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Establishing Cultural Park as a Form of *Genius Loci* (Spirit of Place) Protection

*Utworzenie parku kulturowego jako sposób
ochrony genius loci (ducha miejsca)*

Introduction

A cultural landscape results from the interplay between tangible and intangible elements of cultural heritage. Consequently, it is strongly connected to *genius loci*, which serves as a core axis linking tangible and intangible heritage. The cultural landscape is an integral part of the spirit of place, playing a primary role in defining its character and manifestation. This implies that a cultural park is, in essence, a form of protection of *genius loci*, even though this is not explicitly stated in regulations. The concept of shifting the perspective in monuments' protection – from safeguarding individual heritage elements to a holistic system focusing on the spirit of place – is insufficiently explored in Polish legal doctrine. This article offers an innovative approach to presenting the protection of *genius loci* as a value that should be prioritized in the cultural heritage protection system.

It also explores how the existing institution of cultural park can be utilized for this purpose. The article examines: 1) the terms “landscape”, “cultural landscape” and “spirit of place”; 2) the connections between the spirit of place and the cultural landscape; 3) the development of the cultural park institution in Polish law; 4) the potential for using cultural parks to protect the spirit of place; 5) recommended changes to effectively protect *genius loci* within the framework of cultural park. This study employs formal-dogmatic and legal-historical method.

Genius loci and cultural landscape

The landscape is an element of the environment, as stated in the Environmental Protection Law¹ (Article 3(39)). According to the definition in the Spatial Planning and Development Act² (Article 2(16e)), a landscape is a space perceived by people, encompassing natural elements or man-made creations shaped by natural factors or human activity. This definition emphasizes a static perspective, contrasting with the European Landscape Convention³ (Article 1(a)), which highlights the dynamic interactions between natural and human factors.⁴ A cultural landscape is a subtype of landscape⁵ characterized by its historical formation and presence of immovable monuments, as defined in Article 3(14) of the Act on the Protection and Care of Historical Monuments.⁶ This anthropocentric definition focuses on human perception of the natural and civilizational elements comprising a landscape,⁷ indicating a subjective evaluation of what constitutes a landscape and its most significant features.⁸ These subjective perceptions reflect the values deemed essential by observers. Humans influence the landscape through creation and reception, while the landscape, in turn, impacts humans.

¹ Act of April 27, 2001 – Environmental Protection Law (consolidated text: Journal of Laws 2024, item 54, as amended).

² Act of March 27, 2003 on Spatial Planning and Development (consolidated text: Journal of Laws 2024, item 1130, as amended).

³ Council of Europe Landscape Convention, Florence, October 20, 2000 (Journal of Laws 2006, no. 14, item 98).

⁴ A. Fogel, G. Goleń, A. Staniewska, Art. 7, [in:] *Ustawa krajobrazowa. Komentarz do przepisów wprowadzonych w związku ze wzmocnieniem narzędzi ochrony krajobrazu*, LEX/el. 2016.

⁵ T.J. Chmielewski, U. Myga-Piątek, J. Solon, *Typologia aktualnych krajobrazów Polski*, „Przegląd Geograficzny” 2015, vol. 87(3), pp. 380–383.

⁶ Act of July 23, 2003 on the Protection and Care of Historical Monuments (consolidated text: Journal of Laws 2024, item 1292, as amended).

⁷ K. Szlachetko, K. Olzacki, Art. 2, [in:] *Planowanie i zagospodarowanie przestrzenne. Komentarz*, red. J.H. Szlachetko, K. Szlachetko, LEX/el. 2024.

⁸ K. Kamińska, *Krajobraz kulturowy – nowa relacja człowieka ze światem (nie tylko przyrody)*, „Zeszyty Naukowe Ostrołęckiego Towarzystwa Naukowego” 2014, nr 28, p. 242.

Landscape perception is not limited to sensory experiences (e.g., aesthetics, sounds, smells) but also includes emotional responses.⁹ Space, in itself, lacks value.¹⁰ When humans engage with it, forming a relationship, a bond emerges, transforming the space into a place.¹¹ Through this process, individuals build their identity, achieving personal and social identification through their connection with a place. Engagement with a place by heritage stakeholders is crucial for consciously and appropriately selecting objects for care and protection based on their values.¹² A cultural landscape owes its unique and irreplaceable character to *genius loci*, which constitutes its essence.¹³ Beyond the landscape, the spirit of place is shaped by: evolving urban fabric, historical naming of buildings, squares, streets, and settlements;¹⁴ changes in worldviews, religions, cultural patterns; folklore, traditions, legends, myths,¹⁵ and related historical and fictional figures,¹⁶ superstitions, and customs¹⁷ – elements of intangible cultural heritage.¹⁸ The concept of spirit of place is linked to spirituality while at the same time being a real entity¹⁹ perceived by the viewer regardless of his or her worldview.²⁰ This is confirmed by the occurrence of the concept of the spirit of place in a great many

⁹ H. Izdebski, Art. 2, [in:] *Planowanie i zagospodarowanie przestrzenne. Komentarz*, red. H. Izdebski, I. Zachariasz, LEX/el. 2023.

¹⁰ B. Jałowicki, *Magia miejsc*, [in:] *Fenomen genius loci. Tożsamość miejsca w kontekście historycznym i współczesnym*, red. B. Gutowski, Warszawa 2009, p. 9.

¹¹ M. Madurowicz, *Hermeneutyka miejsca w świetle fenomenologii przestrzeni*, [in:] *Fenomen...*, p. 52.

¹² Ł. Gaweł, *Zarządzanie dziedzictwem kulturowym – wybrane zagadnienia*, [in:] *Ochrona i zarządzanie dziedzictwem kulturowym*, red. Ł. Gaweł, W. Pokojska, A. Pudełko, Kraków 2016, pp. 65–67.

¹³ K. Dąbrowska-Budziło, *Genius loci jako potencjalne źródło inspiracji dla kształtowania krajobrazu*, „Prace Komisji Krajobrazu Kulturowego” 2011, nr 15, p. 228.

¹⁴ A. Trapszyc, *Słowo (nazwa) – kadr (widok) – pamięć (dziedzictwo). O istocie dialogu między materią a duchem miasta*, [in:] *Niematerialne dziedzictwo miasta. Muzealizacja, ochrona, edukacja*, red. M. Kwiecień, Kraków 2016, pp. 110–113.

¹⁵ M. Szafrńska, *Ogród w świetle księżyca, czyli genius loci a genius horti*, [in:] *Fenomen...*, p. 140.

¹⁶ B. Szmygin, A. Fortuna-Marek, A. Siwek, *Stare Miasto w Zamościu. Dobro Światowego Dziedzictwa UNESCO. Ocena wartości i plan zarządzania*, Zamość 2018, p. 47, 60.

¹⁷ M. Banaszkiewicz, *Tożsamość miejsca. Przypadek mieszkańców Sankt Petersburga*, „Politeja” 2013, vol. 10(4), p. 442.

¹⁸ Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the UNESCO General Conference on 17 October 2003 (Journal of Laws 2011, no. 172, item 1018).

¹⁹ J. Markeviciene, *Genius Loci and Homo Faber: A Heritage-Making Dilemma*, <https://openarchive.icomos.org/id/eprint/85> (access: 10.02.2024).

²⁰ Z. Mirek, *Ogród z perspektywy genius loci*, „Czasopismo Techniczne. Architektura” 2010, vol. 107(13), p. 36.

distant and quite different cultures of the world.²¹ *Genius loci* is a manifestation of the sacred in the profane sphere.²²

E. Rewers links *genius loci* with the aura of a place, which has a multilevel character. The overlapping of many aspects of a place's existence creates a spatial depth perceived materially and, at the same time, a spiritual and emotional depth.²³ Like landscapes, the perception of *genius loci* depends on the observer,²⁴ even though its presence is objective.²⁵ Spirit of place evolves along with the living that take place under its influence, marking an ongoing process.²⁶ Thus, the protection of the spirit of place and landscape should combine preservation and conservation efforts with sustainable development principles.²⁷ The identification of the spirit of a place is a way of the implementation of the principle of sustainable development – it allows a conscious choice to make such changes in the cultural landscape that will not lead to the loss of connection with the heritage by the present generations and its annihilation for the future generations – it gives the basis for the choice of reasonable actions, shows the relations between the individual elements of the landscape that are worth protecting, adds to the heritage an identity value.²⁸ People are unable to preserve their spiritual roots if the world in which they live does not sustain these relationships,²⁹ therefore, it is crucial to recognise the spirit of a place and the regulations for its protection. *Genius loci* shapes local social identity and collective memory, which serve as carriers of heritage.³⁰

²¹ C.M. Lanzas, *The Spatial Turn in the Heritage Field: A Case Study of the Arctic during the Crisis of Places*, Master's Thesis in Conservation 2021–23, Uppsala University, <https://www.diva-portal.org/smash/get/diva2:1806226/FULLTEXT01.pdf> (access: 6.05.2025), pp. 34–35.

²² M. Eliade, *Sacrum a profanum. O istocie sfery religijnej*, Warszawa 1999, pp. 15–16.

²³ E. Rewers, *Od miejskiego genius loci do miejskich oligoptikonów*, [in:] *Fenomen...*, pp. 16–18.

²⁴ B. Gutowski, *Genius loci wobec tożsamości miast współczesnych*, [in:] *Fenomen...*, p. 36.

²⁵ J. Markeviciene, *op. cit.*

²⁶ Z. Mirek, *op. cit.*, p. 35.

²⁷ E. Baniowska-Kopacz, *Park Kulturowy Nowa Huta w świetle dokumentów miejskich i UNESCO oraz badań etnologicznych*, „Łódzkie Studia Etnograficzne” 2024, nr 63, pp. 201–202.

²⁸ L. Loures, *Post-Industrial Landscapes as Renaissance Locus: The Case Study Research Method*, “WIT Transactions on Ecology and the Environment” 2008, vol. 117, pp. 296, 298–299.

²⁹ C. Alexander, S. Ishikawa, M. Silverstein, M. Jacobson, I. Fiksdhal-King, S. Angel, *A Pattern Language: Towns, Buildings, Constructions*, New York 1977, pp. 139–145.

³⁰ M. Wójcik, *Pamięć jako nośnik dziedzictwa kulturowego*, [in:] *Niematerialne dziedzictwo kulturowe. Źródła – wartości – ochrona*, red. J. Adamowski, K. Smyk, Lublin–Warszawa 2013, p. 144.

Lack of protection for *genius loci*

Currently, Polish law does not directly regulate the protection of the spirit of place. The term *genius loci* appears only once in an implementing act of the Spatial Planning and Development Act – the Regulation of the Council of Ministers on landscape audits.³¹ The presence of *genius loci* is a criterion for identifying traditional landscapes. Due to the absence of legal requirements, protecting spirit of place is marginalized and its significance overlooked in planning decisions.³² This persists despite the 2008 ICOMOS Quebec Declaration on the Preservation of the Spirit of Place.³³ The declaration is doctrinal text, not a binding international legal act,³⁴ these guidelines are voluntary and depend on the awareness and willingness of heritage decision makers.³⁵ Therefore, it is crucial to identify ways within existing legislation to protect *genius loci* – a comprehensive and significant phenomenon that should be treated at least equally to tangible and intangible heritage.

In the Polish legal system, there are useful for protection of *genius loci* forms and principles of protection of cultural heritage and monuments contained in landscape audits, voivodeship spatial development plans, general plans, local spatial development plans (MPZP – *miejscowy plan zagospodarowania przestrzennego*), planning permits. Instruments for the protection of the environment, nature³⁶ and landscape provided by the Environmental Protection Law, the Nature Conservation Act³⁷ and the Act on the Protection and Care of Historical Monuments can also be used indirectly to protect *genius loci*. Due to its object particularly useful for the protection of the spirit of place is the institution of a cultural park.

³¹ Regulation of the Council of Ministers of January 11, 2019 on landscape audits (consolidated text: Journal of Laws 2024, item 537, as amended).

³² M. Pożarowski, *Identyfikacja genius loci – krok w stronę piękna*, „Metropolitan” 2014, nr 1, pp. 29–30.

³³ ICOMOS Quebec Declaration on the Preservation of the Spirit of Place, Quebec, October 4, 2008, <https://whc.unesco.org/uploads/activities/documents/activity-646-2.pdf> (access: 23.01.2025).

³⁴ R. Szczepankowski, *Organizacje międzynarodowe*, [in:] *Prawo międzynarodowe publiczne. Zarys problematyki*, red. M. Kun-Buczko, Bytom 2011, p. 268.

³⁵ M. Murzyn-Kupisz, *Podmioty na rynku dziedzictwa kulturowego*, „Studia Regionalne i Lokalne” 2010, nr 3, p. 75.

³⁶ A. Mitkowska, K. Łakomy, *Ochrona obiektów krajobrazowych i ogrodowych z uwzględnieniem tradycyjnych wartości kulturowo-przyrodniczych poprzez odczytanie i eksponowanie „genius loci”*, [in:] *Współczesne problemy teorii konserwatorskiej w Polsce*, red. B. Szmygin, Warszawa–Lublin 2008, pp. 79–80.

³⁷ Act of April 16, 2004 on Nature Conservation (consolidated text: Journal of Laws 2024, item 1478, as amended).

Cultural park

The institution of a cultural park is one of the area-based forms of heritage protection,³⁸ aimed at preserving cultural landscapes and maintaining areas of exceptional landscape value that feature immovable monuments characteristic of local building and settlement traditions (Article 16(1) of the Protection and Care of Historical Monuments Act). However, according to the Supreme Administrative Court, a cultural park serves to protect the surroundings of monuments as a certain landscape entirety,³⁹ and for this reason “area of protection should not be limited only to the plots on which the monument is located.”⁴⁰ The purpose of establishing a cultural park is also to protect the intangible values of the landscape, which are present as the characteristic atmosphere of a place and its special climate, making this institution appropriate to protect the spirit of a place.⁴¹

A cultural park is established by a resolution of the municipal council, which constitutes a local law act. Before adopting the resolution, the municipal council is required to seek the opinion of the regional monuments conservator regarding the appropriateness of establishing the cultural park (Article 16(1)). The conservator’s recommendations, however, are non-binding,⁴² but adopting the resolution without obtaining the opinion renders the resolution invalid.⁴³ Additionally, stakeholders must be allowed to express their views on the draft resolution prior to its adoption (Article 16(1a)). The resolution establishing a cultural park must include information about its boundaries, methods of protection, and applicable prohibitions and restrictions, which are the closed catalogue (Article 16(2), Article 17). The municipal council cannot impose obligations.⁴⁴ The Supreme Administrative Court, in its ruling of September 26, 2023, emphasized that a resolution establishing a cultural park must contain all four essential elements to comply

³⁸ M. Pszczyński, *Park kulturowy a planowanie przestrzenne*, „Opolskie Studia Administracyjno-Prawne” 2018, vol. 16(2), p. 207.

³⁹ Judgment of the Supreme Administrative Court of April 4, 2007, II OSK 7/07, LEX no. 334159.

⁴⁰ Judgment of the Supreme Administrative Court of December 8, 2015, II OSK 923/14, LEX no. 1995334.

⁴¹ Judgment of the Supreme Administrative Court in Cracow of July 12, 2023, II SA/Kr 587/23, LEX no. 3601914.

⁴² Judgment of the Voivodeship Administrative Court in Cracow of December 18, 2007, III SA/Kr 569/07, LEX no. 479288.

⁴³ J. Tekielak, *Park kulturowy jako jedna z form ochrony zabytków*, [in:] *Segmenty dziedzictwa kulturowego. Między ochroną dziedzictwa materialnego a niematerialnego*, red. P. Dobosz, W. Górny, A. Kozień, A. Mazur, Kraków 2020, p. 232.

⁴⁴ J. Trzewik, *Park kulturowy jako forma ograniczenia działalności gospodarczej*, [in:] *Działalność gospodarcza na obszarach chronionych*, red. R. Biskup, M. Pyter, M. Rudnicki, J. Trzewik, Lublin 2014, p. 323.

with statutory requirements; otherwise, it violates the law by failing to comply with delegation of legislative power.⁴⁵ Before adopting the resolution, a cultural park protection plan should be prepared, and the protection methods outlined in the resolution must stem from a study of needs conducted within the plan.⁴⁶ The protection plan is a municipal document and not a local law act.⁴⁷ It provides a detailed analysis of resources and outlines necessary protective measures to be implemented within the cultural park.⁴⁸ Its adoption is necessary in order to achieve the objectives of the park's existence and to define the means of its protection, and therefore its non-adoption may pose a significant violation of law.⁴⁹

In practice, some mayors (city presidents) do not draw up cultural park protection plans. Such a situation occurred, for example, in Łódź, where from the establishment of the park in 2015⁵⁰ until the annulment of the resolution on its establishment in 2023,⁵¹ no such plan was drawn up. Instead, in 2016, there was prepared a publication to serve entrepreneurs and users of the area included in the Piotrkowska Street Cultural Park to adapt the appearance of shop windows, advertising signs and catering gardens to the requirements of the park depending on the style of the building where the business was conducted.⁵² However, this was not a comprehensive study of the assets to be protected in the cultural park.

An example of a helpful tool for *genius loci* protection is the Protection Plan for the Cultural Park of Krupówki Street in Zakopane,⁵³ developed by experts from various fields, being an expression of a holistic approach to heritage. The plan includes

⁴⁵ Judgment of the Supreme Administrative Court of September 26, 2023, II OSK 3243/20, LEX no. 3621956.

⁴⁶ M. Drela, *Park kulturowy*, [in:] *Leksykon prawa ochrony zabytków. 100 podstawowych pojęć*, red. K. Zeidler, Warszawa 2010, p. 251.

⁴⁷ K. Zalaszińska, *Ustawa o ochronie zabytków i opiece nad zabytkami. Komentarz*, Warszawa 2020, p. 58.

⁴⁸ Z. Myczkowski, *Czym jest plan ochrony parku kulturowego?*, [in:] *Park kulturowy. Szansa i wyzwanie*, red. D. Kassjanowicz, Warszawa 2022, pp. 23–24.

⁴⁹ Judgment of the Voivodeship Administrative Court in Łódź of September 3, 2020, II SA/Łd 727/18, LEX no. 3054521.

⁵⁰ Resolution no. XXI/483/15 of the City Council in Łódź of December 9, 2015 on establishment of Piotrkowska Street Cultural Park (Official Journal of the Łódź Voivodeship 2016, item 174).

⁵¹ Judgment of the Supreme Administrative Court of September 26, 2023, II OSK 3243/20, LEX no. 3621956.

⁵² Urząd Miasta Łodzi, *Księga standardów ulicy Piotrkowskiej. Zasady kształtowania frontów lokali usługowych w Parku Kulturowym ulicy Piotrkowskiej*, 2016, <https://uml.lodz.pl/dla-mieszkancow/o-miescie/architektura-i-urbanistyka/ksiega-standardow-ulicy-piotrkowskiej> (access: 6.05.2025).

⁵³ J. Wowczak, A. Siwek, U. Forczek Brataniec, P. Nosalska, R. Marcinek, Z. Możdziej, A. Rykaczewska, Z. Myczkowski, *Plan ochrony Parku Kulturowego obszaru ulicy Krupówki*, 2016, http://plk.zakopane.eu/assets_files/content/10/my.esc.pliki/plik/TEKST_W_CA_O_CI.pdf (access: 6.05.2025).

a historical, architectural, landscape and view analysis. However, with an aim to protect the spirit of the place, it should be broadened to include elements related to intangible heritage values and elements such as sound characteristics, cultivated traditions and practices, including, e.g. culinary, crafts, the way of dressing.

Following the establishment of the park, MPZP, must be adopted for its area (Article 16(6)). The MPZP, as a planning document and local law act, must adhere to the principle of considering landscape values.⁵⁴ The need to adopt an MPZP for the cultural park area must be assessed unequivocally as positive. Adoption of principles of shaping spatial order in MPZP is always connected with the analysis of architectural, technical and natural elements occurring in this space. Potentially, this gives the possibility to include such planning solutions that will protect *genius loci*. In practice, however, strict recommendations as to the appearance features of non-historic buildings boil down to the determination of colours, choice of roof types, heights, building density, percentage of biologically active area. These are, of course, important elements shaping the spirit of the place, but specifying these factors does not mean that the building will match *genius loci* in its character. It is necessary to identify it, select its most significant elements that should be protected and adapt planning arrangements accordingly.

The current shape of the cultural park institution is conducive to the protection of the spirit of place, but due to the lack of clear statutory injunctions to examine its constituent elements and take its protection into account, it is not fully effective. For the effectiveness of the cultural park institution in protecting the *genius loci*, it is necessary to recognise it each time and to make a conscious choice by heritage stakeholders and decision-makers as to which of its elements are valuable and deserve protection. The choice what to protect is necessary in order to identify the right objectives and means of protection. Only adopting the right objectives and means provides effective protection.

Conclusions. Protecting *genius loci* through the creation of cultural parks and recommendations for the future

Cultural landscapes, which shape and sustain the specific character of a given *genius loci*, play a vital role in its essence. Cultural landscape is shaped by anthropological and natural factors, it is perceivable by humans only as a whole composed of many individual elements. The same is with *genius loci* –

⁵⁴ Ż. Skrenty, *Podstawowe zasady planowania przestrzennego – istota i cele ustanowienia*, „Studia Lubelskie. Prace Instytutu Prawa i Administracji Państwowej Wyższej Szkoły Zawodowej w Sulechowie” 2011, vol. 7, p. 245.

it is a complex, multi-layered entity which is best recognisable in a historically or topographically distinct cultural landscape. For this reason, it is appropriate and advisable to protect the spirit of a place through the protection of the cultural landscape. Therefore, under current legal frameworks, effective methods of protecting spirit of place can be found within the mechanisms for safeguarding cultural landscapes, with the creation of cultural parks being the most significant. A cultural park not only protects individual monuments or their complexes but also encompasses elements such as contemporary cultural assets, small architectural forms, natural resources, topography, and views – integral parts of the landscape as a whole.

The protection plan created prior to the park's establishment should analyse the factors constituting *genius loci*, methods for its effective preservation, and rational park management strategies. Including these elements in the protection plan would contribute to consciously shaping spirit of place as a defining characteristic of a given settlement unit. The resolution establishing the park should, following the guidelines prepared by experts in the protection plan, adopt appropriate prohibitions and restrictions under Article 17 (Protection and Care of Historical Monuments Act) to safeguard cultural landscape elements crucial to maintaining *genius loci*. The MPZP should adapt buildings principles to the existing housing types, heights, colours, materials and density within the park, preventing transformations incompatible with spirit of place. In the current legal framework, where the non-binding nature of regulations concerning *genius loci* (Quebec Declaration) and the lack of regulations for its direct protection prevail, incorporating it as a value deserving protection in a cultural park depends on the conscious and voluntary decisions of heritage authorities and other stakeholders. Therefore, it is essential to introduce regulations that prevent overlooking the protection of *genius loci* during the creation of cultural parks.

Postulated changes are to consciously and fully take into account the factors that create *genius loci* while making spatial planning and monument protection decisions: 1) introduction of a change in the wording of the Article 15 (2)(4) of the Spatial Planning and Development Act, which reads as follows: “principles of protection of *genius loci*, cultural heritage and monuments, including cultural landscapes, and modern cultural assets”, which will directly translate into the obligation to expand the MPZP of principles of protection of the spirit of place; 2) mandating the regional monuments conservator to conduct an in-depth and comprehensive analysis of *genius loci* and its constitutive factors and include these in the cultural park protection plan; 3) amending the objectives for establishing a cultural park (as outlined in Article 16(1) of Protection and Care of Historical Monuments Act) to read: “to protect the cultural landscape and preserve areas of exceptional landscape value with immovable monuments characteristic of

local building and settlement traditions, reflecting the presence of *genius loci*". Implementing these solutions would shift the focus of cultural park protection from exclusively safeguarding cultural landscapes to embedding this within the broader context of local heritage as an inseparable whole, with *genius loci* as the unifying, primary element. The proposed changes will align the institution of the cultural park with the aim of protecting the spirit of the place. However, it should be noted that the cultural park, currently an imperfect but very useful institution, should nevertheless remain in legal system.

These improvements could mark the beginning of systemic reform in Poland's heritage protection framework, still overly focused on individual monuments. This focus limits the possibilities for a holistic approach to heritage conservation and utilitarian reuse. Hence, a paradigm shift from monument protection to the preservation of spirit of place – the axis connecting tangible and intangible heritage – should be advocated. Recognizing *genius loci* in a given area is tantamount to assigning value to its local heritage. Spirit of place serves as a carrier of these values, providing stakeholders with access to them through the process of perception.

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Abstract: The article discusses the use of the cultural park institution in safeguarding the little-known, yet relevant phenomenon of *genius loci* (spirit of place). *Genius loci* is a nexus connecting tangible and intangible heritage, thereby attributing value to them, necessitating legal protection. This is a view that has not been developed by Polish jurisprudence so far, but has been noticed by international organizations. The cultural landscape is a significant component of spirit of place, and thus, the cultural park institution – originally designed for the protection of cultural landscapes – might be used as an effective tool in preserving the *genius loci*. The article examines: the terms “landscape”, “cultural landscape” and “spirit of place”; the connections between the spirit of place and the cultural landscape; the development of the cultural parks institution in Polish law; the potential for using cultural parks to protect the spirit of place; recommended changes to effectively protect *genius loci* within the framework of cultural parks. The study has been prepared based on formal-dogmatic and legal-historical method.

Keywords: cultural park; cultural landscape; *genius loci*; spirit of place; cultural heritage

Abstrakt: W artykule zwrócono uwagę na możliwość wykorzystania instytucji parku kulturowego przy ochronie mało poznanego, a relewantnego fenomenu, jakim jest *genius loci* (duch miejsca). *Genius loci* stanowi oś łączącą dziedzictwo materialne i niematerialne, dzięki czemu nadaje im wartości i z tego powodu konieczna jest jego prawna ochrona. Jest to pogląd dotychczas nierozwijany przez polską jurisprudence, ale dostrzeżony przez organizacje międzynarodowe. Krajobraz kulturowy stanowi istotną część składową ducha miejsca i z tego powodu instytucja parku kulturowego – ustanowiona do ochrony krajobrazu kulturowego – okaże się efektywnym narzędziem służącym do ochrony ducha miejsca.

W artykule dokonano analizy: terminów „krajobraz”, „krajobraz kulturowy”, „duch miejsca”; wzajemnych powiązań pomiędzy krajobrazem i *genius loci*; rozwoju instytucji parku kulturowego w polskim systemie prawnym; potencjału wykorzystania instytucji parku kulturowego do ochrony ducha miejsca; rekomendowanych zmian, które umożliwią zwiększenie efektywności ochrony *genius loci* w ramach instytucji parku kulturowego. Praca została przygotowana w oparciu o metodę formalno-dogmatyczną i historyczno-prawną.

Słowa kluczowe: park kulturowy; krajobraz kulturowy; *genius loci*; duch miejsca; dziedzictwo kulturowe

