

THE LAW *(summaries)*

Tomasz BEKRYCHT

ABOUT LOGICAL VALUE OF LEGAL NORM

(Summary)

The article discusses metalogical issues taking up in jurisprudence and putting a question connected to logical value of legal norms and logical value of the other statements in normative discourse. Its content is an attempt to make these issues from ontological analysis point of view, deals with the legal norm and from speech act theory point of view, showing the necessity of modification existing in literature of the subject linguistic and non-linguistic conceptions of legal norm. The content of the article focuses on analysis truth carries and ontological status of legal norm, simultaneously emphasizing the necessity of distinction between predicative and attributive notion of truth.

Szymon BRYNDZIAK

IS THE PROPERTY VALUE TAX AN OPPORTUNITY TO INCREASE THE INCOME OF LOCAL GOVERNMENT?

(Summary)

The property value tax has been suggested to introduce in Poland for a long time. However, according to different reasons, reform of the taxation of real estate was not introduced till now. In this article the defects of current property tax structure will be shown. What is more, areas that need reforms will also be pointed out. The benefits of tax in a form of *ad valorem* will be shown. The introduction of new tax would be an advantage for local government and would also strengthen its position in the state.

Karolina CHAŁUBEK

REINSTATE OR RE-OPEN A PREPARATORY PROCEEDINGS, WHICH WAS DISCONTINUED IN PHASES OF THE PROCEEDINGS *IN REM* BECAUSE OF ACT OF "REALLY SUSPECT" CONSTITUTED AN INSIGNIFICANT SOCIAL DANGER?

(Summary)

A discontinued preparatory proceedings may be reinstated pursuant to an order issued by the state prosecutor or it may be re-opened. Article 327 of the Code of Criminal Procedure regulated both situation. On the other hand the Code of Criminal Procedure does not indicate which of legal capacities applies, when there are conditions to bring criminal to justice but the previous proceedings was discontinued based on the Article. 17 § 1 point 3 – when act of offender constituted an insignificant social danger. The article focus on this problem, which is important not only in theory but also in practice. As a consequence, will be present arguments both for reinstated as well as re-opened a discontinued preparatory proceedings. Made in the article the analysis phases of the proceedings *in rem* and *in personam* as well as the related concepts of “formal suspect” and “really suspect” will indicate the additional restrictions of resume a discontinued preparatory proceedings.

Anna DOMBSKA

**RESTRICTIONS OF FREEDOM OF THE PRESS
IN THE PEOPLE'S REPUBLIC OF POLAND (PRL)**

(Summary)

During the PRL, the press was treated as a political superstructure, which was an instrument of the ruling party's policy. The achievement was associated with the limitation of freedom of the press and subjecting it to the authority control, which had a wide range of measures to subjugate the press. Measures of the impact on the press can be divided into legal and extralegal. Preventive censorship, which, despite the legal base for action, also benefited from the means unregulated by law, escaped the division of this period. Legal ways of limiting the press had an influence on the content of publications – such as constraints related to the protection of personal rights and repressive censorship or relating to the registration of the press. Extralegal measures of influencing the press focused on the rationing of paper, the editorial policy of human resources and direct control of the content of press releases.

The objective of this work is to present different ways of limiting the freedom of the press and answer the question of their usefulness and the role played by each of them throughout the process of controlling the press.

Katarzyna FIAŁKOWSKA

TAX AND ACCOUNTING AMORTIZATION

(S u m m a r y)

Amortization of assets allows the business to allocate a total amount from each accounting period due to the consumption of fixed assets over time. The useful economic life of the asset is an important factor here, it determinates the years in which the company will be able to produce a return of costs. There are various methods of amortization available but that isn't the reason why depreciation tends to create many difficulties.

The main aim of this article is to discuss the differences and the similarities between amortization done on the basis of tax legislation on one side and accounting on the other. My analysis outlines the most important problems with which most of corporations come in contact when running a company. Amortization is one of the options offered by the legislation which is used to decrease the company's costs. This process takes a lot of practice in interpreting tax regulations and accounting principles. The main problem arises because both tax regulations and accounting regulations require to conduct two different types of records for two different purposes. On one hand, the goal is to fulfil the obligations imposed by corporate incorporate tax. On the other, we are dealing with activities that give us information about the financial situation and development opportunities of the company. A thorough analysis of the rules gives a clear picture of disparity in the regulation of depreciation of fixed and intangible assets. Common practice shows that you can keep records of fixed assets and intangible assets subject to amortization for accounting purposes, and then use that information within the requirements imposed by tax regulations. A well supported plan of ways how to conduct a business can support this thesis. Therefore, a full knowledge of both kinds of regulations as well as experience are necessary. It allows the business to make the most economic decision when it comes to choosing the method or time of amortization etc.

Lena FIAŁKOWSKA

AT DAWN OF CONTRACT LAW. MEANS OF SECURING THE IRREVOCABILITY OF CONTRACTS IN ANCIENT NEAR EASTERN LAW

(S u m m a r y)

The aim of the article is to present ways of securing the irrevocability of a contract, used in ancient Near Eastern law. They can be analyzed mostly on the basis of sale documents, which are the most numerous extant contracts. Usually, claims by the parties themselves, their kith and kin, as well as by third persons are forbidden by so-called irrevocability clauses. Oath, corporal and financial penalties are used separately or jointly to protect the agreement. Although the penalties are sometimes extremely harsh, it does not mean that they were not enforced; in this was the case, they would very quickly lose their preventive force.

Justyna JUREWICZ

THE UNIQUE POSITION OF GENOCIDE BETWEEN CRIMES AGAINST HUMANITY

(Summary)

The article gives a view on the problematic of genocide as the most cruel crime of both international law and internal laws. It shows the evolution of the term: “genocide”, including the draft conventions. There is also a comparison between the elements of genocide and the crimes against humanity in Rome Statute of International Criminal Court. In conclusion it is said, that the difference between the creative elements of genocide and the elements of chosen crimes against humanity (murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, enforced disappearance of persons, the crime of apartheid, other inhuman acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health).

Przemysław KUBIAK

SKETCHES ABOUT ROMAN CRIMINAL LAW – DAMNATION TO GLADIATORIAL GAMES

(Summary)

In Ancient Rome, there was a group of penalties closely connected to gladiatorial games, like damnation to the beasts (*damnatio ad bestias*), damnation to the school of gladiators (*damnatio in ludum*) and, the object of this paper, damnation to gladiatorial games (*damnatio ad gladium ludi*). As it seems, on the basis of very few textual sources, the latter was a kind of death penalty executed in the arena at noon. The condemned were supposed either to kill each other with sword, either be executed by one of them or a professional gladiator. The most interesting however is the form of functioning of this phenomenon. It looks that Roman Criminal Law did not know this penalty, there is only one doubtful legal source, which may refer to it. On the other hand, it is hard to deny its existence – quite a few historical sources confirm, that at noon a number of condemned were killed in the arena. As it seems, there was a variety of forms of executions in Ancient Rome, which took place during the gladiatorial games. They depended mostly on the discretionary power of the organizer of the games and the will of the people. *Damnatio ad gladium ludi* was a collective category for all of them, no matter what the actual sentence stated, whether it was crucifixion, burning alive or other death penalties. In that way, it was possible to present in the arena mythological and historical enactments known from the sources.

Tomasz LACHOWSKI

**THE USE OF “THE RESPONSIBILITY TO PROTECT” DOCTRINE
UNDER THE UNITED NATIONS PREVENTIVE ACTIONS**

(S u m m a r y)

The “post-cold war” world challenges the big issue of new threats to the international security system. Most of them are in connection to the phenomenon of fragile, disintegrated states (known as “failed states”), in which government does not control the state’s territory and deliver political goods to its inhabitants. This situation, when state loses its exclusive right to enforce law on its territory leads to the ongoing internal conflicts generally based on ethnic or religious tensions and threatens the local, regional and, possibly, global security.

The paper looks at the matter of preventive diplomacy as one of the most successful tools in preventing the violent conflicts and mass atrocities. Author emphasises the need of the use of the mechanisms of preventive diplomacy not only enshrined in the Charter of The United Nations (mainly in Chapters VI and VIII of the Charter), but also those that can be described as a “measures to build confidence” among members of international community.

The paper also examines the existence of the new concept of “The Responsibility to Protect” (R2P) within the tools and mechanisms of prevention. R2P is a holistic concept, which includes responsibility to prevent, react and rebuild, what is more, pointing out the primary responsibility of the state to protect its population and stressing that only if state is unwilling or unable to comply with its obligations of protection, the international community shall act in its place.

To conclude, R2P, seen as a historical, new approach of international law, based on the principle that state sovereignty implies responsibility, can become an efficient response to the issue of deadly internal conflicts, especially on the level of prevention.

Krzysztof MULARSKI

**COMPARISON OF LEGAL GUARDIANS APPOINTED ON THE LEGAL BASIS OF THE
POLISH CIVIL CODE – ARTICLE 42. AND THE NATIONAL COURT REGISTER LAW –
ARTICLE 26.**

(S u m m a r y)

The article deals with the relations between legal guardians appointed on the basis of the Polish Civil Code – Article 42. and the National Court Register Law – Article 26. Both guardians are constituted by the register court. First is nominated, when the legal entity cannot be functional, because of the lack in its bodies. Second is nominated only in public and limited liability companies, when the legal entity neglects its duties. As a result, both taken into account legal guardians should be treated as separate, legal institutions. This leads to the conclusion that the above mentioned guardians can act for the legal entity at the same time.

Dagmara SKRZYWANEK-JAWORSKA

**INVALID OBLIGATIONS EX VENDITIONE.
NEC EMPTIO NEC VENDITIO SINE RE QUAE VENEAT POTEST INTELLEGI (D. 18,1,8 PR.)
POMPONIUSA AND IMPOSSIBILIMUM NULLA OBLIGATIO EST CELSUSA (D. 50,17,185)**

(S u m m a r y)

This article is a continuation of the “*Invalid obligations ex stipulatione. The meaning of Impossibilium nulla obligatio est (D. 50,17,185) of Celsus in Roman law*” (Law and Economics Studies, LXXXIII/2011, pp. 205–235). It leans on the similar construction and presents in a polemic way two groups of opinions with reference to invalid obligations *ex venditione*. It shows, similar to invalid obligations *ex stipulatione*, that the adaptation of civil law achievements to the ground of Roman law does not help to understand the concept of initial impossibility in Roman law. Alternative theories on the other hand, which analyse invalid obligations *ex venditione* in relation to the concept of valid formation of contract, put the main meaning to the *regula iuris* of Pomponius: *Nec emptio nec venditio sine re quae veneat potest intellegi* (D. 18,1,8 pr.) and at the same time allow to negate the application of the phrase of Celsus pertaining to obligations *ex venditione*.

THE ECONOMY *(summaries)*

Dorota BURZYŃSKA

PERFORMANCE BUDGET AS A MANAGEMENT TOOL FOR TERRITORIAL SELF-GOVERNMENT UNITS

(Summary)

Performance budget is a tool of modern management in public sector. Implementation of such construction is aimed at improving finance management by linking financial and material aspects of implemented activities with their effects.

The paper presents arguments for and against implementation of performance budget at territorial self-government level.

Tomasz DOROŻYŃSKI
Wojciech URBANIAK

ACTIVITIES OF COMMUNES AND COUNTIES AIMED AT ATTRACTING FDI IN THE VOIVODESHIP OF LODZ

(Summary)

The article was prepared on the basis of the results of a questionnaire survey, the literature of the subject, analysis of national and EU legislation, and regional data from the Central Statistical Office. Interviews were conducted with representatives of nearly a half of local-government units (LGU) in the voivodeship of Lodz. The main aim of this article is to evaluate the activities by local government with respect of attracting and retaining foreign direct investments.

Paweł DYKAS
Mariusz TROJAK

DETERMINANTS OF OPTION PRICES FOR STOCKS – THEORETICAL ASPECT

(Summary)

The aim of the paper was to present two the most important valuation models of American call option. In the scientific literature such models are well known, but the way the final formulas of them are conducted are not clearly presented. The detailed

analysis of relationship between variables included in the model was also shown. The added value of the paper is the “step-by-step” analytical calculation of the premium value of the Black & Scholes formula and also the way the “Greek numbers” were derived.

The paper consists of four chapters in which two models of options valuation and the way of calculation of “Greek numbers” were derived.

Waldemar FLORCZAK

**ON MODELLING REGIONAL SUSTAINABLE DEVELOPMENT.
ESSENTIAL NOTES ON IMPLEMENTATION OF THE PROJECT
TRENDY ROZWOJOWE MAZOWSZA” (*DEVELOPMENTAL TRENDS OF MAZOVIA*)**

(S u m m a r y)

The article presents an expertise on the implementation of the project “Trendy rozwojowe Mazowsza” (*Developmental Trends of Mazovia*)¹, within a framework of econometric causal-effect methodology. Notes and conclusions formulated in the paper may prove useful whole elaborating developmental projects for other Polish regions.

The article shows plausible strategies of regional modeling, suggests heuristic procedures of estimation/calibration of structural parameters of regional relationships under low number of observations, and presents an outline of a regional model for Mazovia which incorporates numerous leading themes envisaged in the project. Moreover, the paper reports answers to vital questions on modeling socio-economic development of Mazovia, raised by Mazowieckie Biuro Planowania Regionalnego (*Mazovian Bureau for Regional Planning*).

Emilia KLEPCZAREK

**THE MONETARY POLICY OF THE FEDERAL RESERVE IN CONDITIONS
OF THE FINANCIAL CRISIS**

(S u m m a r y)

The paper conducts an analysis of the Federal Reserve actions in response to the financial crisis in the years 2007–2010. The article presents the instruments of monetary policy that were used by the central bank of the United States to activate the transactions on the interbank market. Mitigating the effects of the subprime crisis required from the monetary authorities pursuing the policy that has not only provided a liquidity to financial markets but also helped to restore confidence in the financial sector institutions. Presented actions demonstrate the important role of a modern central bank in maintaining the stability of economy.

¹ <http://trendyrozwojowemazowsza.pl>.

Urszula MOTOWIDLAK

DIRECTIONS OF DEVELOPMENT OF TRANSPORT IN THE EUROPEAN UNION

(S u m m a r y)

The purpose of the article was to present the development of transport systems in the European Union (EU) in comparison with alterations in the European transport systems which should be conducted till I decade of XXI century. European transport policy had a great influence on increase of competitiveness Europe in the last decade. The changes of quantity and work structure which were recorded in 1995–2008 both in passenger and goods transport led to the predominance of transport by car. Current tendencies and future aims indicate a need for satisfying the increasing demand for availability with accordance to great fears which sustainable development concern. The better integration of various transport systems is the most urgent goal currently. It will lead to general improvement of transport system's effectiveness.

Grzegorz ROMANOWSKI

THE ECONOMIES OF THE LEAST DEVELOPED COUNTRIES IN THE YEARS 2002–2009 AND NECESSARY CHANGES IN THEIR FOREIGN TRADE

(S u m m a r y)

The paper analyses the mechanism of the fast economic growth, which took place in the least developed countries (LDC) in the years 2002–2007. This fast growth was export-led-growth. As the result of this growth the dependence of LDC' economies on external resources increased significantly. This is dangerous because the prospects for the global economy in the near future are not good. Therefore, there are necessary changes in the actual economic order concerning trade, finance and aid. These changes should stabilize the growth in the LDC in the future.