

## INTRODUCTION

The current issue of the *Annuals*, which we are pleased to present to you, is another (fifth) issue of the Journal published entirely in English. At this point, I would like to warmly thank Ms Małgorzata Caban, PhD, the Vice-Dean for Science, who was the author of the application submitted under the 'Development of Scientific Journals' ministerial programme. The *Annuals of the Administration and Law*, which I am the editor-in-chief of, qualified for the programme once again, and the Editorial Office received funds for pro-development activities. This fills me with pride because it seems that the activities undertaken so far in this respect have been noticed and rewarded by the Ministry of Education and Science (now the Ministry of Science and Higher Education). It was thanks to the funds received that it became possible to create an English-language version of this year's second issue of the Journal. This, in turn, will certainly increase the *Annuals'* recognition and impact. Undoubtedly, in the science of the 21<sup>st</sup> century, the well-thought-out, actual internationalisation of journals and (more broadly) science (which, in the case of legal science, is not an easy task) is becoming a necessary condition for success, that is, a constantly growing number of citations, which determines the position in the scientific journals ranking.

The current issue includes only scientific articles. It is divided into six thematic sections covering legal theory and history, administrative law, criminal law and procedure, other procedural matters, and labour and social security law.

As regards the first of the areas listed above, I would like to draw your attention to the article whose author, referring critically to the proposal for granting subjective rights to animals and other non-human beings (plants, things, artificial intelligence), puts forward the thesis that granting subjective rights to animals may lead to a weakening of the importance of subjective rights both as ethical postulates and legal institutions. He places the animal rights slogan within a broader ideological and political trend to deprive subjective rights of specific content and points to the ontological and ethical presuppositions associated with it.

Legal history is represented by an extremely interesting text in which the author presents the circumstances of the establishment of the political police (CheKa, then NKVD) in Russia as soon as the Bolsheviks took power in 1917. Its creator and first head was Felix Edmundovich Dzerzhinsky, a Bolshevik of Polish descent. He also gave it the character of an institution of terror. After Dzerzhinsky's death (1926), Vyacheslav Rudolfovich Menzhinsky, also of Polish descent, took over as its second head in a row. Following his death (1934), the next head was Genrikh (Henryk) Grigoryevich Yagoda, a Polish Jew from the city of Łódź. It was during his time that the great Stalinist terror began.

Naturally, the current issue also includes articles in which their authors discuss broadly understood legal administrative issues. In my opinion, a particularly noteworthy paper is the one whose author critically analyses the Draft Act Amending the Act on Restrictions on the Conduct of Business by Persons Performing Public Functions and Certain Other Acts submitted to the Sejm on 21 November 2023. This bill, commonly referred to as 'clean hands', provides for the principle under which the separate property of state and local self-government officials' spouses will also have to be disclosed in the financial disclosure statements they submit. The author not only evaluates the proposed solutions through the prism of the principles and rights expressed in the Constitution but also proposes the adoption of solutions to effectively prevent the concealment of assets by persons obliged to submit financial disclosure statements while pointing out that the transparency of the assets of those performing key public functions is very desirable and expected by the public.

An important element that demonstrates the interdisciplinarity of the *Annals of the Administration and Law* is that they deal with broadly understood procedural issues. This time, I would like to draw your attention to an extremely interesting article in which the author addresses the highly topical issue of the rule of law in military disciplinary proceedings. She points out that in these proceedings (like, in fact, also in other disciplinary proceedings), respect for the rule of law is of central importance. The author analyses the basic legal mechanisms to ensure respect for this principle in the structures of the Armed Forces of the Republic of Poland. At the same time, she discusses practically important procedural institutions that directly support it. Her analysis also covers the principles of interpretation of military disciplinary regulations.

As with every issue, this one also includes broadly conceived criminal law matters. I particularly recommend the article on culpability in Polish criminal law, in which the author attempted to determine whether culpability, commonly considered a principle of criminal law, actually meets the characteristics of a norm as a principle in the light of the German legal theorist R. Alexy's theory of legal principles, or perhaps it is a norm as a rule. At the outset, the author hypothesises that the norm embodied in Article 1(3) of the Criminal Code is indeed a legal principle. Then, he presents Alexy's aforementioned theory in detail and goes on to discuss the concept of culpability. Advocating the comprehensive normative theory, he defines culpability and indicates its necessary elements – the psychological one and the normative one. In the further part, he presents two selected cases in which the so-called fiction of culpability is adopted (criminal liability in the case of unconscious unintentionality, i.e. negligence, and the situation described in Article 31(3) of the Criminal Code). They confirm the hypothesis put forward and, at the same time, make it clear that the norm provided for in Article 1(3) of the Criminal Code is indeed a principle as understood by R. Alexy.

The wide range of problems raised in this issue of the *Annals* also includes private law matters. In my opinion, a very exploratory study is one whose author holistically presents employee and employer representation mechanisms in employment relationships. In doing so, he draws attention to the fact that in the Polish labour law system, this matter is marked by both normative uniformity and normative differentiation. The legal mechanisms in force concerning this matter are of a pluralistic nature typical of qualitative pluralism (a pluralism of the types of law sources). In practice, this allows their flexible adaptation to the different statuses of the parties to an employment relationship and the circumstances of a case. This is of significant practical importance due to the need to maintain homeostasis in individual and collective employment relationships.

On behalf of the Editorial Office, I would like to offer our sincere thanks to the Reviewers: Agnieszka Malarewicz-Jakubów, PhD with habilitation (Law), full professor (University of Białystok), Stanisław Nitecki, PhD with habilitation (Law), professor of the University of Opole, Ewa Kruk, PhD with habilitation (Law), professor of the Maria Curie-Skłodowska University in Lublin, Michał Bożek, PhD with habilitation (Law), professor of the University of Silesia in Katowice, and Krzysztof Stefański, PhD with habilitation (Law), professor of the University of Łódź, for their effort in providing the reviews and for the detailed and kind substantive comments contained in the reviews, which significantly influenced the subject-matter content of these *Annals*.

Moreover, I would also like to express my conviction that the publication of another issue of the *Annals of the Administration and Law* will, as always, be welcomed by a broad group of readers who, while reaching for the *Journal*, expect to find competent and reliable studies that provide the most valuable encouragement for a wise reflection on the human being, the state and law.

*Maciej Borski*