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DISSERTATION

SELECTED PRINCIPLES OF SPATIAL DEVELOPMENT LAW IN THE LIGHT OF  
ASSUMPTIONS OF LEGAL THEORY

**SUMMARY**

This dissertation explores the principles of spatial development law, considering them both as a theoretical legal concept and specific norms implemented in legal practice. Typically, jurisprudence does not explicitly articulate spatial development law principles as norms due to a lack of theoretical clarity regarding the exact way how legal principles should be expressed. This obscurity often raises questions about what actions a principle mandates and how these can be concretely enacted. Therefore, the primary objective of this research is to identify a theoretical framework for law principles that facilitates a clear, unambiguous, and methodologically verifiable normative reconstruction of spatial development law principles.

The central thesis posited by this dissertation is that legal value is a pivotal element in the principles of law, influencing their theoretical framework, normative reconstruction, and practical implementation. A series of detailed assertions support this thesis.

The initial detailed thesis posits that a “principle of law” as a norm requires the evaluation of tangible or intangible phenomena, including other legal norms, against a fundamental legal value. The importance of value within legal principles leads to the second thesis, which asserts that law principles are decoded from statutory provisions through specific interpretive rules. Subsequent theses emphasise the role of values in shaping the normative form of spatial development law principles. The third thesis asserts that the focus on values enables distinguishing spatial planning law principles from other legal principles and clarifies their specific applications. The fourth thesis argues that values possess clear and verifiable content, suggesting that incomplete value reconstructions hinder the development of a coherent system of spatial development law principles. To address this issue, the fifth thesis builds on the second, highlighting that the reconstruction of values protected by selected principles is based on a special analysis of statutory provisions and expert knowledge, alongside socio-political considerations. The sixth thesis reinforces the previous by stating that employing specialized

interpretive rules to reconstruct values enhances the effective implementation of chosen spatial development law principles.

The dissertation is structured into six chapters across two main sections: theoretical and normative, employing a logical-linguistic approach complemented by axiological and sociological methods.

In the first chapter, I explore the historical and contemporary connections between the concept of “principle of law” and terminology of legal theory, in particular axiology. The second chapter organizes a set of interpretive rules from legal theory to reconstruct law principles, particularly focusing on legal values. The third chapter consolidates a catalog of spatial planning law principles, assessing their distinction and internal divisions based on the values they express. In the fourth chapter, I examine how jurisprudence utilizes specific interpretive rules to decode values from the Act on spatial planning law. The insights from this analysis enable the fifth chapter to complete the reconstruction of selected representative principles of spatial development law, such as the principles of spatial order, good neighbourhoods, and freedom of land use. The sixth chapter assesses whether this comprehensive reconstruction aids in the implementation of legal principles and the evaluation of different legal norm variants, selecting the most approved option from the point of view of a specific value.

The dissertation’s conclusions align with its theses: Law principles mandate the evaluation of other norms against essential legal values, and special interpretative rules facilitate the verifiable reconstruction of these values from the Act on spatial planning law. Such reconstruction of selected values leads to a coherent and precise system of principles of spatial development law, enhancing their practical implementation. Finally, the dissertation proposes legislative improvements, specifically the incorporation of principles of law into statutory provisions with explicit consideration of the interpretative rules for decoding values and clearly justifying the essential legal values of the spatial development law.