

Subject card

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|--|--|--|----------------------------------|-------------------------------------|------------------------|------------|-----|
| Subject name and code | Enforcement proceedings - lecture, PG_00137944 | | | | | | |
| Field of study | Law | | | | | | |
| Date of commencement of studies | October 2024 | Academic year of realisation of subject | | | 2028/2029 | | |
| Education level | uniform Master's studies | Subject group | | | Optional subject group | | |
| Mode of study | full-time studies | Mode of delivery | | | at the university | | |
| Year of study | 5 | Language of instruction | | | Polish | | |
| Semester of study | 9 | ECTS credits | | | 3.0 | | |
| Learning profile | academic | Assessment form | | | exam | | |
| Conducting unit | | | | | | | |
| Name and surname of lecturer (lecturers) | Subject supervisor | | mgr Olga Zinkiewicz-Będźmirowska | | | | |
| | Teachers | | | | | | |
| Lesson types | Lesson type | Lecture | Tutorial | Laboratory | Project | Seminar | SUM |
| | Number of study hours | 30.0 | 0.0 | 0.0 | 0.0 | 0.0 | 30 |
| | E-learning hours included: 0.0 | | | | | | |
| Learning activity and number of study hours | Learning activity | Participation in didactic classes included in study plan | | Participation in consultation hours | | Self-study | SUM |
| | Number of study hours | 30 | | 0.0 | | 45.0 | 75 |
| Subject objectives | Imparting elementary knowledge to students about the principles, concepts, and institutions of precautionary and enforcement proceedings, as well as presenting the course of these proceedings. | | | | | | |

| Learning outcomes | Course outcome | Subject outcome | Method of verification |
|-------------------|--|--|--|
| | [PRAWOJ5_UW04] He/she efficiently observes and analyzes moral, ethical and legal dilemmas in professional work | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| | [PRAWOJ5_KR06] He/she behaves in ethical and professional way, follows the principles of ethics | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |
| | [PRAWOJ5_WK11] The graduate has deepened knowledge of the principles of creating and developing basic forms of individual entrepreneurship. | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| | [PRAWOJ5_WK10] He/she understands and knows the basic concepts and principles of industrial property protection and copyright law, as well as understands the need for proper protection of intellectual property and managing its resources | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| | [PRAWOJ5_UW02] The graduate utilizes theoretical knowledge in legal science and the connected academic disciplines to analyze and interpret complex legal issues | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |

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| [PRAWOJ5_UW01] He/she has advanced skills in observation and interpretation of social phenomena, analyzes their connections with various areas, activity of legal science and the related disciplines | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| [PRAWOJ5_WK13] He/she has advanced knowledge of the functioning of professional self-governments in legal professions, is familiar with the principles of judges' and prosecutors' professions, and has knowledge of the organization of the judiciary in Poland. | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| [PRAWOJ5_WK12] He/she has knowledge of occupational health and safety in public administration institutions | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| [PRAWOJ5_KK02] He/she is aware of the necessity to widen professional competences and qualifications, to improve skills, is able to indicate the direction of own development and education independently in widened and deepened way | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |
| [PRAWOJ5_KK01] The graduate is deeply aware of the level of his/her knowledge and skills, and also understands the need of lifelong learning | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |

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| | [PRAWOJ5_UO11] He/she can work well in a team and can coordinate the team's work when solving legal problems, interpreting legal acts, and preparing written or oral opinions on a matter. | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| | [PRAWOJ5_WG08] He/she has deepened knowledge of sources of Polish law, its changes and processes of law formation | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| | [PRAWOJ5_WG07] The graduate knows methods and tools, including techniques of data and information acquisition, as well as research methods appropriate for the field of study and the related disciplines | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| | [PRAWOJ5_WG06] He/she has systematic knowledge about the man as the subject establishing social structures and principles of their operation and about the man as the individual operating in these structures | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| | [PRAWOJ5_WG05] The graduate demonstrates systematic knowledge about the types of legal relations and the governing regularities | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |

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| [PRAWOJ5_UK09] He/she demonstrates wide skills in preparing speeches in the field of law in Polish and foreign language | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| [PRAWOJ5_UK08] The graduate has wide skills to prepare written works connected with the work of a lawyer in Polish and foreign language | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| [PRAWOJ5_WG09] He/she demonstrates deepened and systematic knowledge about the processes of changes of political systems and of individual authorities, as well as the consequences of these changes | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| [PRAWOJ5_UW07] He/she has the skills in understanding and analyzing social phenomena and utilizing this analysis in his/her professional work. | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |

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| [PRAWOJ5_UU12] He/she acquires knowledge efficiently and develops his/her professional skills using various sources (in native and foreign language) and modern technologies | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| [PRAWOJ5_WG04] He/she knows the system of Polish law, mutual connections within the system and connections of Polish law with the European Union law and international law | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| [PRAWOJ5_WG01] The graduate demonstrates deepened and systematic knowledge about the character of legal science, its place in the system of sciences and mutual relations. | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| [PRAWOJ5_KR07] The graduate is ready to take up professional challenges, takes up efforts and is persistent in the implementation of individual and group activities in the creation, application or interpretation of legal regulations and related sciences | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |
| [PRAWOJ5_UW03] The graduate demonstrates deepened skills of using complex theoretical points of view to analyze, interpret and plan strategies of legal activities; solves concrete problems connected with the creation, application and interpretation of legal regulations, anticipates the course of their solution and predicts the effects of planned activities | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |

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| [PRAWOJ5_UW06] The graduate is able to assess the usefulness of typical procedures and good practice in the implementation of tasks connected with various spheres connected with law and related fields | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| [PRAWOJ5_WG02] He/she knows wide terminology and concepts in the scope of law and connected disciplines | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| [PRAWOJ5_KR05] He/she prepares responsibly to his/her work; can determine priorities in work and plan work appropriately | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |
| [PRAWOJ5_UW05] He/she can observe and analyze moral, ethical and legal dilemmas in professional work | The student analyzes the successive stages of judicial precautionary and enforcement proceedings, evaluates the basic institutions of these proceedings and the legal situation of the entities involved, criticizes defective legal regulations in this area, and simultaneously draws conclusions based on formulated statements. The student also drafts procedural documents in judicial precautionary and enforcement proceedings and analyzes the legal situation of the entities involved in these proceedings. | [SU3] text preparation/written work [SU4] test/exam - oral or written |
| [PRAWOJ5_KO04] The graduate is ready to prepare own projects connected with the creation, application and interpretation of legal regulations, including projects co-financed by the European Union's funds | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |

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| | [PRAWOJ5_WG03] He/she demonstrates deepened knowledge about the political system in Poland, about individual authorities with particular consideration of legislative authority and the judiciary, | The student possesses knowledge concerning the issues of precautionary and enforcement proceedings. The student defines concepts from the scope of judicial enforcement and precautionary proceedings, characterizes the principles, and distinguishes the institutions of these proceedings. Simultaneously, the student can list and describe the successive stages of judicial precautionary and enforcement proceedings, with particular emphasis on their effects. | [SW4] test/exam - oral or written [SW3] text preparation/written work |
| | [PRAWOJ5_KO03] He/she is prepared for active participation in groups, organizations and institutions connected with law, is also able to communicate with specialists and non-specialists in the field of law | The student adheres to the principle of respecting the law in their actions, which also means acting in accordance with the letter of the law. The student discusses issues that arise in the context of judicial precautionary and enforcement proceedings, observes the principles of these proceedings, and shows interest in their issues. | [SK3] text preparation/written work [SK4] test/exam - oral or written |
| Subject contents | <ol style="list-style-type: none"> 1. Discussion of the objectives of precautionary proceedings and their connections to other civil proceedings, presentation of the course of these proceedings. 2. Discussion of general issues related to judicial enforcement proceedings, in particular: presentation of the purpose of execution and enforcement proceedings, explanation of the significance of basic concepts, characterization of types of enforcement, the relationship of enforcement proceedings to other proceedings, and indication of the sources of law for enforcement proceedings. 3. General presentation of the principles of enforcement proceedings and discussion of absolute and relative prerequisites for enforcement proceedings with particular attention to the effects that a given prerequisite triggers. 4. Presentation of a brief characterization of the subjects of enforcement proceedings: rights and obligations of enforcement bodies - court and court bailiff, and participants of the proceedings both those interested in its outcome and those solely protecting their rights. 5. Determination of the subject of enforcement depending on its type - enforcement of monetary or non-monetary performances. General presentation of ways of enforcing monetary performances. 6. Explanation and discussion of the concepts "enforcement action" and "action in enforcement proceedings" and presentation of the prerequisites for refraining from taking action, suspension, and discontinuation of proceedings with particular consideration of elements distinguishing these states of proceedings, an introduction to issues concerning the costs of enforcement proceedings. 7. Characterization of legal remedies in enforcement proceedings with particular attention to the most popular, i.e., complaints against the actions of the bailiff and anti-enforcement lawsuits. 8. Protection of the debtor in enforcement proceedings, presentation of regulations containing enforcement limitations, approximation of other than anti-enforcement lawsuits legal remedies available to the parties of the proceedings to protect their rights. 9. Presentation of issues related to the basis of enforcement, definition of the terms "enforcement title" and "enforceability clause", a brief characterization of various enforcement titles, presentation of exceptions allowing enforcement based on enforcement titles alone, without the need for obtaining an enforceability clause, application for initiating enforcement - the entity entitled to initiate enforcement, formal requirements. 10. Discussion of the various ways of enforcing monetary performances both within the competence of the court and the court bailiff, and general presentation of the principles concerning the distribution of the sum obtained from enforcement. 11. Characterization of non-monetary performance enforcement considering its specificity resulting from different subjects of enforcement, detailed determination of the scopes of competence of the court and bailiff in non-monetary performance enforcement. 12. Special types of enforcement: enforcement involving the State Treasury and entrepreneurs, enforcement to eliminate co-ownership through public sale, enforcement of maintenance payments - discussion of characteristic elements. 13. Court supervision over the bailiff - presentation of the rights and obligations of the court and the president of the court in terms of judicial and administrative supervision over the bailiff, supervision measures. 14. Searching for the debtor's assets - rights and obligations of the bailiff and asset disclosure. Presentation of regulations contained in the Code of Civil Procedure and non-code (Act on Court Bailiffs and Enforcement) concerning actions of enforcement bodies and creditors aimed at ensuring the effectiveness of enforcement. 15. Presentation of the status and functioning of court bailiffs in light of regulations contained in the Act on Court Bailiffs and Enforcement. 16. Approximation of issues related to enforcement involving the State Treasury and entrepreneur in relation to the general principles of bankruptcy and restructuring proceedings, explanation of the differences between singular and universal enforcement and the objectives of enforcement and bankruptcy proceedings. | | |

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| Prerequisites and co-requisites | | | |
| Assessment methods and criteria | Subject passing criteria | Passing threshold | Percentage of the final grade |
| | written exam | 51.0% | 100.0% |
| Recommended reading | Basic literature | A. Marciniak, *Sądowe postępowanie egzekucyjne*, Warsaw 2011. Z. Szczurek, *Egzekucja sądowa w sprawach cywilnych*, Sopot 2005 Current commentaries on the Code of Civil Procedure and the acts on court bailiffs and bailiff fees. | |
| | Supplementary literature | J. Derlatka, *Complaint on a Bailiff's Omission to Take Action: Selected Comments de Lege Lata and De Lege Ferenda*, Ius Novum, Oficyna Wydawnicza Wyższej Szkoły Handlu i Prawa im. R. Łazarskiego, 2007-; Vol. 12, No. 1 (2018) | |
| | eResources addresses | | |
| Example issues/ example questions/ tasks being completed | | | |
| Work placement | Not applicable | | |

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