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Introduction

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Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

INTRODUCTION

The current issue of the *Annals* is undoubtedly unique. For the first time in its seventeen-year history the journal appears entirely in English. Thanks to the personal involvement of Mrs Małgorzata Caban – Director of the Library and Humanitas Publishing House, who was the author of the internationalization of the magazine, the Minister of Science and Higher Education awarded the Humanitas University a grant to carry out the task of disseminating science and education by creating an English version of the *Annals of Administration and Law*. Two journals of the *Annals*, the current and the next, will be issued in English. This will allow for greater internationalization of the journal, thereby increasing its recognizability and impact. There is no doubt that in the 21st century, the well-thought-out internationalization of annuals and more broadly research (which in the case of jurisprudence is not an easy thing) becomes a prerequisite for success – a steadily rising number of citations, which determine the ranking of an academic journal. The importance of internationalization for building the position of an academic journal is proved by other editorial activities undertaken by the editors, which are supposed to lead to the presence of the *Annals* in prestigious international indexing bases. Since 2015 the *Annals* have been located in the ERIH PLUS database (the European Reference Index for Humanities and Social Sciences), which is created and maintained by the NRC – the Norwegian Research Center. Considering the fact that ERIH PLUS is a reference list, that is only listing European academic journals in the humanities and social sciences; in 2016 the editors have attempted to obtain an entry into the SCOPUS database, under which a parametric assessment is performed. These efforts required a lot of work related among others to the creation of an English version of the journal website and its adaptation to SCOPUS requirements. One of them was to create a very detailed list of ethical principles, which are observed in the editorial process by the editors and the reviewers and the authors themselves. The evaluation process has not finished yet (so far the *Annals* have gone through the formal evaluation stage), but certainly the experience gained in this way will contribute to the further development of the journal. At this point I would like to thank the above-mentioned Małgorzata Caban M.A., as well as Paweł Dziewięcki M.A., thanks to whom the *Annals* got a very professional English website.

The first edition of the *Annals* of 2017, which is just right in your hands, has as usual very rich content. It consists of four thematic sections: articles; voices, opinions, comments, reports and reviews. This makes it possible to find not only articles with a very broad thematic spectrum (including the gloss), but also reports from the conference and other scientific events, and also reviews of book publications, with a very interesting review by Professor Roman Tokarczyk, who presented the

opinions of his students about his manual 'Fundamentals of Jurisprudence, Theory and Philosophy of Law'.

Traditionally, the articles in the *Annals* are the dominant element. As usual there are numerous texts devoted to widely understood issues of public law. Worth noting is the text devoted to the genesis of the amending law of 24 July 2015, which deprives the municipal police the right to use speed cameras. The author, using the method of the normative set, analyzed in it the details of the legislative process, aiming at the final result to the adoption of the amendment, which for the municipal police meant the loss of the right to use the so-called speed cameras. It is also interesting to elaborate on the issues of OECD guidelines as an attempt to regulate the behavior of foreign investors. The subject of the study is an analysis of the behavior of foreign investors in host countries through the recommendations contained in the OECD Guidelines for Multinational Enterprises, and an attempt to assess the effectiveness of this solution and its adequacy to the needs and challenges of globalization. The analysis made by the author led to the conclusion that the content of the recommendations contained in the 2011 OECD Guidelines addresses the most pressing issues in the area of transnational business operations, in particular in the area of investment activities, but the non-legally binding nature of the rules makes the investor behavior regulation system, the basis the Guidelines, not sufficiently effective. The current issue includes works on legal and theoretical issues, including a very interesting text, in which the author has taken up a very up-to-date topic of judicial review of the law and has proved that this issue has been interested in the doctrine that has worked out a consensual interpretation approach. It drew attention to the fact that the Constitution of the Republic of Poland introduced the principle of direct application, which imposes on all organs of the state, especially the courts, not only the law but also the obligation to refer to the norms expressed in the constitution as a direct basis for resolution.

In this context, there is a problem of the right of every judge to refuse to apply a provision of the law which, in their view, is contrary to constitutional standards without directing a legal inquiry into this matter to the Constitutional Tribunal. In another study on the quality of the lawmaking process, the author states that in the reception of many subjects involved in the lawmaking or monitoring of the lawmaking process, it is unclear and unsatisfactory in terms of the level of civic participation, and the authorities should depend on the civilization process of lawmaking. The more discussion and consultation the legislators create, the greater the chance of avoiding mistakes and the chance that citizens will approve the existing legal system and observe the law. In addition, the author attempted to point out the elements of the lawmaking process that require rapid change, while pointing out solutions that could significantly improve the quality.

Traditionally, the *Annals of Administration and Law* represent the legal and historical subjects. An extremely interesting study deals with the theme of donkey symbolism in the meaning of the ancient Middle Eastern legal institutions. The author points out that for thousands of years the donkey, an animal widely used in

the Mediterranean and Asia as a pack and draught animal, has a rich symbolism in relation to religious content. Ancient heroes, prophets, patriarchs, and gods rode the donkey. Judaism and Christianity predominate in the positive aspects of this animal, which are associated with the Messianic symbolism. The donkey was also used in the legal practice of the ancient East. The phrase ‘kill the donkey’ used in the second millennium B.C. in the present-day Syria, Iraq, and the city state of Mari has become a technical term for the covenant.

The issue of private law could not be missed in the current edition. It is represented by a very interesting cognitive article devoted to the problem of so-called banning of *misselling* of financial services. The author notes that there is currently a trend towards offering products, including financial ones, that are personalized, that is, tailored to the needs of the consumer. In the face of the above, the Polish legislator, following the example of British regulation, introduced the so-called banning of the misuse of financial services in the Polish legal order by prohibiting the offering and sale of unmatched products to consumers.

In another paper entitled ‘Verification of the term agricultural property in the light of the amended provisions of the Agricultural System Structuring Act of 11 April 2003’, the author refers to the 30 April 2016 amended provisions of the Act of 11 April 2003 on shaping the agricultural system introducing a special regime dealing with agricultural property. These regulations, which are drawn up in a multistage manner, i.e. – in order to apply the detailed rules of marketing, first determine whether the property is an agricultural property within the meaning of the Act and whether the event the property is subject to is a special regime. Determining whether the property is an agricultural property within the meaning of the Agricultural System Structuring Act is also a multi-step action. The definition of agricultural property refers to the Civil Code, and then – by reference to the local special development plan – is narrowed down. The author thus draws attention to the hesitancy of the process of applying the law and possible practical difficulties resulting in destabilizing the certainty of turnover.

On behalf of the Editorial Board I would like to thank the reviewers prof. dr hab. Jerzy Paśnik (Pułtusk Academy of Humanities), prof. dr hab. Krzysztof Stefański (University of Łódź), prof. dr hab. Anna Stawarska-Rippel (University of Silesia), for taking the effort to review and for detailed and benevolent technical comments included in the reviews, which significantly influenced the content of the presented Annuals. I would also like to express my conviction that this publication will be of interest to the various readers and will be of use to all those who work in the field of two major disciplines: law and administration.