

Administrative courts deal with controlling public administration, i.e. resolving disputes between individuals (including citizens) and public administration bodies. Thus, they are authorities that settle disputes in which another authority is one of the parties. For this reason, it is important that an individual whose case comes before such a court should believe in the possibility of receiving a just decision - they should trust the administrative court.

The aim of this project is to develop a theoretical basis for legal regulations affecting trust in administrative courts, including proposals for normative changes. This analysis is aimed at searching for the legal nature of selected institutions and their potential to increase the trust of individuals towards administrative judiciary. It will also address issues of a more elementary nature, especially those related to what trust towards courts actually is in the light of the Polish and French Constitutions and the international law.

The problem of trust towards courts is the subject of statistical research in particular. Scientific analyses of a normative character aimed at presenting concrete proposals of a procedural nature that can remedy the current situation are only developing in Poland. In France, on the other hand, the legislator is already introducing concrete legal solutions in this area, but the success of these efforts is still uncertain. The novelty of this project lies in its complexity, interdisciplinary character, and international orientation. Its aim is not only to critically examine current laws, but also to reflect on specific legal institutions and their image in different legal orders, taking into account their benefits and risks and their applicability in Poland and France. The proposed analysis has not only legal dimension, but also economic (it includes provisions of the impact of proposed changes on the conduct of court proceedings and on the level of trust towards courts) and sociological (it concerns the evaluation stage).

The choice of the Polish and French legal systems as leading orders results from the fact that the trust towards courts in both countries has decreased in recent years (in Poland the level of confidence is 40% and in France 55%). Moreover, in the national discussions the topic of crisis of trust towards justice system is present. In the case of administrative courts, this problem is particularly important because they settle disputes between authorities and private entities. These observations lead to the conclusion that Poland and France are in a similar sociopolitical situation in this respect, which is a reason to include them in one study. Moreover, the choice of specifically normative ways of building trust in the courts results from the assumption that its level is not shaped primarily by non-normative factors, including media activity. The court procedure, which unfortunately is not always citizen-friendly and understandable, also shapes the perception of the courts.

The project has an interdisciplinary and international character. It will examine not only Polish and French regulations, but also Swedish, Austrian and British, i.e. European countries where trust towards courts is highest. The analysis will be carried out as a result of familiarization with key normative acts of selected countries, reading of legal literature and case law. For this purpose, the PhD student will conduct foreign library queries and research visits to Sweden, Austria and the United Kingdom (one university and one administrative court per country), as well as complete an internship at the Supreme Administrative Court in Warsaw combined with scientific consultations with the staff of the Faculty of Law and Administration of the University of Warsaw and in the University of Strasbourg. During the internship in Strasbourg the student will also establish contact with the European Court of Human Rights, which has already ruled on trust towards court in court proceedings, as well as with the Council of Europe, whose body is the aforementioned court. The PhD student will examine the following issues: transparency of the proceedings (e.g. the possibility of private recording of the hearing), the way the courts address instructions to the parties to the proceedings, the institution of exclusion of a judge, the course of the proceedings, the role of the judge in the trial, as well as the graphic and linguistic form of the judgments (problem of comprehensibility and precision).

Evaluation of the research will consist of qualitative interviews with judges, quantitative surveys with attorneys and solicitors, as well as internal discussions in the grant realization unit with the participation of invited foreign experts. The doctoral student will also participate in several international scientific conferences.

The results of the conducted works will be published in a dissertation written in English and in two scientific articles published in international journals.