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Protection of borrowers – consumers in the United States law, the European Union law and the Polish law. – summary of the doctoral dissertation

The aim of the doctoral dissertation is to identify the most effective legal instruments of protection of borrowers – consumers against threats occurring on financial markets, on the basis of the legal and comparative analysis of the three legal systems. Currently consumer protection in the credit services market is one of the most dynamically developing areas of law. Credit services are characterized with an increased risk for consumers, related, for example, to the possibility of incurring significant financial losses or concluding contracts that are inadequate to their needs. Recent financial crisis with abusive actions of lenders have made the protection of borrowers – consumers a significant regulatory challenge. The credit services sector requires a lot of activity of the state (legislator) and other institutions specialized in this branch of economy. Therefore, legal regulations have been significantly expanding with new protection mechanisms and legal institutions.

A difficult but necessary step for the legislation in the 21st century is to create a legal system promoting a well-functioning credit services market for consumers and combine this with effective protection of consumers. This research is focused on comparison of selected consumer protection instruments on the credit services market in the legal systems of the United States, the European Union and Poland, as well as on their verification in terms of effectiveness of consumer protection.

The following research questions were formulated in the doctoral dissertation: is the American consumer protection law in the credit services market a model law, i.e. the system of law that can constitute a pattern for other jurisdictions because of universal and effective solutions in the field of consumer protection? Which institutions of the American consumer protection law in the credit services market may be successfully incorporated into the EU and Polish legal systems to strengthen the effectiveness of protection? Which institutions of American, EU and Polish law are effective protection tools to protect borrowers – consumers and which do not meet this criterion?

It was assumed that effective consumer protection law is able to lead to the effects intended by the legislator, is based on provisions that are concise and understandable for the consumer, takes into account the possibility of socio-economic changes, strives for self-limitation, takes into account the legal tradition as well as rules and habits in a given society.

In terms of the research methodology, the dogmatic method was used, including an analysis of the content of applicable legal acts in American, EU and Polish law as well as an analysis of the literature. The case law was also analyzed, including primarily judgments of the Supreme Court of the United States, the Court of Justice of the European Union and Polish courts, with particular emphasis on the statements of the Polish Supreme Court. Moreover, due to the nature of this doctoral dissertation, a comparative method was applied as well with comparing the analyzed instruments for the protection of borrowers – consumers in selected three legal systems through the prism of effectiveness.

The doctoral dissertation consists of six chapters. The first one is theoretical and constitutes extensive considerations as an introduction to further analyses. The main part of this work consists of five subsequent chapters. Each of them is devoted to verification of the effectiveness of selected instruments for the protection of borrowers – consumers. The second and third chapters analyze subjective issues, the fourth and fifth chapters – selected issues of substantive law, and the sixth chapter – the institutional protection.

Keywords: consumer, borrower, lender, consumer protection law, consumer credit, credit services

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