to the provision of social assistance. Heavily cut tasks and powers of governors of the provinces in the field of social assistance are mainly connected with the implementation of supervision over the quality of services provided and the control and coordination of actions taken in this regard by entities of territorial self-government. At the level of central administration, there were the following functions left: supervisory, consultative and advisory ones.

I pointed out that a feature of modern public administration in the sphere of social assistance is expanding the scope of the co-existence of bodies of public administrations and non-public bodies and the consequent participation in the implementation of public tasks, legitimacy of these entities to perform public duties and the issue of resignation of a state of direct realization of public tasks, can be beneficial and desirable, and on the other hand, can cause weakening of the position of an individual (family), which causes legal uncertainty in this area (A. Miruć, *Modern administration of social assistance in Poland in doctrinal and functional assistance*, in: *Protective administration*, ed. M. Szreniawska, University College

of Enterprise and Administration Publishing House, Lublin 2015, p. 228-248; A. Miruć, *Cooperation of entities dealing with social assistance*, in: *Forms of co-operation of entities of territorial self-government*, ed. B. Dolnicki, Wolters Kluwer Warszawa 2012, p. 52-71; A. Miruć, *Public-private partnership as a way of implementation of public tasks*, in: *Concept of the system of administrative law*, ed. J. Zimmermann, Wolters Kluwer, Warsaw 2007, p. 473-489).

The increase of public tasks and their diversity make that the authorities of local and government administration are often not in a position to perform them properly, efficiently, quickly and effectively. This raises the need for inter-sectoral cooperation and the search for alternative ways of meeting the collective needs of society (I suggest it in the work: *Inter-sectoral co-operation in a law on public benefit activity and on volunteering* in: *Legal activity of institution of a civil society*, ed J. Boć, J. Blicharz, University of Wrocław Publishing House, Wrocław 2009, p. 265-276). Until the entry into force of the Act on Public Benefit and Volunteer Work of 2003, frameworks for cooperation with non-governmental organizations marked first and foremost the constitutional laws of entities of territorial self-governments and legislation in the various fields of social life (eg. Social assistance). However, there was a need for a comprehensive and meeting the needs of legal regulation. The Act on Public Benefit and Volunteer Work is of fundamental importance for the institutionalization of a social dialogue, which was referred to in the Act as rules and forms of cooperation. A written obligatory of inter-sectoral cooperation was important in the development of normal relations between the public sector and non-governmental sector. In practice it turned out, in fact, that where cross-sectoral cooperation was a partnership, and was based on the call for tenders, the law "helped the" intensification of cooperation. Less significant was its role in a situation where cooperation took place on the basis of discretion from the part of the public administration. In the publication I pointed to the need for significant changes in the Act on Public Benefit and Volunteer Work, which concern mainly: a precise definition of the class of bodies deemed to be non-governmental organizations; strengthening the principles and forms of cooperation, through the introduction of mandatory forms of cooperation (optional forms are too vague and do not always effectively encourage cooperation) and introducing the possibility of adoption by entities of territorial non-government not only annual but also multiannual cooperation programs with non-governmental organizations, depending on the local needs (such a possibility a government administration should have); the possibility of establishing public-and-social partnerships (modeled on public-and-private partnership); simplifying the specifications and simplifying the call for tenders when commissioning public

tasks and organizing the sphere of activities of public benefit, by limiting their number, in order to have greater transparency, which were partially taken into account when writing amendments to the Act.

What is visible now are the improvement process and at the same time "socialization" of administration of social assistance, in which to the two issues attention should have been drawn: ensuring continuity of public tasks in the field of social assistance and social legitimacy of their execution. A way of improving public administration - mainly in the sphere of public service - has become, already in the sixties of the last century, the privatization of public tasks. However, it may lead, among others, to limiting access to public services, the decline of their quality and increasing the costs.

Any process of cooperation of administration with entities outside the administration is defined broadly as a privatization. Some of these projects takes the form of municipal *outsourcing* involving the separation (from the structure of entities of territorial self-government) performance of its duties and transferring them for execution by entities located outside the administration. Because of the phenomenon of the growing demand for public services, which is universal and objective, there do not exist in the long-term perspective, any possibilities to fulfill them only with a potential of public administration, and especially the potential of territorial government. Therefore, there is a need to develop a new concept of administration of provision, including both public entities as well as non-public ones. We are dealing with a progressive process of marketization of public facilities administration and the growing importance of non-public bodies, located outside the organizational structure of public administration, which in practice results in not only benefits. More and more frequent participation of the third sector - in the implementation of public tasks - seems to be a manifestation of a growing sense of responsibility of society itself. This is illustrated by the analysis of the concept of municipal *outsourcing*, for the benefit of organizations of public benefit in the sphere of tasks in the field of social assistance (J. Korczak, A. Miruć, *Municipal outsourcing for the benefit of public benefit organizations in the sphere of social assistance in the light of the newest legal legislations*, in: *Legal aspects of privatization*, ed. J. Blicharz, Prawnicza i Ekonomiczna Biblioteka Cyfrowa, Wrocław 2012, p. 153- 191). It turns out that building a stable public-private partnership with the participation of non-governmental organizations is possible. It is in itself a separate and original concept, while at the same time a manifestation of a participatory administration, although criticized in practice.

In my publication (A. Miruć, *Multiplicity of administering bodies*, in: *New research problems in the theory of administrative law*, ed. J. Boć, A. Chajbowicz, Kolonia Limited

Wrocław 2009, p. 335- 349) I determined that the administrating organizations, as entities which are authorized by law to perform public tasks in terms of social assistance can be put into three groups. The first group consists of public administration entities (administrative entities), whose primary task is the implementation of administrative functions of the state. They are permanently separated in the administrative apparatus of the state. They were equipped on an exclusive basis in the competence. They have the possibility of the use of state coercion. The second group consists of entities of territorial governments that perform functions of public administration, either their own or outsourced. The third group consists of entities that perform the functions assigned to public administration, or simultaneously operate in the field of social assistance on the basis of appropriate permits.

The multiplicity of administrative entities and their categories causes primarily more complicated foundations, and legal forms of their activities, as well as the organizational arrangements between them, to which I paid attention in the publication (A. Miruć, *Multiplicity of administering bodies*, in: *New research problems in the theory of administrative law*, ed. J. Boć, A. Chajbowicz, Kolonia Limited Wrocław 2009, p. 335- 349). In the above-mentioned publication I noted that the excessive number of administrative entities, as well as their diversity, contribute to the difficulty in maintaining the order and in the correct classification of a particular entity to the existing of an organization grid.

As I have already signaled what is also important are praxeological basis for action in social assistance. The principle of efficiency of public administration activities is a significant issue in terms of both theory and practice (A. Miruć, *Efficiency of public administration's operations on the example of the administration of social assistance*, in: *Efficiency of self-government administration's operations*, ed. E. Ura, Rzeszów 2006, p. 385- 400; A. Miruć, *Efficiency of Public Administration- selected problems*, Slovenian Law Review, vol. VII/ No. 1-2 December 2010, Ljubljana, p. 115- 123). The efficiency of the administration is manifested, among others, in the effectiveness and efficiency of administrative decisions, the efficiency of the law created by the administration. I believe that in relation to the administration of social assistance what plays an important role is the institutional efficiency (efficiency of organizational structure and the implementation of tasks) and the efficiency of the offices (a professional civil service staff). The efficiency of the administration activities of social assistance is significantly affected by social workers, as they are direct implementers of tasks in this area for the benefit of people (families) in need. They ought to be professional, ethical and efficient. Undoubtedly, what is an obstacle and at the same time an important drawback is the lack of a separate law for social workers which would regulate uniformly

their legal status, would increase the quality of their work and would guarantee the status of the profession of public trust to this profession. The nature of implemented tasks in the sphere of social assistance by employees and their wide range of meaning requires high skills (both knowledge and practical skills), higher than the average ethical requirements and high trust of beneficiaries of social benefits heightens the necessity of regarding it as profession of public trust. Relevance of the statements is also demonstrated in the article *Social worker – a profession of public tasks?*, *Administracja. Teoria. Dydaktyka. Praktyka* 2007, no. 2 (7), p. 84-105. The profession of a social worker has a range of attributes that characterize occupations of public trust. The first condition for recognition a profession as a profession of public trust, is a claim that this profession is to provide help to other people, usually in situations involving threats to a variety of goods with significant value for the people. Therefore, the provision of such an assistance is treated as a public function. Secondly, this profession is inextricably linked with the intake of information regarding personal life and even intimate of the others. The information given to them is a professional secret. I claimed in the article that this is legal regulations that should create conditions to stabilize that confidence.

Professionalization and qualifications of social workers are important as a catalog of their tasks in the field of social assistance is extensive and varied (A. Miruć, *Professionalization in the profession of a social worker and needs of a modern administration of social assistance (the example of Poland)*, in: *Administration in view of the challenges of the economic crisis and of its social consequences*, ed. W. Mikułowski, A. Jezierska, National School of Public Administration Publishing House, Warsaw 2014, p. 317-335). Differentiation of the legal status of social workers is dependent primarily on their place of work. The qualification requirements and requirements related to rights and obligations remain the same, but what is clearly noticeable is the absence of a separate law on social workers. This situation should be critically evaluated.

Nowadays, social services are intended not only for those in need of material assistance, what has also a different dimension is a present social work as a professional activity of social workers, which would cope with the new demands of society and the law. I claimed that in many European education systems of social workers, also in Poland, what is being crystallized is a tendency to exhibit general education and growth of the role of specialization at colleges of the higher and postgraduate education (A. Miruć, *Training to the profession of "social worker" on the European level*, *Administracja. Teoria. Dydaktyka. Praktyka* 2010, no. 3(12), p. 104- 127). What reflects the fact of the professionalization of

social work in Europe and the world is the constitution of a profession of a social worker in the law. This is mainly due to the inclusion of it in the register of professions, defining the profession's roles and tasks and skills and competences, which would be worth doing in Polish law. It should be noted that the role of social worker in *common law* countries is important and multifaceted (A. Miruć, *The role of a social worker in countries with a "common law" system*, *Studia Prawnoustrojowe* 2013, no. 20, p. 165- 175). It is not only about the emergency service for person in need, but also about the ability to select the co-operation of other social workers along with their wards. The person performing the profession in *common law* countries, specializes in a very specific social dysfunction.

It should be noted that ethical standards are indicators of activities of social workers and bind them ruthlessly. Their violation leads to legal liability (official, ordered and disciplinary ones). In a situation where no such standards have been expressed in the provisions of statutory law, they apply in conscience, and their violation entails moral responsibility. The principles of ethical responsibility of social workers are defined by codes of ethics, which are not only a set of dos and don'ts to be followed, but also they communicate about important values such as: promoting the common good, improving the living conditions of people (families), activities for achieving social justice in the lawmaking process (A. Miruć, *Ethical responsibility of social workers*, in: *The responsibility of the administration and in the administration*, ed. M.Stahl, Z.Duniewska, Wolters Kluwer, Warsaw 2013, p. 322-340). However, what should not be overestimated is the role of the code of ethics, which only supplements the legal standards. Staffs of social assistance are affected by such pathologies of functioning of the administration as corruption, nepotism and others, even though professional ethics, political neutrality and acting in the public interest are the main determinants of the functioning of social services in Poland. Social assistance as an institution of state social policy is also facing many problems. In the publication (A. Miruć, *Organizational problems of social assistance in Poland*, in: *Pathologies in administration*, ed. D. R. Kijowski, P. J. Suwaj, Wolters Kluwer, Warsaw 2009, p. 593- 602). I pointed out the possibilities of solving of them. I have shown that the legal framework created by the social assistance system, with inadequate use of values and praxeological efficiency, is often assessed as not meeting the requirements of society and not meeting the real needs of people who require support.

Legal, political and socio-economic aspects cause that the legal situation of social assistance is complex. Changes in the area of social assistance are mainly due to the ever increasing demand for broad forms of social support in modern society. Due to the fact that social assistance benefits are realized by the bodies of public administration and other entities

located outside the organizational structure of public administration, there may be inconsistency in the social assistance system and an undesirable increase in operating costs over the extensive administration of social assistance.

Ad. 3) Procedural aspects of social assistance

One of the important ways of achieving the objectives of social policy (such as social security, social order, investment in the human) and its values (dignity, freedom, solidarity, justice, subsidiarity) is a cooperation between public administration and non-governmental organizations in the sphere of social assistance, which I have proved in the following publication *Co-operation of public administration and non-governmental sector as a way of implementation of aims and values of social policy*, in: *Administrative policy*, ed. J. Łukasiewicz, Rzeszów 2008, p. 439- 449. It is necessary due to the growth of public administration tasks in the sphere of social services, their variability and diversity and the need for their effective implementation. However, despite many imperfections of cross-sectoral cooperation contributes in practice to the more effective performance of the tasks in the sphere of social rights. An important factor would be the development of non-public sector in social assistance, primarily of non-governmental organizations, thus a rational wide privatization or socialization. What becomes indispensable at a public controlling apparatus enforcing appropriate standards and availability of the services offered by non-public entities. Polish law allows various types of partnership. However, as I have shown in the above study, what is the most common in the sphere of social assistance is a public-social partnership.

I emphasized the important role of the principles of inter-sectoral cooperation, especially the principle of transparency, which is reflected both in the commissioning of public tasks from the sphere of social assistance to non-public entities, as well as in non-financial forms of inter-sectoral cooperation (A. Miruć, *A place of principle of openness in co-operation of public administration and organizations of a non-governmental sector during implementation of tasks in the field of social assistance*, in: *Disclosure of a territorial self-government*, ed. B. Dolnicki, Wolters Kluwer, Warsaw 2015, p. 453-463). In the above-mentioned publication I determined that to a large extent it determines the legal relationship between the public administration and organizations of non-governmental sector in the implementation of public tasks in the field of social assistance.

However, it is the public administration that is required to perform tasks in the field of social assistance in the forms specified by law, and may choose a partner from outside the administration to perform them. The administration of social assistance is also required to

choose the form of an action, which is believed to be the most appropriate in certain circumstances. It should be remembered that the legal form of action plays a subordinate role to the public tasks. Social assistance benefits are usually granted by administrative decisions, after (in my opinion) too formal administrative proceedings, which was highlighted in one of the publications (A. Miruć, *The administrative decision as a legal form of administration of social assistance*, in: *Administrative power. Public administration in the sphere of an empire and dominion.*, ed. J. Łukasiewicz, TNOiK Publishing House, Rzeszów 2012, p. 423- 441). Other legal forms of granting benefits take the form of contracts or the actual actions that have been analyzed in the article *Legal forms of actions by public administration in the area of social welfare – the example of Poland*, *Administrativne Pravo i Proces* 2013, no. 4 (6), p. 213-222.

If we recognize the right to social assistance as a public subjective right, it should protect the process of its implementation. The protection is formally provided by the Code of Administrative Procedure, as amended in the Law on Social Assistance. This thesis has been proven in study *Right to social assistance - public subjective right, or so-called special right to ask*, in: *Ten years of Polish experiences in the European Union. Legal and administrative problems* volume II, ed. J. Sługocki, Presscom Publishing House, Wrocław 2014, p. 699-713.

I found it necessary to analyze the legal position of the recipient of benefits (the individual and the family as a collective entity in the area of social assistance), since the current law does not define the term beneficiary. It can be seen, above all, in relation to the objectives of social assistance and legal forms of the administration of social assistance. I notice that a subjective right must give (to an individual) a full assurance of respect for the law in the activities of legislators and law enforcement organs. The analysis has been submitted to the issues relating to the legal status of beneficiaries - individuals (including family) in the administrative proceedings, taking into account "social factor", as well as the relationship between the beneficiary of social assistance and the process of privatization of the tasks in the area of social assistance in the publication *Legal position of a recipient in administrative proceedings with reference to "social factor" in the process of privatization of tasks from the sphere of social assistance*, in: *Social participation in a territorial self-government*, ed. B. Dolnicki, Wolters Kluwer, Warsaw 2014, p. 708-724. We can talk about the complexity of the legal position of beneficiaries as recipients of activities of administration of social assistance, fixed by both legal factors, as well as extra-legal factors. I pointed out that the applicable law enables broad participation in the procedure for granting

benefits of social factor in the form of social organizations and others so-called other people, but in practice such a possibility is used in a negligible extent, or not at all.

I pointed out that the right to social assistance is protected according to the design rights to certain benefits, and this causes a diversified legal situation of the beneficiaries. The strongest is the position of legal entities, which received benefits on the basis of the administrative decision, and a benefit was located in the directory obligatory. The weakest protections has a legal position of people using the services provided by non-public bodies, to which public tasks in the sphere of social assistance have not been given by an agreement by the public administration. I have argued that the privatization processes could significantly affect the legal situation of the individual, but the individual does not have any impact on the very process of privatization, and the applicable law, unfortunately, does not establish effective instruments for its legal protection.

I underlined the specificity of two opportunities to participation of a side in cases dealing with social assistance, admitted both in the Code of Administrative Procedure, and the Law on social assistance – the active and passive ones. In administrative proceedings in matters of social assistance we do not always have to deal with the desired activity of a side (A. Miruć, *Activity and passivity in proceedings on matters of social assistance*, in: *Individual regarding the actions of public administration*, ed. E. Ura, E. Feret, S. Pieprzny, Rzeszów 2016; p. 477-491). There are some situations in which an individual (family) as a recipient of benefits does not apply for benefits on his or her own, but who does it so with the consent of his or her are other entities or an other organ of the administration ex officio.

What deserves a Separate attention is the relationship between the public interest and the interests of the individual in the procedures for granting social assistance, which mutually intersect and complement, while remaining in harmony (A. Miruć, *Value of "public interest" and "individual interest" in the process of granting social assistance*, *Administracja Publiczna* 2008, no. 2(12), p. 145-156). That finding was possible because on the one hand the legislator assured implementation of public interest, setting a number of safeguards and criteria, without which the social assistance system would lead to a simple distribution of benefits and their waste. On the other hand, an individual interest is very clearly highlighted in the rights of the individual to request the organ of the administration to take certain actions in the field of social assistance and the need to respect the general principles relating to social assistance institutions.

Discretion of the administration is an indispensable element of the procedure for granting social assistance benefits (A. Miruć, *Case law of administrative courts and*

institution of administrative discretion in award procedure of benefits from social assistance, in: *Anniversary book to mark the fifth birthday of the z okazji 5-lecia of Faculty of Law of School of Management in Legnica. Ius est ars boni et aequi*, volume I, ed. N. Szczęch, School of Management in Legnica Publishing House, Legnica 2010, p. 313- 326). With the help of institutions of recognition the organ of administration of social assistance can adequately respond to the ever new and very different needs of society. Of course, this institution may weaken the position of the individual, that cannot be sure of the organ's decision, even if it meets the conditions for the right to assistance. The evaluation of the organ finds its expression in a logical and detailed justification for the decision, which should convince the side of the rightness of taken solutions. One cannot underestimate the role of the case law of administrative courts, which richly shows what needs should be considered justified. They also say what needs should be satisfied by the entities of social assistance. Administrative courts relate to the recognition of institutions repeatedly in its judgments and pay a special attention to the danger of abuse cases in the area of social assistance. I pointed out that the discretionary provisions, as requiring a sense of responsibility of workers of public administration (social workers, the assistants of the family) for the effects of social assistance can better serve to the achievements of its objectives rather than rigid regulations specifying the conditions for its award. I proved that they do not transform the law into "grace", but enhance the ability to taking into account the different situations of life and meeting the needs of the most justified needs.

It should be noted that the tardiness of any action of the organs of the administration of social assistance is unacceptable, and the terms of doing things in this area should be a measure for completion of the proceedings and giving a decision as soon as possible (A. Miruć, *Timelessness of resolving the matters related to public administration*, Białostockie Studia Prawnicze 2010, part.7 2010, p. 321- 333). Assuming that this is one of the virtues of the so-called good administration, I stated that is important in matters of social assistance. The analysis of the law, literature and case law of administrative courts leads to a conclusion that the applicable provisions of the Code of Administrative Procedure, though sometimes require clarification, protect sufficiently the sides' possibility of doing things in a reasonable and appropriate time limits, and the authorities conducting the individual cases in public administration discipline for efficient and effective operations.

In the procedure of the granting benefits what is also important are issues concerning the limits of the use of personal data of people on social assistance, as indicated in article *Limits of the Prohibition of Using Personal Data of Social Assistance Beneficiaries*, Studies

in *Logic, Grammar and Rhetoric* 2013, no. 32(45), p. 123- 137. The analysis led to the conclusion that the applicable law in this area (which is the Law on social assistance) and the law on the protection of personal data may well serve beneficiaries.

What is relevant are procedural issues relating to administrative fines provided for in the Law on Social Assistance which I analyzed in the study *Administrative Pecuniary Penalties as an Example of Sanctions in the Law on Social Welfare*, in: *Legal sanctions: theoretical and practical aspects in Poland and the Czech Republic*, edited by Mariusz Popławski and Dana Sramkova, Brno, 2008, p. 52- 57).⁵ Administrative penalties are disciplines of controlled entities. They fill the preventive function, preventing the common practice of conducting institutions of social assistance without a permission required by law. I have argued that the right to social assistance for the imposition of fines is transparent, although there are some difficulties in its application (eg. In determining the obliged entity). In my opinion, in the future, it will be the general provisions of administrative law that will be able to afford a more prudent and flexible use of administrative sanctions, also in the sphere of social assistance.

Despite the fact that a significant portion of social assistance benefits for people (families) in difficult life situations is granted on the basis of an administrative decision, there are more and more benefits being realized sometimes by agreements and actual actions. What is important in social assistance, in addition to administrative and legal relations are relationships governed by civil law. The agreement may be used in a dual role, both as a form and an instrument of the administration of social assistance, which was noted in the two publications *Agreements in actions of administration of social assistance*, in: *Agreements in administration*, ed. J. Boć, L. Dziewięcka-Bokun, Kolonia Limited, Wrocław 2008, p. 345-355 oraz *Civil-law agreement with recipients in the actions of administration of social assistance*, in: *Interdependence of research disciplines in the sphere of public administration*, ed. S. Wrzosek, M. Domagała, J. Izdebski, T. Stanisławski, C.H.Beck, Warsaw 2010, p. 99-112. We can extract the implementing agreements involving the commissioning of public tasks for non-public entities. The specificity of the agreement as a form of public administration's activities, is dictated by the fact that a public authority uses an agreement in order to perform their public duties. We should also mention various agreements with the beneficiaries (eg. on the child care, the provision of material or monetary aid by the

⁵ The publication is the result of cooperation between the Faculties of Law of the University of Białystok and Masaryk University in Brno.

municipality, or social contracts, which are an important instrument of social work and the example of the so-called conditional aid). I have shown that the contracts concluded by the administration the social assistance with the beneficiaries are not uniform and were regulated by both civil law and administrative law, and the degree of interference of administrative law in the content of the agreement is varied.

I determined that the use of civil law contracts in the activities of the administration of social assistance often becomes more rational and effective than the use of power. Although the essence of civil law contracts, to serve the administration of social assistance for the implementation of public tasks, is such that they have to be modified by the provisions of the administrative substantive law in the area of social welfare. More and more one-sided situation of a pupil, as a subordinated entity, becomes a bilateral, liability and negotiating relationship, but not without control of the administrative court. Due to the fact that there have been not introduced the institution of administrative agreement (replacing an issue of an administrative act) the Polish legal regulations, it is a social assistance that is implemented in the form of an administrative decision, contracts of civil law and the actions of fact.

Summary and conclusions

The functioning of social assistance can be put into the framework of the system, which consists of the following elements: the apparatus administering of social assistance made up of the organs of public administration (including specialized service with social workers at the forefront of the direct executors of tasks in the sphere of social assistance) and non-public bodies. An important element of the system is dynamic, diverse and co-existing benefits (both tangible and intangible) determining the specificity of the tasks in this regard. In the published texts I have proved that what is important to the functioning of the social assistance are both the legal framework and axiological foundations – values (especially the dignity and justice) and praxeological basis (especially in the efficiency dimension). I have also noted that any axiological and praxeological basis for the functioning of the institutions of social assistance influence on the content of the law regulating this area of activity of the organs and entities of the public administration and other entities involved in the sphere of public activity, however, in my opinion, it is not sufficient. I gave the analysis of the regulations contained in the law on social assistance as the normative base in the sphere of social assistance, including legal solutions concerning the cross-sectoral cooperation in the sphere of social assistance, pointing to the need for their improvement, and also using axiological and praxeological basis. I also pointed out to the effects of the lack of statutory regulation of social workers in practical solving the problems of social assistance.

In my view, the social assistance system must contain both stable components (giving a sense of continuity and security), and must be open to new challenges. Such challenges of our reality are put by, inter alia, globalization. Despite the generally increasing level of prosperity, the number of people covered by social assistance benefits does not show a decreasing trend. This is due to relativization of the concept of poverty and expansion of the range of subjective and objective social assistance. Regardless of differences in views on the role of social assistance in the social security system, the conditions for its operation have changed significantly because of the crisis of the welfare state caused by economic, political and social changes in last quarter of the last century, (they still last). There are new ideas for solving social problems, replacing welfare strategies of centralized public system of social assistance, activities of local partners, activation of communities and individuals.

In my terms, implementation of actions in the field of social assistance has – in the established system - three aspects: legal, axiological and praxeological one.

Analysis of the law, doctrinal views and court case law allows us to express some general reflections, and draw conclusions *de lege lata* and *de lege ferenda*.

General Reflections:

- The diversity of the tasks facing the administration of social assistance, their specificity (especially the dynamism) require different forms of activity regulated by law. They are complex and have a multifaceted dimension. The axiological and praxeological basis for social assistance are indicated in the context of the law, and they affect the content of the right to social assistance.
- The specificity of tasks faced by administration of social assistance usually require the use of the forms of power nature, which have been examined in detail by the doctrine and judicature. Bilateral legal forms of administration activity are also useful for performing the administration's public duties. They may condition a decision in the case of the social contract. In the Polish legal system there is no general authorization for public administrations to conclude contracts, though in practice they are concluded and their importance is increasing. Agreement has as its objective the improvement of the process of administration. They foster social participation. The legal basis for the conclusion is found in many laws of social assistance, which is an advantage and allows for more free formation of rights and obligations. This freedom is limited when one of the sides of the contract is a public authority. On the basis of Polish law of social assistance, the form of an administrative decision is often intertwined with the agreement, which in practice - as rightly pointed out in the doctrine - raises problems of interpretation. Despite this, it

seems that the agreement will never replace and completely supplant the administrative decision.

- The range of tasks from the sphere of social assistance is modified, but not reduced. "Moving" social assistance tasks to the area of competence of local self-government favors raising the effectiveness of social assistance, better use of financial resources and rapid response to emerging difficult life situation. The law gives us the ability to perform tasks of public by non-public bodies, but not includes them structurally in the sphere of public administration. They represent the entities of social assistance in terms of functionality. Allowing non-public bodies to carry out a public task does not change their legal status. They represent the administration only in the functional sense. In terms of task (material) non-public bodies are mainly engaged in the performance of care services, although the commission can cover a broader scope.
- The multitude of administrative entities in the area of social assistance is inevitable, but there will still remain a great need and a huge area of performance of "public mission" by the state authorities. The structure of administration of social assistance is not constant and is subject to constant changes (they relate to mainly transformations in the field of organ functioning, but also their tasks), and the legislator should seek the most efficient organizational form. A feature of a modern providing administration, including the administration of social assistance, becomes a competition between service providers in the area of social assistance. To carry out the tasks assigned to it by law of the public administration, its structure should be clear and transparent, and the division of competences and tasks - stable.
- In Poland, there were created sufficient frameworks for the activities of social assistance, in accordance with EU standards. What is an evidence of it is the growing role of non-governmental organizations, although the complexity of the solutions in this area makes, in practice, a system of benefits less effective. The whole system of partnerships with the private sector is still at the stage of creation. It is important that the law strictly determine the principle of "sharing" of a state responsibility with non-public bodies. The same legal solutions do not seem to be sufficient. It becomes necessary to change the practice of law. What is important is the formation of appropriate standards of operation in a social mentality (both among members of non-governmental organizations and government employees) so that these skills could be used in using what the legislator created. It is undesirable if in practice there is passivity, or only an apparent cooperation. The marginalization of small organizations can be wrong. It becomes necessary to unificate

laws concerning the principles and procedures of cooperation between public administration and non-governmental organizations.

- The existing law does not provide the citizen instruments that would serve for its protection in the process of privatizing public tasks.
- For the proper functioning of social assistance institutions what is important are not only moral and legal values (eg dignity, justice, etc.), but also its praxeological foundations. Values plays undoubtedly a legitimate role of the "equalizer" of the law in its application. Their inclusion in the process of law-making can contribute to the formation of a rational and "sensitive" law. General principles, both normative and principles-values should be respected in the process of provision of social assistance. They provide the formal protection of the right to social assistance.
- I notice that there was a clear regression in the development of quality of social services, more into the "office" direction rather than the correct "execution" direction of active forms of social work. There is therefore an objective need for a separate law on the social workers which inter alia: would strengthen and clarify the requirements for the qualification and mandatory training for social workers; would identify in detail the tasks and powers of employees outside the organizational units of social assistance (eg. workers employed in hospitals); would introduce a register of social workers; would introduce such legal mechanisms that would give the opportunity to practice in a modern way.

Conclusions *de lege lata*

- The analysis of legal solutions also allows to the conclusion that for many years there is a noticeable tendency to over-transferring tasks of governmental administration to entities of territorial governments, especially municipalities, which was associated with the development of organizational units of social assistance .
- The provisions maintaining responsibility of administration, the impact of government on how to perform tasks require new regulations, into the direction of the common responsibility of entities performing tasks in the field of social assistance.
- The normative regulation of including non-public bodies in the sphere of social assistance, ie delegation of social assistance tasks to non-public entities, called by me socialization (which is a broad privatization) requires ordering and replenishment. The assumption that the public administration is to control rather than to paddle failed in practice. Regulating the order of tasks in the field of social assistance to the non-public

entities and to the private or legal persons are not stable, uniform, and thus it is difficult to use them in practice.

- Social assistance system largely based on the compensation actions the administration of social assistance is not very effective.
- Often changing the law on social assistance causes legal uncertainty in this area and even it includes in its content axiological and praxeological basis, in practice they can become anti-values

Conclusions de lege ferenda

The conducted analysis in many publications show that in the Polish law of social assistance what should be amended are, among others::

- reformulating the purposes of social assistance through: giving advantage to the preventive and activating actions of the administration of social assistance, rather than to the compensation actions, while increasing cross-sectoral cooperation;
- the introduction of a new organizational structure of social assistance at the municipal and the county level, involving, among others, the separation of administrative tasks from performing social work and provision of services;
- the introduction of new forms of social work, eg. in the form of family or group social contracts

To sum up, the carried out analysis show that the social assistance system focused largely on the actions of compensation, and barely focused on preventive measures, may be inefficient. What is needed are the system changes, whose aim is, the first of all, to improve the effectiveness of all entities in the area of social assistance. Administrative law is to serve for the good of the individual. The attributes the law of social assistance should be decency and respect for the man. In the process of creating that law what must be seen in that is sensitivity in the approach to an individual human destiny. In a democratic state institutions provided for by the law are particularly obliged to serve each individual, and the more it the person is poor, or sick, or socially excluded. Shifting the tasks to non-public bodies in the field of social assistance appears to be entirely necessary. What is also inevitable is a growth of importance of not powerful forms of the administration, in terms of civil law contracts, public law contracts and real actions. From the point of view of the beneficiary what is crucial is the legal certainty in this area and the existence of real instruments of state responsibility for the assistance activity.

In the course of my academic work, after having obtained a doctoral degree, there appeared more than a hundred works of my authorship and co-authorship (ministerial score - 269 points), including 11 in foreign languages (Annex no. 4), published in the country and abroad as separate parts in the collective studies and as articles in national and international journals. Currently I am waiting for the publication of seven studies (Annex no. 4).

I published two articles in a journal *Studies in Logic, Grammar and Rhetoric* from the list of scientific journals ERIH: *Interpretation of the principle of subsidiarity in the right of the law on social assistance of 12 March 2004*, *Studies in Logic, Grammar and Rhetoric* 2011, no. 26 (39) p. 147-161 and *Limits of the Prohibition of Using Personal Data of Social Assistance Beneficiaries*, *Studies in Logic, Grammar and Rhetoric* 2013, no. 32(45) 2013, p. 123- 137, which are included in the cycle placed for evaluation. The number of citations of my publications by the database Web of Science (WoS) is 1, and the index Hirsch – 3.

I would like to point out that my scientific activity (publications, participation in conferences, symposia and scientific meetings) is not only a national project, but also the international one. It manifested itself through the participation in international scientific conferences held in Poland and abroad (a total of 23, at which I proclaimed 3 papers (Annex no. 5). I made the 4 publications for post-conference studies, which are separate parts of the collective works in English and French (annex 4), also contained in the cycle to be evaluated, among other scientific achievements. I also published the articles in scoring foreign journals in Slovenia, Lithuania and Ukraine, which were, inter alia, the crowning finish of scientific contacts with employees of Mykolas Romeris University and Kyiv National Taras Shevchenko University. I also applied for publishing of my works in other foreign journals and after having received a positive review my two articles were published in Ukraine and Slovenia (Annex 4).

My article (Miruč, A. (2010), *Efficiency of Public Administration - Selected Problems*, *Slovenian Law Review*, Vol. 7, No. 1-2, pp. 115-123) was mentioned and quoted in a publication by B. Veleđar, M. Bašić, J. Kapić (University of Sarajevo, School of Economics and Business, Bosnia and Herzegovina, *Performance Measurement in Public Sector of Transition Countries*, *Business Systems Research Journal*_2014, vol. 5, no. 2, p.72-83 inter alia on the page 74. This article and a brief reference to its content were placed in the bibliography on organizational efficiency, (available on the Internet(written in Quebec in February 2013.

To my scientific works Stanisław Nitecki and Iwona Sierpowska referred in their post-doctoral monographs. The following publications (A. Miruć, *The essence of social assistance*, Administracja. Teoria. Dydaktyka. Praktyka 2006, no. 4 (5), p. 20- 42 and A. Miruć, J. Radwanowicz, *General principles of social assistance in the jurisprudence of the Supreme Administrative Court*, in: *Polish model of administrative justice*, ed. J. Stelmasiak, J. Niczyporuk, S. Fundowicz, Verba Publishing House, Lublin 2003, p.235-242) They were in fact reflected in the habilitation monograph of Stanisław Nitecki – *The right to social assistance in the Polish law system*, Warsaw 2008 (inter alia pages: .17, 22, 24, 90-91,) and of Iwona Sierpowska - *Social assistance as the administration of provision. Study of administrative law*, Warsaw 2012 (A. Miruć, *Agreements in actions of administration of social assistance*, in: *Agreements in administration*, ed. J. Boć, L. Dziewięcka-Bokun, Kolonia Limited, Wrocław 2008, p. 345- 355; A. Miruć, *Multiplicity of administering bodies*, in: *New research problems in the theory of administrative law*, ed. J. Boć, A. Chajbowicz, Kolonia Limited Wrocław 2009, p. 335- 349; A. Miruć, *Administration of provision in Poland as a main area of actions of public administration*, in: *Territorial self-government in Poland and in Europe – experiences and dilemmas of further development*, ed. J. Sługocki, Kujawy and Pomorze University Publishing House, Bydgoszcz 2009, p. 217- 228. The author does it on the pages: 334, 278 i 193.

The effects of my research have been recognized also by Wojciech Maciejko in the publication - *Social assistance institutions*, Warsaw 2009, p. 118, and others (A. Miruć, *The essence of social assistance*, Administracja. Teoria. Dydaktyka. Praktyka 2006, no. 4 (5), p. 20- 42, A. Miruć, *Agreements in actions of administration of social assistance*, in: *Agreements in administration*, ed. J. Boć, L. Dziewięcka-Bokun, Kolonia Limited, Wrocław 2008, p. 345- 355; A. Miruć, *Social worker – a profession of public tasks?*, Administracja. Teoria. Dydaktyka. Praktyka 2007, no. 2 (7), p. 84- 105). Dominika Cendrowicz in her article *From welfare to social assistance*, in: *Welfare Administration*, ed. M Szreniawski, Lublin 2015, pp. 51-65 refers repeatedly to my publications (inter alia. A. Miruć, *The essence of social assistance*, Administracja. Teoria. Dydaktyka. Praktyka 2006, no. 4 (5), p. 20- 42 and A. Miruć, *The subsidiarity principle in the social assistance law*, Administracja. Teoria. Dydaktyka. Praktyka 2008, no. 3(12), p. 26- 41). She does it on the pages: 59, 63 i 64.

What is also frequently mentioned and quoted in literature is my article *Public-private partnership as a way of implementation of public tasks*, in: *Concept of the system of administrative law*, ed. J. Zimmermann, Wolters Kluwer, Warsaw 2007, p. 473- 489 (inter alia M. Kania, *Position of entities of public administrations in the contract of public-private*

partnership, Disputatio, vol.12, p. 84, A. Borkowski, *Legal interest and a public-private partnership*, in: *Legal aspects of privatization*, ed. J. Blicharz, Wrocław 2012, p. 454-455, or Ż. Skrenty, *Public-private partnership as a kind of privatization and how to implement the tasks of entities of territorial self-government*, Studia Lubuskie 2010, vol. VI, p.261, 263, 265, 266).

5. Other achievements of scientific research:

A. Areas of scientific interests and achievements in this area

My research interests in the field of legal sciences are related to matters of the administrative law and the science of administration. What has a special place is the issue of the legal system of social assistance in Poland. Therefore, in the evaluation cycle the matter concerning the legal, axiological and praxeological foundations of the administration of social assistance was presented. Furthermore, in the area of my research, there are the topics of the area of education law and higher education law, territorial government law, as well as other issues of government, substantive and procedural in administrative law. What was the subject of my considerations were also problems of the axiology of administrative law and the science of administration.

What constitutes an important part of my scientific publications are the publications related to education law and higher education law. One of the problems of modern education law in Poland is to determine the subjective and objective scope of compulsory education and the obligation of education (A. Miruć, *Compulsory education and compulsory education in the Polish educational law-selected issues*, in: *Contemporary Problems of education law*, ed. M. Pyter, Lublin 2009, p. 91- 105). The considerations in the above-mentioned article was a voice in the discussion, especially in the context of the interchangeability of the two terms by the legislature and the controversies on how to perform these duties. I put the analyses concerning compulsory education into a different education system in England and Wales (A. Miruć, *Education system in England and Wales: selected issues*, *Administrativne Pravo i Proces* 2014, no. 1 (7), p. 285-293). Another institution of educational law in Poland, pedagogical supervision are the essential elements of the smooth functioning of the Polish system of education (*Pedagogical supervision in education-Selected Issues*, *Administracja Publiczna* 2010, no. 2(16), p. 149-158) . It should be also noted that the functioning of schools and educational institutions is impossible without their own bodies both of a mandatory nature and of an optional nature, managing them directly to determine their efficiency and effectiveness (A. Miruć *The own organs managing the school or educational institution*,

Administracja Publiczna 2011, no. 1(17), p. 55-66). Educational law applicable in Poland shows mainly entities of territorial governments as entities responsible for setting up and running of schools and public institutions (A. Miruć, *Founding and managing schools and education institutions as a task for local Government units: legal aspects*, Public Policy and Administration 2010, no. 34, p. 97- 106). In the publication of my authorship entitled *Financing of the task of municipalities in the field of education* in: *Financing on municipal territorial governments* ed. D. Hałaburda, Wydawnictwo Wyższej Szkoły Ekonomicznej, Białystok 2008, p. 79- 89 I expressed the view that it becomes necessary to construct uniform standards of education financing, determining the amount of subsidies for education, and the equitable distribution of funds among different local governments.

In one of the articles there was noted that the amendment of the *Law on Higher Education* has not resulted in reduction of regulations related to governing higher education, and even increased them (A. Budnik, A. Miruć, *The autonomy of higher education institutions in the light of the provisions of the Law on Higher Education*, in: *The inflation of administrative law*, ed. PJ Suwaj, Wolters Kluwer, Warsaw 2012, pp. 207- 225). On the one hand, universities received more freedom in creating their own educational programs, because they are not tied to any standards of education. On the other hand, there are more requirements related to the control of the quality of education.

In my publications I also analyzed the problems concerning the functioning of the local government, during the administrative procedure, axiology of administrative law, as well as the science of administration.

In the sphere of issues related to a territorial government there are:

- the role of legislative initiative of the citizens in the implementation of their subjectivity (A. Miruć, *Citizens' Legislative Initiative*, Samorząd Terytorialny 2010 No. 1-2, pp. 31- 38). In the study there was noted that in practice the statutes of cities, municipalities and auxiliary entities rarely include rules of the procedure of citizens' legislative initiative; I also refer to the selected statuses of cities and municipalities regulating the issues of the rules and procedures of giving citizens' legislative initiative;
- civil society and inter-sectoral cooperation in selected European countries (A. Miruć, *Civil society and the quality of life of citizens* in: *The quality of public administration and the quality of life of society - selected legal and social aspects*, ed. E. Jasiuk, Wydawnictwo Wyższej Szkoły Handlowej, Radom 2012, p. 379- 399; A. Miruć, *Civil society in uniting Europe (selected issues)*, in: *Internationalization of public administration*, ed. J. Pośluszny, Z. Czarnik, L. Zukowski, Wolters Kluwer, Warsaw 2015 pp. 122-134; A. Miruć, *Co-*

operation of public administration with the society on the example of the UK, Sweden, France and the Czech Republic (selected issues), in: *The public mission - Community | A State.. Studies on law and administration. The book dedicated to the memory of Professor Michał Kulesza*, volume II, ed. A. Mednis, Presscom Publisher, Wrocław 2016, pp. 417-428). These articles showed complexity and multidimensionality of the processes of shaping the various aspects of civil activity; I have shown a relationship between the organization of social life by the state and quality of life of citizens.

An important area of my research is related to selected issues of process problems related to:

- restrictions on the participation of entities of territorial governments in the proceedings before administrative courts (A. Budnik, A. Miruć, *Restrictions on participation of entities of territorial governments in the proceedings before administrative courts*, in: *Legal problems of territorial government from the perspective of 25 years of its operation*,
- the evaluation of a model of settlements of disputes on concluding a contract for being connected to the network, pending between entrepreneurs applying for connection of a wind farm (A. Miruć, E. Stefańska, *Legal character and principles of judicial review of the decision of the President of the Energy Regulatory Office on the issues related to a refusal to connect to the network on an example of wind farms*, *Białostockie Studia Prawnicze* 2013 part.14, pp. 85-100);
- consultative activities of public administration under the laws of the code of administrative procedure (A. Miruć, A. Budnik, *Consultative activities of public administration under the laws the Code of Administrative Procedure*, in: *The theory of the institution of administrative law. Commemorative book of Professor Jerzy Stefan Langrod*, ed. J. Niczyporuk, Polish Academy of Sciences, Paris 2011, p. 535 -549); In the study what was highlighted was that the theoretical structure of cooperation covers such varied legal forms that there may be doubts whether this is actually a legal institution; within this structure there are both forms of co-decision on the content of an administrative decision by the declaration of intent, of at least two bodies of public administration, and non-binding consulting.
- defining the legal nature and role of the institution of complaints and petitions as a means to combat inactivity of administrative bodies (A. Miruć, *Requêtes et plaintes selon les procédures du code administratif à la lumière de la doctrine et de la*

jurisprudence des tribunaux administratifs, in: *Les problemes theoriques de la science administrative*, ed: J.Niczyporuk, Bruxelles-Paris 2012, s. 275- 289); made in this study analysis suggests that the rights of complainants and requests were formally guaranteed by law, but their effectiveness is limited in practice;

- problems of administrative enforcement, including general rules permitting the enforcement authority for the use of such a painful for the liable enforcement tool, which is the direct coercion only to the extent and in such situations, where it is really necessary (A. Miruć, J. Radwanowicz, *Protection of an individual against the use of direct coercion in the light of the general rules of enforcement proceedings in administration*, in: *Legal guarantees for the protection of an individual rights in regard to public administration activities*, ed. E. Ura, Publisher Mitel, Rzeszów 2002, pp. 437-442); in another article I pay attention to the legal nature and the role of the executive title as a basis for initiating of administrative enforcement, and not an administrative act, and I draw the statutory requirements as to its content (A. Miruć, J. Maćkowiak, *The executive title in the administrative enforcement proceedings*, in *The administrative system of enforcement*, ed. J. Niczyporuk, S. Fundowicz, J. Radwanowicz, C.H.Beck, Warsaw 2004, p. 255 a 248;
- mediation proceedings before the administrative courts; in publications on this subject I made the analysis, primarily disputes concerning mediation in proceedings before administrative courts, including the position of mediator (A. Miruć, *Mediator in proceedings before administrative courts*, in *Arbitration and mediation. Practical aspects of the legislation*, ed. J. Olszewski, Poligraphy of the Seminary, Rzeszów 2007, p. 189-198) and initiating mediation proceedings before administrative courts (A. Miruć, *The initiation of mediation procedure in proceedings before administrative courts*, in *Arbitration and mediation. Current problems of the theory and practice of functioning of arbitration courts and mediation centers*, ed. J. Olszewski, Publisher TNOiK, Rzeszów 2009, pp. 249- 261). Organizational aspect of mediation, and concerning the position of a mediator in the proceedings before the administrative courts is a questionable doctrine. The mediator (a judge, or a court), whose frameworks are defined by the law has to play a difficult role.⁶ The study indicated the possibility of entrusting the mediator's function to entities located outside the structure of administrative and - as Z. Kmiecik states -

⁶ Removing the duty of "mediating" from judges and clerks of court, mediation would cease to be a controversial institution in this sphere. When it comes to initiating a mediation procedure, it should be noted that some issues raise doubts, for example the application deadline.

regulating the issues relating to mediation by incorporating these solutions to the Code of Administrative Procedure. And when it comes to initiating of a mediation procedure, it should be noted that some issues raise doubts, for example the application deadline.

Several of my publications not included in the cycle to assess concerned axiology of law, in particular - administrative law (A. Breczko, A. Miruć, „*Ius es ars boni et aequi*”, so *About highly esteemed values in the law*, in: *Studies and sketches of public law: The book dedicated to the memory of Professor Eugeniusz Smoktunowicz*, ed. A. Nowakowski, Rzeszów 2008, p. 29-45; A. Breczko, A. Miruć, *Legal and non-legal considerations of performing medical professions in Poland*, *Administracja Publiczna* 2006, no. 1 (7), pp. 239-253). In the first of them what was noted was the problem of inflation of the legal terms, the separation of law from the aim, whom it should serve, its alienation and not realization of highly regarded values. In another study, on the example of the medical profession (it can also be related to the profession of social worker) it was indicated that the standard codes of ethics of moral system constituting an independent from law normative system, but connected to the legal system, by, among others, content and functions. Codes of ethics particularize a statutory matter and specify the behavior in specific situations. Their solutions are intended to be used to resolve conflicts and integrate a profession, contribute to fairness, honesty and professional conscientiousness, and sense of responsibility.

Another mainstream of research includes issues of science administration, in particular relating to the administrative organization and on bureaucracy (A. Miruć, *Bureaucracy and bureaucratism*, in: *Bureaucracy*, ed. J. Łukasiewicz, RS Druk, Rzeszów 2006, p. 409-417; A. Miruć, *Remarks about bureaucracy*, in: *Organization, management and financing of the state administration*, ed. J. Sikorski, J. Borowski, University of Białystok Publishing House, Białystok 2006, p. 153- 165). In the publications on these issues, it is my opinion that it would be good to introduce solutions close to adhocracy, in which the structures are characterized by, inter alia flexibility, variability, a significant role of knowledge and ingenuity, entrepreneurship, computerization. They are therefore more suited to the needs of the modern world, than the bureaucracy understood in the classical way. In my opinion it is also important to analyze the relationship between the administrative police and the organs of non-combined administration allow for more detailed explanation of these concepts (A. Miruć, J. Maćkowiak, *The administrative police and the organs of non-combined administration*, ed. J. Łukasiewicz, Mitel Publishing House, Rzeszów 2004, p. 251- 259) and the analysis of the principle of specialization in public administration, which in Polish literature was primarily seen in the context of local administration. In the study what was pointed out was the need to limiting the

specialization within the administration on the central level and the assessment of administrative structures (A. Miruć, J. Maćkowiak, *Implementation of the principle of specialization in the administration on the central level (selected issues)*, in: *An individual, state, administration - a new dimension*, ed. E. Ura, Rzeszów 2004, p. 293-304).

In addition, in order to show the contemporary dimension of social assistance in the activities of public administration in the two articles I brought closer an institution of social assistance from the historical perspective in Poland and in modern Europe (A. Miruć, *Social assistance in postwar Poland - until the entry into force of the Act of 29 November 1990. On social assistance*, *Administracja. Teoria. Dydaktyka. Praktyka* 2009, no. 2(15), p. 33-52; A. Miruć, *Social assistance in modern European and Polish lands until the outbreak of World War II*, *Administracja Publiczna* 2009, no. 1(13), p. 95-102).

I am also a co-author of the publications, which were created and published yet in terms of the Act of 29 November 1990 on social assistance (A. Miruć, J. Radwanowicz, *General principles of social assistance in the jurisprudence of the Supreme Administrative Court*, in: *Polish model of administrative justice*, ed. J. Stelmasiak, J. Niczyporuk, S. Fundowicz, Wydawnictwo Verba, Lublin 2003, s. 235-242 and A. Miruć, J. Maćkowiak, *The administration of social assistance in Poland*, in: *An individual in a democratic state of law*, ed. J. Filipek, Wydawnictwo Wyższej Szkoły Administracji, Bielsko-Biała 2003, p. 425-439). I am the author or co-author of other studies on social assistance institutions which is an important trend of research and is not included in the cycle: *Process protection of the right to social assistance*, in: *An individual and a state over the centuries*, ed. J. Radwanowicz-Wanczewska, P. Niczyporuk, K. Kuźmich, Temida 2, Białystok 2008, p. 192-207, *Place of social assistance in the social security system*, *Administracja Publiczna* 2008, no. 1(10), s.184- 191, *Recognition in the procedure of granting social assistance - selected issues* in: *Methodology of work in the Student Legal Clinic*, ed. I. Kraśnicka, C.H.Beck, Warsaw 2009, s. 550- 559, *General principles of the Code of Administrative procedure of granting social assistance*, in: *Codification of administrative proceeding for 50th anniversary of adoption of the Code of Administrative procedure*, ed. J. Niczyporuk, Wydawnictwo Wyższej Szkoły Przedsiębiorczości i Administracji, Lublin 2010, p. 533- 543, *Many children – a dysfunction of social assistance (selected issues)*, *Administracja. Teoria. Dydaktyka. Praktyka* 2011, no. 1(22), s. 21-35, *Local law in the sphere of social assistance* in: *Functioning of a territorial government in Poland*, ed. P. Pietrasz, K. Gawrońska, D. Kościuk, J. Kulikowska-Kulesza, M. Perkowska, Oficyna Wydawnicza ASPRA, Warsaw- Białystok 2012, p. 97-109.

B. Other publications:

- I am the author of approx. 100 headwords to the Great Encyclopedia of Law, ed. B. Hołyst and E. Smoktunowicz, signed with initials A.M., edition 2, Prawo i Praktyka Gospodarcza Publishing House, Warsaw 2005;
- I have written 5 reviews of monographs by: H.Szurgacz, I. Sierpowska, S. Nitecki, W. Maciejko, M. Wincenciak (*the list in the annex no.4*).

C. The academic supervision of the monography:

- *The quality of administrative law, volume 1*, ed. D.R. Kijowski, A. Miruć, A. Suławko-Karetko, Wolters Kluwer, Warsaw 2012; pp.706.
- *Rational legislator, Rational Administration*, ed. D.R. Kijowski, A. Miruć, A. Budnik, Temida 2, Białystok 2016, pp.541.

D. Participation in scientific conferences:

I presented the results of my scientific work at international and national conferences. After having obtained the degree of Doctor of Laws I participated in 62 scientific conferences, usually actively: presenting papers, taking parts in a discussions or providing articles for post-conference publications (the list of conferences in Annex 5). I was also a co-organizer of an international conference in 2009 on *Pathologies in the administration*, the Congress of Departments of Administrative Law and Administrative Procedure in 2012 and the Scientific Symposium *Rational legislator and rational administration*, on the tenth anniversary of the death of Professor Eugeniusz Smoktunowicz in 2015., crowned by publication *Rational legislator. Rational administration*, edited by D.R. Kijowski, A. Miruć, A. Budnik, Temida 2, Białystok 2016 and giving the name of Professor Eugeniusz Smoktunowicz to one of the classrooms at the Faculty of Law, University of Białystok. In addition, I wrote an article for the Memorial Book of Professor Michał Kulesza, which was published in 2016. I prepared the articles on the occasion of Jubilees of Professor Małgorzata Stahl and Professor Adam Jamróz, which will take place in 2017.

List of conferences, detailing the international and national conferences, on which I presented papers I put in *Annex 5*. In *Annex 4* I put a list of publications after having obtained a doctoral degree.

E. Application of research results in practice

I participated in the development of 4 programs related to social assistance and family policy in the Podlaskie Region for 2009-2013 at the request of the Regional Centre for Social Policy, which have been published and implemented together with: E. Rajewska-Nikonowicz,

K. Dębowska, D. Perło, C. Sadowska- Snarska, E. Jasińska, A. Solińska, E. Gołaszewska and K. Jakimiuk: *Programme for Prevention of Alcohol-related Problems in the Podlaskie Region in 2009-2013*, Białystok, 2009, p. 59; *Programme for Drug Prevention in the Podlaskie Region in 2009-2013*, Białystok 2009, p. 51; *Programme in the field of social assistance and family policy in the Podlaskie Region in 2009-2013*; Białystok 2009, p. 80; *Programme for the improvement of social and professional life of people with disabilities in the Podlaskie Region in 2009-2013*, Białystok 2009, p. 83.

F. Other scientific activity:

- Reviewing the application for the competition of the National Centre of Science (August 2014) on the basis of the contract no. 12369 of 2014 on preparing written evaluations of applications in the competitions of the National Center of Science and the transfer of copyrights;
- Participation in the work of a team consisting of representatives of Cardinal Stefan Wyszyński University in Warsaw, University of Białystok and the University of Economics in Cracow in order to prepare a grant application to the National Center of Science under the supervision of dr Radosław Mędrzycki (Cardinal Stefan Wyszyński University in Warsaw), entitled *New forms of homelessness prevention*;
- Participation in the work of the Scientific Team for the Environmental Law and Renewable Energy;
- Since 2016 – a reviewer in the scientific journal, punctuated - Social Economy, published by the University of Economics in Krakow and the Malopolska School of Public Administration (from 2015- 7 points in MNiSW)

The information about my didactic and organization achievements, as well as co-operation with institutions, organizations and scientific societies and activities popularizing science I present in the *Annex No. 7* of my self-presentation.

Alicja Mined