

Okręsy pracy cudzoziemca na podstawie oświadczenia na rzecz różnych pracodawców sumują się i łącznie nie mogą przekroczyć wskazanego okresu [7].

LITERATURA:

1. Dyrektywa Parlamentu Europejskiego i Rady 2014/36/UE z dnia 26 lutego 2014 r. w sprawie warunków wjazdu i pobytu obywateli państw trzecich w celu zatrudnienia w charakterze pracownika sezonowego, *Dz.U.UE.L.* z 2014, nr 94, poz. 375.
2. Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy, tj. *Dz.U.* z 2020, poz. 1409.
3. Ustawa z dnia 20 lipca 2017 r. o zmianie ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz niektórych innych ustaw, *Dz.U.* z 2017, poz. 1543.
4. Rozporządzenie Ministra Rodziny, Pracy i Polityki Społecznej z dnia 8 grudnia 2017 r. w sprawie państw, do których obywatele stosuje się niektóre przepisy dotyczące zezwolenia na pracę sezonową oraz przepisy dotyczące oświadczenia o powierzeniu wykonywania pracy cudzoziemcowi, *Dz.U.* z 2017, poz. 2349.
5. E. Podgórska-Rakiel, M. Szypniewski, *Zatrudnianie cudzoziemców spoza UE - oświadczenie o powierzeniu wykonywania pracy*, LEX/el.2018.
6. E. Podgórska-Rakiel, M. Szypniewski, *Zatrudnianie w Polsce cudzoziemców spoza UE - zezwolenie na pracę sezonową*, LEX/el. 2018.
7. P. Wąż, *Zatrudnianie cudzoziemców w Polsce i Polaków za granicą [w:] Prawo pracy dla sędziów i pełnomocników*, red. K. Walczak, M. Wojewódka, Warszawa 2017, s. 691.

УДК 341

Edyta Sokalska

dr hab., *Law and Administration Faculty
University of Warmia and Mazury in Olsztyn*

SEARCHING FOR THE IDEAL FORM OF A STATE: STRENGTHS AND WEAKNESSES OF DELIBERATIVE DEMOCRACY AT THE LOCAL LEVEL (SOME REMARKS CONCERNING THE POLISH EXAMPLE)

Political changes in Poland in the last two decades of the 20th century enabled the creation of a new political regime. The term of civil society, where communities are encouraged to strive for autonomy, has become a fundamental element of modern discourse's notion of well governed state. The purpose of the activities of civil society is self-organization, which reflects the citizen's subjectivity and human dignity. The development of civil society in the 21st century has aroused curiosity concerning the instruments and forms that promote effective participation and deliberation in the field of local self-government and other areas. Social participation

might be perceived as the way of expression of the civil society [1, p. 12; 3, pp. 22-24; 2, pp. 240-241].

The perception of political decisions and their legitimization may be reinforced via the appropriate identification and application of some participatory instruments. Some legal institutions have been established and have been developed in order to increase the scope of civil society in local self-government (e.g., elections to the local authorities, referendums, participatory budget, and public consultations) [8].

Deliberative democracy might be perceived as a present form of civil society. It reaches presently new fields of varied empirical insights and theoretical debates, however, some flaws of deliberation and participation are also noticed [6, pp. 77-84; 7, pp. 22-23]. In the matter of fact, the diversity of forms of participation gives a real opportunity to shape the policies of a state, region or local government [4, p. 184]. Citizens themselves implement solutions in the area of administration, social affairs and economy through their participation in contemporary social dialogue.

It should be taken into consideration that in many administrative units it might be observed that the bonds between local societies and local authorities have been strengthened during last years. The public support for the realization of fundamental tasks of local administrative bodies is required in order to make the decisions legitimate and understandable. The development of some mechanisms of bilateral communication between the *poviat* and *gmina* authorities, and local citizens is the way to enhance public participation in the process of taking decisions. It is manifested in the mutual exchange of information between local bodies and the inhabitants of a local district. Self-government bodies should create some favorable conditions to the effective transfer of the information, especially from their citizens concerning the *poviat* or *gmina* investments, the acceptance of planned activities, the implementation of the inhabitant's needs and postulates, or the directions of political activities of the self-governmental bodies.

It is significant that with the development of obligatory social consultations concerning the area specified by law, the process of implementation of legal regulations in practice took place. The forms of communication have been updated, and local municipalities were forced to apply the Internet consultative platforms in order to inform, carry out and announce the results of consultations. Good practices in public consultations include some non-conventional forms of consultations, which can be creative from the perspective of civil servants and citizens' activities, and they do not have to be a mere standard procedure and bureaucratic convention [9, p. 220].

Polish local self-governmental bodies develop some new forms and tools of communication [9, p. 172; 5, pp. 111-122]. They provide municipalities with the freedom of participation in a decision-making process, and they give the opportunity to faster exchange of information and answers to the local problems. Information and communication technologies (ICT) mould public opinion and they shape the subjectivity of citizens. They give the opportunity to faster exchange of information and answers to the local problems. At the local level, they are advantageous to broadly understood dialogue between local self-government and local society, engaging local inhabitants, NGO's, and entrepreneurs. In Poland, rural and urban

municipalities apply different ICT, and rural municipalities have to adjust the Internet tools to their capabilities.

It can be taken into consideration that, to some extent, Ukraine may draw on the experience of other countries in the context of the development of participatory instruments at the local level. Perhaps Polish empiria might be taken into account in this respect, however, besides the positive aspects, also some weaknesses of the deliberative tools might be noticed here.

LITERATURE:

1. Glejt-Uziębło P., Uziębło P., *Aktualne problemy demokracji partycypacyjnej. Partycypacja w Trójmieście – o prawnej regulacji mechanizmów demokracji bezpośredniej w Gdańsku, Gdynie i Sopocie*, Wydawnictwo Uniwersytetu Gdańskiego, Gdańsk 2018.
2. Kacperska-Michota J., *Partycypacja społeczna jako sposób wypowiedzi społeczeństwa obywatelskiego*, in: *Społeczeństwo obywatelskie. Historia teoria praktyka*, eds. R. Kania, M. Kazimierczuk, Difin, Warszawa 2021, pp. 240-254.
3. Kazimierczuk M., *Wolność zrzeszania się jako element społeczeństwa obywatelskiego*, «*Studia Prawnoustawowe*» 2015, vol. 28, pp. 21-34.
4. Kubas S., *Konsultacje społeczne jako przejaw partycypacji w życiu publicznym na przykładzie miasta Katowic*, «*Annales Universitatis Mariae Curie-Skłodowska*» 2014, vol. 21(2), pp. 169-187.
5. Kuć-Czajkowska K.A. & Wasil J., *Elektroniczne oblicze władzy lokalnej w Polsce – dialog obywatelski przy użyciu narzędzi ICT*, in: *Dialog obywatelski: formy, mechanizmy, bariery i perspektywy rozwoju*, M.M. Sienkiewicz & M. Sidor, M. eds., Wydawnictwo Fundacji Centrum Rozwoju Lokalnego, Lublin 2014, pp. 111-122.
6. Shapiro I., *Collusion in Restraint of Democracy: Against Political Deliberation*, «*Dædalus. Journal of the American Academy of Arts & Sciences. The Prospects and Limits of Deliberative Democracy*» 2017, vol. 146(3), pp. 77-84.
7. Sokalska E., *Flaws and Advantages of the Polish Local Self-Government in the 21st Century: Social Consultations at the Local Level*, «*Lex Localis – Journal of Local Self-Government*», vol. 19 no.1 (2021), pp. 19-37.
8. Ustawa z dnia 11 stycznia 2018 r. o zmianie niektórych ustaw w celu zwiększenia udziału obywateli w procesie wybierania, funkcjonowania i kontrolowania niektórych organów publicznych, *Journal of Laws of the Republic of Poland* 2018, pos. 130.
9. Zychowicz Z., *Konsultacje społeczne w samorządzie*, Instytut Rozwoju Regionalnego, Szczecin 2014.