

**LEGAL STATUS OF MUNICIPAL CEMETERIES IN POLAND - LEGAL AND ADMINISTRATIVE ISSUES**

Summary

The legal order that shapes the burial sphere assigns public administration tasks of considerable importance. Analysis of individual provisions of the act of January 31, 1959 on cemeteries and burying the dead raises more and more questions and ambiguities and seems to be losing its basic value as a source of practical recommendations for cemetery managers. This will be evidenced by the ambiguous administrative and court-administrative jurisprudence, which is labile while the legal status remains unchanged is labile with unchanged legal status. It is connected with contradictory supervisory decisions of voivodes with regard to acts of local law or judgments of administrative courts. The archaic nature of the act on cemeteries and the burial of the deceased does not facilitate the application of its provisions introducing a specific state in which the legal sphere of cemeteries management is often more embedded in customary construction, which displaces legalism in the actions of the cemetery administration towards freedom.

The dissertation covers all issues related to the management of municipal cemeteries, which affect the interdisciplinary nature of this phenomenon, hence its aim is a comprehensive analysis of the legal status of municipal cemeteries. The main research thesis boils down to two issues. First, cemetery is one thing from the most important own tasks of the commune aimed at satisfying the collective needs of the population. Secondly, the implementation of this task is based on an interpenetrating conglomerate of standards in the field of private and administrative law.

The clash of legal and administrative issues with civilian norms causes many difficulties in the application of the burial law. These two spheres intertwine and interpenetrate each other, which often leads to a conflict of powers that are assigned to the management of cemeteries with the rights of entities that have personal rights. Although the purpose of this treatise is first of all, defining issues of a public-law nature however, it is difficult not to assume an attitude to issues that are inextricably linked with the subject of this dissertation, although they relate to

the scope of private law. Hence, the dissertation focuses on the attempt to answer the question is it possible to define the boundary separating the legal and administrative position of the cemetery administrator from the civil rights of natural persons.

Chapter I of this dissertation is devoted to issues related to investment in establishing or extending a municipal cemetery. This part of the study highlights the legal differences related to this issue, with the indication of the basic conceptual matrix and the legal status of the cemetery activities of the commune. Particularly noteworthy is the regulation of the conduct of activities in the field of establishing and running a cemetery, which is embedded in the broadly understood economic law. In addition, the legal requirements related to spatial order and sanitary safety were indicated, which are issues that shape the process of establishing a cemetery. This part also presents an analysis concerning both the process of acquiring real estate intended for the cemetery and the procedure for closing the cemetery.

Chapter II refers to the broadly understood issues of managing the municipal cemetery in two ranges - in the subjective scope and material scope. The principles underlying the functioning of cemeteries were indicated, such as the modes and principles of setting price lists for cemetery services, principles of competitive and antitrust order, regulations of cemeteries. Also presented in this section legal and technical conditions for the management of cemeteries, burial sites and the rules for locating graves. In this context, the specificity of historic cemeteries was also emphasized.

Chapter III deals with the rules of burying the deceased, dealing with corpses, exhumation, re-use of the grave, and types of burial. This segment of considerations places particular emphasis on the content of the relationship between the persons authorized to be buried and the cemetery administration.

Chapter IV defines other issues related to the law of burial, which are of a separate legal nature. It is about the war cemeteries and the graves of veterans of the struggle for freedom and independence of Poland. The issues of graves for animals and other issues relating to the legal and administrative obligations related to the running of cemeteries were also discussed, such as cemetery registers, supervision over compliance with the provisions of the burial law, rules for the protection of personal data.