

Subject card

| | | | | | | | |
|--|--|--|----------------------------------|-------------------------------------|---------|--|-----|
| Subject name and code | SG - CIVIL LAW - Security and enforcement proceedings - lecture, PG_00200353 | | | | | | |
| Field of study | Law | | | | | | |
| Date of commencement of studies | October 2026 | Academic year of realisation of subject | | | | 2030/2031 | |
| Education level | uniform Master's studies | Subject group | | | | Optional subject group Subject group related to scientific research in the field of study | |
| Mode of study | part-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 | 15.0 | 0.0 | 0.0 | 0.0 | 0.0 | 15 |
| | 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 | 15 | | 0.0 | | 60.0 | 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_KO03] is ready to actively participate in entities carrying out professional activities related to law | The student understands the importance of the proper application of securing and enforcement proceedings for the protection of the parties' interests and the effectiveness of the justice system. | [SK1] oral statement/conversation/discussion [SK3] text preparation/written work [SK5] implementation of a problem task [SK8] observation of student's independent or team work |
| | [PRAWOJ5_WG05] identifies in depth the various forms of social life, including the rights and duties of individuals in different contexts, with particular reference to the phenomena of violation of the law and their consequences | The student: - has in-depth knowledge of the rights and obligations of participants in securing and enforcement proceedings; - is able to identify how the institutions of securing and enforcement proceedings operate in specific factual situations. | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW3] text preparation/written work [SW5] implementation of a problem task |
| | [PRAWOJ5_WK09] has an in-depth knowledge of legal institutions and constructions specific to various fields of law, including selected specific areas of law discussed in the course of study | The student understands the importance of the proper application of securing and enforcement proceedings for the protection of the parties' interests and the effectiveness of the justice system. | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW3] text preparation/written work [SW5] implementation of a problem task |
| | [PRAWOJ5_WK10] has an in-depth knowledge of the principles of ethical and appropriate communication in legal and legal language | The student: - is able to formulate oral and written statements in the field of securing and enforcement proceedings in a precise, responsible, and ethically appropriate manner, using correct legal and legal-professional language; - is aware of the importance of clear and professional communication in interactions with the court, enforcement authorities, and participants in the proceedings. | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW3] text preparation/written work [SW5] implementation of a problem task |
| | [PRAWOJ5_UW05] is able to perceive and analyse moral dilemmas, generate solutions and justify the positions adopted | The student: - has knowledge of common ethical and moral dilemmas arising in securing and enforcement proceedings; - understands which values and ethical principles may come into conflict during the use of state enforcement measures and knows the basic ways to resolve such conflicts. | [SU1] oral statement/conversation/discussion [SU3] text preparation/written work [SU4] test/exam - oral or written [SU5] implementation of a problem task [SU8] observation of student's independent or team work |

| 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. | | | | | | | | |
|--|--|---|--|--------------------------|-------------------|-------------------------------|--------------|-------|--------|
| Prerequisites and co-requisites | | | | | | | | | |
| Assessment methods and criteria | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Subject passing criteria</th> <th style="width: 33%;">Passing threshold</th> <th style="width: 33%;">Percentage of the final grade</th> </tr> </thead> <tbody> <tr> <td>written exam</td> <td>51.0%</td> <td>100.0%</td> </tr> </tbody> </table> | | | Subject passing criteria | Passing threshold | Percentage of the final grade | written exam | 51.0% | 100.0% |
| 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 |
|----------------|----------------|

Document generated electronically. Does not require a seal or signature.