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PhD dissertation abstract

*Realisation of the idea of constitutionalism in the light of postponing the effect of the  
Constitutional Tribunal's verdict*

The subject of the research is the analysis of regulation that allows the Constitutional Tribunal to postpone the effect of its verdict which states the unconstitutionality of legislation in confrontation with the idea of constitutionalism. The mentioned regulation has been, for years of its existence, the subject of deep controversy as well as there has been many various opinions formulated on it. The main problems are issues of possible conditions for postponing the effect of the Tribunal's verdict and effects of this action, in particular in the context of proceedings in which the unconstitutional legislation is used along with the impact of the act of postponing on the issues of revisions, as well as the possibility of claiming damages for legislative unlawfulness.

The Part I focuses on the issues of theory and philosophy of law related to the idea of constitutionalism as the starting point for the assessment of the regulation. The main objective of this part of the dissertation was an attempt to find the meaning of the term „constitutionalism” along with an attempt to place this term in the Polish theory of law. The analysis includes the possibility of considering constitutionalism to have binding power, as well the possibility of considering it a principle of law from the point of view of Polish theory of law. On this ground conclusions were made on purposes of the constitutional review as a way to protect the rights and liberties guaranteed by the constitution, as well as on the regulation which allows to postpone the effect of the Tribunal's verdict.

The Part II contains conclusions of the analysis of the Tribunal's verdicts with the application of the „postponing clause” given in 1998-2017, in particular the analysis of conditions for using the mentioned regulation along with ways and effects of using it. Confronting the results of research with conclusions of the Part I allowed to make an assessment of current way of using the regulation in the light of purposes of the constitutional review, as well as it allowed to present *de sententia ferenda* and *de lege ferenda* postulates.

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