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**"PROTECTION OF A FARM IN THE COURSE OF JUDICIAL ENFORCEMENT
PROCEEDINGS BY A BAILIFF"
ENFORCEMENT PROCEEDINGS - GENERAL ISSUES**

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In the Polish civil law, and in the civil procedure behind it, we are dealing with increased protection of farms, in particular farms run by individual farmers. Factors justifying this special protection of an agricultural holding are the variable economic situation on the agricultural market, conducting agricultural activity in specific conditions independent of the farmer (e.g. type of soils, climatic conditions), as well as the most important, constitutional protection of individual agricultural holdings. The basis of the agricultural system of the state is a family farm (Article 22 of the Constitution of the Republic of Poland), the legislator must adjust lower-ranking provisions to this constitutional primacy, hence the above restrictions have been introduced to the code of civil procedure.

Key words: court, enforcement bodies, Enforcement of a farm by a bailiff, civil procedure.

Court enforcement proceedings are an independent type of proceedings distinguished by the Code of Civil Procedure [1], which, despite its independence, plays an auxiliary role in relation to the examination proceedings conducted by common courts. Polish judicial enforcement proceedings are a manifestation of the constitutional principle of the right to a court as expressed in Article 45(1) of the Constitution of the Republic of Poland, according to [2] which everyone has the right to a fair and public hearing without undue delay by a competent, independent, impartial and independent court. The Constitution in this article clearly states that this "court" is to be competent, independent, impartial and independent, however, in the Polish science of constitutional law it is generally accepted that the principle of the right to a court determines a certain level, a set of norms, in the sense of the right to a fair and impartial trial, in which it is possible to defend subjective rights [3]. As a result of such a process, the court should issue a decision, which

becomes legally binding and binds not only the parties and the court that issued it, but also other state courts and authorities and public administration bodies, and in cases provided for in the Act, also other persons (Article 365 § 1 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). Having obtained such a judgment, if the respondent continues to evade the obligation imposed on him/her, the claimant may demand the issuance of an enforcement order in a case which will serve to enforce the obligation imposed in the judgment. It should be noted that enforcement is based on an enforceable title. The enforcement title is an enforcement title with an enforcement clause, unless the Act provides otherwise (Article 776 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). Having obtained the enforcement title, the claimant becoming a material and legal creditor may require the state to use its power to force the defendant - a material and legal debtor and at the same time a formal and legal debtor - to fulfil the obligation

imposed. Enforcement proceedings will take place before a district court or a bailiff, and their position and jurisdiction will be discussed later in this article. European Court of Human Rights in its judgment of 30.03.2017. (39563/09) pronounced 'the right to a court would be illusory if the internal legal system of the States allowed the final and binding decision of the court to remain ineffective to the detriment of one of the parties' [4]. In view of this fundamental judgment of the European Court of Human Rights, it should be stated that judicial enforcement proceedings are those in which the obligation imposed on the defendant by a court judgment is actually fulfilled and the court's decisions cease to be a dead letter.

The general provisions of the investigation procedure under Art. 13 § 2 of the Code of Civil Procedure are transferred accordingly to the court enforcement procedure. Through this procedure, court enforcement proceedings are conducted in an open manner (Article 9 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), with respect for good procedural customs (Article 3 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) and in a fast manner so as to counteract the lengthiness of proceedings (Article 6 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). The body conducting judicial enforcement proceedings is obliged to instruct the parties, in particular the weaker party, on procedural activities (Article 5 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), Article 805 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), and a prosecutor (Article 7 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) and a non-governmental organisation (Article 8 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) may join the proceedings. The body conducting enforcement proceedings shall deal with the enforcement case in accordance with the principles set forth above. Enforcement,

however, is a matter where the authority uses coercion from the State to enforce its rights and obligations, which originate in civil, family and guardianship law, labour law and other legal relationships which benefit from civil judicial channels [5] The Polish science of enforcement law emphasises that state coercion means subjecting a debtor to the disposition of material law within the limits set by the enforcement title [6]. At this point, the authorities conducting enforcement proceedings in Poland should be given priority.

Enforcement bodies

Enforcement cases fall within the jurisdiction of the district courts and the judicial officers attached to them (Article 758 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). This provision creates a general system of judicial enforcement authorities in Poland and is closely related to Article 759 § 1 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), according to which enforcement activities are performed by bailiffs, except for activities reserved for courts. There is no exhaustive regulation, because Polish law defines the system of common courts and [7] bailiffs in separate acts [8]. It should be borne in mind that in the Polish legal system there are also administrative enforcement proceedings [9], which remain outside the scope of considerations.

Common courts are district courts, regional courts and appellate courts (Article 1 (1) u.p.u.s.p) and it is these courts that, as a rule, exercise the administration of justice in Poland (Article 1(2) u.p.u.s.p.). The following divisions may be established in a district court: civil division, which is appointed to hear civil cases, criminal case taps, family division and juvenile division for family and guardianship law, labour division, social security division, or labour division and social insurance division for labour law and social security division, economic division for commercial law division and land and mortgage registers for their maintenance

(Article 12 u.p.u.s.p. In practice, all these departments operate in Polish district courts, however, due to the subject matter of the study, the civil division of the district court should be analysed in more detail. It has been indicated above that an enforcement case is a case which results from civil, family and guardianship relations, work, social insurance and other relationships to which the civil code applies, and a separate division of a district court is established to hear each of these cases. The specification of the type of cases which are examined by individual divisions takes place in the Regulation of the Minister of Justice of 18 June 2019 on the rules of procedure of common courts [10], and so at the moment of receipt of a letter to the court, the Chairman shall give it a proper course by issuing appropriate orders (§ 80 section 1 item 1 of the r.u.s.p.) or transfer the case to another division in accordance with its competence (§ 78). It is the content of the letter submitted by a party to the court in which he seeks legal protection deciding on the classification of the case as a civil case, and therefore as one to be heard by the civil division. The Polish legislator in Article 126 § 1 point (b) of the Treaty on the Functioning of the European Union (TFEU) is hereby replaced by the following Article 3 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) requires that each letter filed with the court must contain its background, i.e. a description of the case together with the demand for legal protection. A similar approach to the problem can be found in Article 797 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), which is addressed to a creditor seeking enforcement protection, and which states that the request to initiate enforcement proceedings or a request for ex officio enforcement specifies the benefit to be paid.

The Polish court may play a dual role in enforcement proceedings. First of all, it is the enforcement authority in some cases and enforcement proceedings are pending before it

(e.g. enforcement proceedings over an enterprise or agricultural holding by a compulsory administration - Article 1064¹ of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) et seq. or execution from an agricultural holding through its sale - Article 1064¹⁴ et seq. of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), and secondly, it is a body supervising enforcement proceedings before a judicial officer. The court's supervision over a judicial officer results directly from the wording of Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), as the court may issue ex-officio orders to the judicial officer to ensure proper execution of the enforcement order and remove the observed deficiencies, and the legal assessment expressed by the court under the issued orders is binding on the judicial officer. The subject matter of court as a supervisory authority over a bailiff is widely discussed in Polish law and jurisprudence and gives rise to numerous polemics. Supreme Court in the decision of 28.02.2008. (II CNP 3/08) held that the scope of the orders which the court may issue to a bailiff under Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) was very broad [11]. This ruling was an aspiration for the Supreme Court to issue further decisions, similar in content, and so if the court finds that a complaint against the activities of a judicial officer does not meet the requirements to proceed further and there are conditions for issuing an order to a judicial officer pursuant to Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), the court may not reject the complaint, but should proceed further [12]. If the court finds that there are grounds for taking actions to ensure proper enforcement, then the court is obliged to issue the order referred to in Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) [13] should also be taken into account the significant resolution of the Supreme Court of 26.10.2016.

(III CZP 63/16), which decided that Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) does not constitute a basis for the court to reduce *ex officio* the enforcement fees duly determined by the bailiff [14]. In the Polish legal science it can be observed that the supervision provided for in Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) entitles the court to assess and verify the course of enforcement proceedings conducted by a bailiff [15]. According to Professor Cieślak, supervision over a judicial officer pursuant to Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) is preventive in the event that the court issues an order and repressive if it orders the judicial officer to remove the observed irregularities [16]. We should agree with the above mentioned statements, because the court, as a body upholding the rule of law and justice, should be able to correct faulty actions taken by a bailiff. However, a reservation should also be made here, as the court using the instrument of Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) should bear in mind that a judicial officer is a separate institution of Polish civil law court, which is characterised by independence and autonomy in action, and supervisory decisions referred to in Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) must be of exceptional nature only, which results directly from the content of Article 759 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure). - bailiffs are attached to district courts and are not included in their organisational structure.

A judicial officer is a public officer acting at a district court (Article 2 § 1 u.k.s.), and with respect to the performance of activities in enforcement and security proceedings, he or she is a public authority (Article 3 § 1 u.k.s.). The judicial officers were entrusted with the execution of court decisions in cases concerning

monetary and non-monetary claims and securing claims, including European account preservation orders, taking into account the provisions of the Code of Civil Procedure (Article 3(3)(1) u.k.s.). It should be noted that a bailiff is, as stated above, a public authority which is held by a natural person who must fulfil certain conditions. A natural person who is a Polish citizen, has full legal capacity, is impeccable, has not been punished for a crime or fiscal offence, or is not suspected of a crime prosecuted by public prosecution or fiscal offence, shall appoint a judicial officer, has completed higher legal studies in Poland and obtained a Master of Law degree or foreign legal studies recognized in Poland, is able, in terms of health condition, to perform the duties of a judicial officer, has completed a judicial officer training, passed a judicial officer examination, worked as a judicial officer assistant for at least two years and has reached the age of 28 years (Article 11 (1) u.k.s.). The Act also provides for exceptional procedures of appointing a judicial officer to the office of a court bailiff, which apply, among others, to professors, judges or prosecutors (cf. Article 11, sections 2 and 3 u.k.s.).

Enforcement of a farm by a bailiff

A judicial officer is, as a rule, competent to conduct enforcement proceedings against movable property (Article 844 et seq. of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), immovable property (Article 921 et seq. of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) and immovable property (Article 921 et seq. of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) in the course of enforcement proceedings.), remuneration for work (Article 880 et seq. of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), receivables from bank accounts (Article 889 et seq. of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) and other receivables (Article 895 et seq. of Kodeks Postępowania Cywilnego (the

Code of Civil Procedure)) and property rights (Article 909 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). A debtor submits a list of his assets to the judicial officer (Article 801 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). In certain cases, in court enforcement proceedings, a judicial officer may carry out single enforcement from a farm by seizing and selling movable property and animals, seizing and selling agricultural property, or seizing claims and property rights of a debtor farmer, and then selling them. It should be borne in mind that a court bailiff does not carry out a general execution of a farm, as only the district court is empowered to do so. The Polish legislator, with regard to the abovementioned linguistic enforcement of farm components, has introduced a number of provisions to protect farmers from the burden of execution, which by their nature restrict the possibility of enforcement of such components.

The first limitation results directly from Article 829(1) of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), which provides that one cow, two goats or three sheep needed to feed the debtor and the members of his family who are his dependants together with the supply of feed and bedding for the next harvest are not subject to execution. In the science of law it is argued that this provision is basically a dead provision because, as a rule, animals, feed and bedding have a marginal commercial value [17] and enforcement of these provisions raises technical problems (e.g. transport of seized animals, organisation of the feed storage site).

The second, more wide-ranging restriction is Article 829(b) of the EC Treaty. 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), which protects tools and dead stock of a farmer, its wording reads as follows: tools and other objects necessary for a debtor's personal gainful employment and raw materials necessary for his production for a period of one

week are not subject to execution, except for motor vehicles. This provision will cover exclusively farm objects used by farmers for personal and manual work in farms, e.g. scythes, sickles, hoes.

At this point it is appropriate to look at some of the issues related to the execution of real estate conducted by a court bailiff. The enforcement of the real estate belongs to the judicial officer acting at the court in whose jurisdiction the real estate is located (Article 921 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). The judicial officer seizes real estate by notifying the debtor about this action and calling upon him to pay the debt within two weeks and sends to the land and mortgage register court an application for entry in the land and mortgage register of the mention of initiation of enforcement, and if the real estate does not have an established land and mortgage register, the judicial officer submits such an application to the relevant entity keeping a collection of documents (Article 923 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure) in conjunction with Article 924 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). If the debtor fails to pay the debt, the judicial officer, at the request of the creditor, proceeds to the description and assessment of the occupied property (Article 942 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), before drawing up a report on the description and assessment (Article 947 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), an expert appointed by the judicial officer presents him with an assessment of the occupied property, in which he describes the condition of the property, its intended use, the manner of use according to the real property register and the actual property and performs its valuation (Article 948 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). Upon completion of the description and assessment, at the request of the creditor, the judicial officer, in consultation with the

district court, shall set the date for the auction of the real estate, which shall be announced publicly (Article 952 et seq. of the Code of Civil Procedure). At the time of the announcement of the auction of a holding property, the [18] co-owner of the property, who is not a personal debtor, is entitled until the third day before the auction to take ownership of the property at a price not lower than the sum of the estimates. In the case of an application for takeover, the applicant should provide a warranty, unless the Act releases the applicant from it (Article 958 § 1 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). This provision introduces the possibility of pre-emption right in court enforcement proceedings, which is vested in the co-owner of the seized real estate, which must be part of the agricultural holding, and the co-owner submitting the takeover request cannot be a personal debtor (corresponding to all his property) of the creditor who requested the auction. The co-ownership ratio for the discussed provision is indifferent, it may be co-ownership in fractional parts, but also joint ownership (e.g. statutory marital co-ownership), it is important that the applicant for takeover is not a personal debtor of the creditor. An application for taking over real estate belonging to a farm submitted by a co-owner is submitted to the district court in the district in which the occupied real estate is located. The application must meet certain requirements, firstly, the general requirements for a pleading set out in Article 126 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), secondly, the application must specify the real estate that the applicant intends to take over, and thirdly, with the application, the applicant must provide the bailiff with a warranty, unless the Act exempts the bailiff from doing so. It is important that the application is filed with the court no later than three days before the auction. Due to the lack of specific provisions of Article 958 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), it should be assumed that the

application itself may be submitted orally to the protocol or in writing (Article 760 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). It should be borne in mind that the submission of a letter to the court does not always mean its physical submission to the court's administration office, since the submission of a pleading to the Polish post office of the designated operator within the meaning of the Act of 23 November 2012. - Postal law or in a post office of an operator providing postal universal services in another Member State of the European Union is equivalent to bringing it to court (Article 165 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). Therefore, it should be assumed that if the co-owner applying to take over the seized real estate submits the application in the above mentioned post office three days before the auction, he or she will keep the deadline. The court will then have no physical opportunity to examine the application, so after the auction is completed it will make a bid, but will not accept the right to property if the application has been properly constructed and the applicant is entitled to take over. The court examining the co-owner's application for taking over the seized real estate being a part of the agricultural holding or granting the takeover, and then after meeting additional conditions (payment of the price not lower than the estimated price) shall grant the taking-over party the right of ownership or issue a decision on refusal of takeover (if the applicant does not meet the requirements specified in Article 958 § 1 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)) or refusal of takeover (if the applicant does not meet the additional requirements specified in the takeover decision). The decision on competing motions filed by several co-owners is contained in Article 958 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure), however, this remains outside the scope of considerations.

If none of the co-owners has exercised the right to take over the real estate included in the agricultural holding or the applications submitted by them have had legal effects, the judicial officer in the presence of the court shall initiate the first date of auction and conduct it (Article 972 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). If at the auction no one participated in the auction and the subject of the auction is agricultural real estate, the co-owner of the real estate put up for auction, not being a personal debtor, is entitled to take ownership of the real estate at a price not lower than three quarters of the total estimated price (Article 982 § 1 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)). This provision defines the rules for taking over agricultural real estate in the event that the auction has not taken place due to the lack of bidders willing to bid. Discussions concerning the co-owner's person, the contents of the application, the authority to which the application should be submitted, the manner of its submission and the warranty shall remain valid and in such a situation, however, the deadline for filing the application shall be changed. The application for taking over the property must be submitted within one week from the date of the auction (Article 982 § 2 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure)), after the unsuccessful expiry of this period the court will reject the application, which results in the ownership of the occupied property not passing to the applicant.

At this point it should be noted that the Polish legislator, by the Act of 26 April 2019 amending the Act on the Formation of the Agricultural System and certain other acts [19] abolished restrictions related to the acquisition of agricultural real estate in the course of enforcement proceedings. Until this change, the purchase of agricultural real estate through enforcement sales was subject to numerous restrictions, e.g. such real estate could be

purchased by an individual farmer or a religious association, which was the fourth way of protecting an agricultural holding.

The fifth limitation in enforcement from a farm run by a court bailiff is contained in the Regulation of the Minister of Justice of 05.07.2017 on the definition of objects belonging to a farmer running a farm which are not subject to enforcement [20]. The Regulation exempts from enforcement the farmer's livestock (e.g. the basic herds of certain farm animals) and dead stock (e.g. silos, fuel for six months) as defined in the Regulation. The provisions of this Regulation do not apply in the case of simultaneous enforcement of all real estate belonging to the agricultural holding (§ 5 of the Regulation on agricultural objects exempt from enforcement).

References:

1. Act of 17 November 1964 Civil Procedure Code, Journal of Laws of 1964 No. 43, item 296, as amended, hereinafter referred to as the Civil Procedure Code,
2. Constitution of the Republic of Poland of 04.04.1997, Journal of Laws of 1997 No. 79, item 483, hereinafter: Constitution of the Republic of Poland,
3. R. Hausener (ed.), Z. Niewiadomski (ed.), A. Wróbel (ed.), *Sądowa kontrola administracji publicznej. Volume 10 System of Administrative Law*, C.H. Beck 2016, LEGALIS,
4. LEGALIS No. 1580964,
5. cf. Article 1 of Kodeks Postępowania Cywilnego (the Code of Civil Procedure).
6. Z. Szczurek, *Code of Civil Procedure. Security and enforcement proceedings. Commentary*, Sopot 2013, p. 90,
7. Act of 27 July 2001 on the organization of common courts, Journal of Laws of 2001 No. 98, item 1070, as amended, hereinafter: u.p.u.s.p,
8. Act of 22 March 2018 on judicial officers, Journal of Laws of 2018, item 771, as amended, hereinafter: u.k.s,

9. Act of 17 June 1966 on Enforcement Proceedings in Administration, Journal of Laws of 1966, No. 24, item 151, as amended,

10. Journal of Laws of 2019, item 1141, hereinafter referred to as: r.u.s.p.,

11. LEGALIS No. 170335,

12. Resolution of the Supreme Court of 18 February 2012, III CZP 32/13, LEGALIS No. 544039,

13. Resolution of the M.E. dated 12.03.2018, III CSK 12.03.2018, LEGALIS No. 178022,

14. LEGALIS No. 1515114,

15. G. Wolak, On the admissibility of the change pursuant to Article 759 § 2 of the Code of Civil Procedure, the legally binding decision of the court bailiff, Review of the Enforcement Law 2019, No. 3,

16. S. Cieślak: w J. Jankowski (Ed.), Kodeks postępowania cywilnego (Code of Civil Procedure). Volume II. Commentary. Art. 730 - 1217, Warsaw 2019, LEGALIS,

17. A. Wiśniewski, in: J. Jankowski, Kodeks..., CH Beck 2019, LEGALIS,

18. Article 533 of the Act of 23 April 1964 Civil Code, Journal of Laws of 1964, No. 16, item 93, as amended, stipulates that agricultural land together with forest land, buildings or their parts, equipment and inventory shall be regarded as an agricultural holding if they constitute or may constitute an organised economic whole and the rights related to running an agricultural holding,

19. Journal of Laws of 2019, item 1080,

20. Dz. U. z 2017 r., poz. 1385, hereinafter referred to as: Regulation on agricultural objects exempt from enforcement.

Адріан Яворський. Захист фірми в ході судового виконавчого процесу судовим виконавцем. Приведення у виконання - загальні питання. - Стаття.

У польському цивільному праві і в цивільному процесі, що стоїть за ним, ми маємо справу з посиленням захисту ферм, зокрема ферм, керованих окремими фермерами. Факторами, що виправдовують цю особливу захист агрохолдингу, є мінлива економічна ситуація на сільськогосподарському ринку, ведення сільськогосподарської діяльності за умов,

що не залежать від фермера (наприклад, тип ґрунтів, кліматичні умови), а також найважливіша конституційна захист особистості. агрохолдингу. Основою сільськогосподарської системи держави є сімейна ферма (ст. 22 Конституції Республіки Польща), законодавець повинен адаптувати положення нижчого рангу до цього конституційного верховенства, отже, в кодекс було введено вищевказані обмеження. громадянський процес.

Ключові слова: суд, органи виконавчої влади, приведення у виконання рішення судовим приставом, цивільний процес

Адриан Яворский. Защита фирмы в ходе судебных исполнительных процессов судебным исполнителем. Приведение в исполнение - общие вопросы. - Статья.

В польском гражданском праве и в гражданском процессе, стоящем за ним, мы имеем дело с усилением защиты ферм, в частности ферм, управляемых отдельными фермерами. Факторами, оправдывающими эту особую защиту агрохолдинга, являются изменчивая экономическая ситуация на сельскохозяйственном рынке, ведение сельскохозяйственной деятельности в конкретных условиях, не зависящих от фермера (например, тип почв, климатические условия), а также важнейшая конституционная защита личности. агрохолдингу. Основой сельскохозяйственной системы государства является семейная ферма (ст. 22 Конституции Республики Польша), законодатель должен адаптировать положения более низкого ранга к этому конституционному главенству, следовательно, в кодекс были введены вышеуказанные ограничения. гражданский процесс.

Ключевые слова: суд, органы исполнительной власти, приведение в исполнение решения судебным приставом, гражданский процесс.

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