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Title: Postępowanie wyjaśniające prowadzone na podstawie ustawy o odpowiedzialności majątkowej funkcjonariuszy publicznych za rażące naruszenie prawa / Ascertaining procedure conducted on the basis of the Act on financial liability of public officials for gross violation of the law

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Abstract:

Article discusses procedure regulated in the Act of 20 January 2011 on the financial liability of public officials for gross violation of the law. It was noteworthy because it has been formed as a very specific legal structure. This is, among other reasons, because despite the fact that within its framework typically substantive issues are set – i.e. the existence of conditions for financial liability (and in the case of recognition of their existence – this proceedings will result in a civil lawsuit), this procedure is conducted by the public prosecutor and the threat of criminal sanction ensure that the application for its conduct will be submitted. Moreover, the aforementioned Act does not provide detailed regulations regarding the mode of conducting this procedure, what leads to numerous practical problems. Because of the above it was justified to address this issue and make the subject of detailed discussion the problematic key issues emerging on this background, including issue of how to initiate such procedure and evaluation of entrusting the task of conducting it to the prosecutor. There have been also analyzed specific issues related to the course of this procedure and the issue of the admissibility of an independent claim against a public official by the responsible entity.