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**THE GENERAL CLAUSES OF THE PRINCIPLES  
OF SOCIAL CO-EXISTENCE AS WELL AS THE SOCIAL  
AND ECONOMIC PURPOSE OF LAW IN ARTICLE 5  
OF THE CIVIL CODE AND ARTICLE 8 OF THE LABOUR  
CODE IN THE JUDICIAL APPLICATION OF LAW**

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**Introduction.** One of the reasons for undertaking research into the general clauses of Article 5 of the Civil Code<sup>1</sup> and Article 8 of the Labour Code<sup>2</sup> became the construction of § 4 of the Ordinance of the Prime Minister on the ‘Principles of Legislative Techniques’, which expresses the directive of a general prohibition of repetition of provisions included in other acts. It was also important to undertake the research that the provisions of Article 5 of the Civil Code and Article 8 of the Labour Code concern the issue of abuse of rights and set the limits within which it is permissible to exercise subjective rights in civil law and labour law respectively. Article 8 of the Labour Code is found in this code, despite the fact that Article 300 of the Labour Code opens up the normative possibility to apply the Civil Code appropriately to matters not regulated therein. Statements by representatives of science indicate that the legislator should avoid

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<sup>1</sup> Article 5 of the Act of 23 April 1964 Civil Code (i.e. Journal of Laws 2024, item 1061), hereinafter as: ‘c.c.’ provides that *‘One may not make of one’s right a use which would be contrary to the social and economic purpose of that right or to the principles of social co-existence. Such an act or omission by the right holder shall not be considered an exercise of the right and shall not be protected’*.

<sup>2</sup> Article 8 of the Labour Code of 26 June 1974 (i.e. Journal of Laws 2023, item 1465, as amended), hereinafter referred to as the ‘Labour Code’. stipulates that *‘One may not make use of one’s right which would be contrary to the social and economic purpose of that right or the principles of social co-existence. Such an act or omission by the right holder shall not be considered an exercise of the right and shall not be protected’*.

unnecessary repetitions, as their application carries a justified risk of giving such repetitions a different normative meaning in the process of applying the law.

*De lege lata*, Article 5 of the Civil Code and Article 8 of the Labour Code are the only case of such repetition between the Civil Code and the Labour Code. In the previous state of the law, such repetition also applied to the construction of Article 4 of the Civil Code and Article 7 of the Labour Code, which mandated the translation and application of laws in accordance with the principles of the system and objectives of the People's Republic of Poland. Despite the profound change in axiology that took place after the collapse of the People's State, the legislator did not decide to abandon general clauses with a Soviet connotation.

The concept of a general clause should be understood in two ways – legislative and decisional. In legislative terms, a general clause is an element of the law-making process. It is an undefined phrase contained in a legal provision, referring to evaluations, values, non-legal norms. In decisional terms, a general clause is an element of the process of applying the law. It is a construction placed in an applicable legal provision that authorises the body applying the law to base a specific decision to apply the law on an extra-legal criterion indicated in the body of the provision. The role of the authority is to decode and determine the content of the clause and incorporate it into its decision-making processes.

**Research methods.** The research methods used in this thesis are adequate in relation to the research assumptions made. The basic method is the formal-dogmatic method, by means of which the statements of the legislator contained in the normative text are examined. Another method of research is the method of terminological and conceptual analysis, the application of which is necessary in view of the definitional diversity of concepts particularly relevant to this article. The method of analysing the justifications of court decisions, taking into account the decisions of administrative courts, which will make it possible to determine how the interest of the service is perceived by administrative courts, is also used.

**Conclusions.** The conducted research confirmed that the undertaken issues are topical, interesting, important and necessary both for the theory of law and the practice of judicial application of law. There is a noticeable increase in the role of Article 5 of the Civil Code and Article 8 of the Labour Code in the decision-making processes of judicial application of the law. The clauses, enjoy ‘universal applicability’ and the practice of their application is becoming ‘bolder’.

The repetition that occurs between these provisions is a legitimate and intended legislative action. The repetition makes it possible to give different normative meanings to equivalent general clauses in the process of judicial application of the law. Normative acts such as the Civil Code and the Labour Code are extensive in nature. It is precisely their broad normative approach that determines the need for repetition, so that in the practice of applying the law there are no doubts as to the scope and use of the clauses.

**Key words:** Application of the law, general clauses, principles of comity, social and economic purpose of the law

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## **PROBLEMS OF ENSURING ACADEMIC INTEGRITY IN HIGHER EDUCATION INSTITUTIONS IN UKRAINE**

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**Introduction.** The study is conditioned by the need to highlight the problems of ensuring academic integrity in higher education institutions of Ukraine and to offer prospects for their solution.

**Materials and Methods.** The study uses the dialectical method to assess phenomena in their dynamic development and the