

Appealability of administrative courts judgments – description for the general public

The aim of the project is to assess the existing appealability model of administrative court judgments in scope of legal, sociological and economic point of view and propose amendments taking into account the expectations of individual entities as well as the financial and judicial capacity of the administrative courts system. The research will apply to issues related to the definition, normative sources, functions, as well as the reconstruction of ways of understanding appealability among people involved in court proceedings and factors affecting the effectiveness of the current appeal model of administrative courts in Poland.

From the sociological point of view, the main aim of the research is to determine the way of understanding the current model and postulated models of appealing of judgments in the course of administrative courts proceeding, in the social reality. In economic studies, the law and the practice of their application will be the starting point for an analysis of the effectiveness of the adopted model of remedies from the organizational point of view.

The obtained results will be used to verify the determinants established in science of defining the concept of appealability and their reference to the specificity of the administration of justice performed by administrative courts. Relying only on the sources of science from other court procedures is not in compliance with the specificity of the court-administrative process, which requires a separate attention consisting, in particular, in the development of an adequate concepts based on the observed functioning of the administrative judiciary.

The presented research problems, being a combination of constitutional, structural and procedural issues, have not been considered in the study of court-administrative proceedings. Being in force in the legal system for almost 15 years, the model of this procedure is still under development. It is necessary to create a theoretical foundation for the adopted solutions. Planned research will contribute to the enrichment of the concepts of complaints for the purpose of science the court-administrative proceedings. These will include areas that were previously unexplored, such as limitations of the possibility to appeal before administrative courts, the existence of appeals within the horizontal instance, pre-trial and structural relations between the instance of administrative proceedings and the judicial process.

Sociological research will allow for the empirical broadening of the research sphere of the sociology of law and the confrontation of its theoretical assumptions with the practice of functioning of the administrative judiciary in Poland.

The literature of the economic analysis of law (Law & Economics) will be enriched with empirical comparative analysis of the relationship between the normative shape of remedies (the sphere of legal regulations) and the way of the organization and the functioning of the structure which are the administrative courts. It will be explained to what extent the creation of legal institutions determines the functioning of courts of second instance in terms of their efficiency and effectiveness.

As a part of the planned research project, the issue of the appealability of administrative court judgments will be considered in a comprehensive and interdisciplinary way, starting from the analysis of the concept of appeals and the course of court instances, by understanding this term in the other selected countries, taking into account the sociological and economic dimension of appeals.