

Contents

Introduction	7
--------------------	---

STUDIES AND ANALYSIS

Dariusz Skrzypiński

Policy towards the Judiciary as a symptom the transformation of the Polish political system in years 2015–2020	9
-------------------------------------------------------------------------------------------------------------------------	---

Michał Mistygacz

The position of the judge in Poland within the judicial system ..	25
-------------------------------------------------------------------	----

Przemysław Szustakiewicz

The division of Competences between Administrative Courts and Common Courts in Poland	49
------------------------------------------------------------------------------------------------	----

Jacek Zaleśny

The independence of the public prosecutor's office	60
----------------------------------------------------------	----

Sabina Grabowska

Is there a “universal” model of the president's constitutional responsibility in European countries?	81
---------------------------------------------------------------------------------------------------------------	----

Dominik Szczepański

Constitutional amendments in Poland between 1997–2019	96
-------------------------------------------------------------	----

Daria Murawska

The local face of NGOs in Poland	112
----------------------------------------	-----

* * *

Мавлюда Ахатовна Ахмедшаева

Рецепция права как фактор модернизации национального права	126
------------------------------------------------------------	-----

Александр Игоревич Черкасов

Мэры и их взаимодействие с муниципальными советами в странах Восточной Европы	147
----------------------------------------------------------------------------------------	-----

Лилиана Тимченко

Учение о признании государств в международно-правовой доктрине классического периода (по материалам исследования М.А. Циммермана «Вмешательство и признание в международном праве») 158

Иванна Килушик

Политические права иностранцев из третьих стран в Польше. Результаты количественных исследований 173

Introduction

The present volume of *Studa Politologiczne (Political Science Studies)* is devoted to the legal and political processes taking place in contemporary Poland, the tendencies occurring in this sphere and the observable problems. Attention is paid both to the legal frameworks of the state's political system and the existing political practice, including that in the field of the judiciary. Political sciences raise the fundamental dilemmas arising against this background. These are the dilemmas which were not paid any greater attention to until recently and which were waved aside. It was believed obvious and indisputable that the judiciary independent from the political authorities were an important guarantee in realizing civil rights and freedoms and that the bodies of the political power did not put pressure on courts to pass verdicts of concrete content in a concrete matter. The conviction prevailed according to which people from the communist apparatus, public prosecutors from the period of martial law or people morally depraved otherwise should not find any place in courts or in the Constitutional Tribunal. Although in practice the situation was sometimes different, what was pathological was not called the rule of law. Although after the period of political transformation there were problems with the prosecutor's office which acted within the frameworks of the Leninist model and was prone to manipulation, power abuse or services rendered for the political authority, the situation was not considered normal and those were believed to be shameful dysfunctions. In other words, after the parliamentary elections in 2015 the processes taking places in the state's political system, the processes whose frameworks are theoretically connected in the doctrine with legal nihilism and with the conviction that what is political should dominate over what is legal got intensified.

In the dispute which is typical of contemporary states between the will to act and the constitutional frameworks marking the political order of the state the sphere of politics is given primacy. *Nota bene*, this is a typical process in contemporary countries. Referring the directives of the state of law or the separation of powers to the processes occurring years ago in European countries, the United States or in other countries

regarded to be lawful, one sees far-reaching deformations in relation to the model solutions sought by the doctrine. Similar processes take place in international relations where the legal frameworks or the principle of non-interference into the interior relations of other countries ceased to be an indicator of desirable behaviour. Hence, it appears that departure from the assumptions of the state of law is of an all-round character: it refers both to the relations taking place inside contemporary states in international relations as well. The primacy of politics over law crosses further boundaries.

Stanisław Sulowski, Jacek Zaleśny