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Abstract of the doctoral dissertation
„Appointing judges to the Constitutional Tribunal in Poland”

Constitutional courts are bodies whose main purpose is to adjudicate the conformity of statutes and other normative acts to the constitution. It is a truism to say that the rulings of the constitutional courts very often concern matters of huge political and social meanings to the country. Due to above mentioned reasons and the impact of particular constitutional judges to the court decisions, political groups want to have an influence upon the procedure related to the appointment of judges to the constitutional courts. Due to the place of the constitutional courts in a state structure and their competences and because of a small number of constitutional judges, there are smaller or larger political factors in a procedure of appointment of judges to the constitutional courts

The subject of the research was the analysis of the procedure of appointment of judges to the Constitutional Tribunal in Poland which is a key factor for a proper functioning of a constitutional court and for ensuring the independence of its judges. These claims are confirmed in the most significant constitutional crisis which started in Poland in 2015, related to the appointment of the constitutional judges. This crisis has quickly evolved into crisis related to the legal and political grounds of functioning of Constitutional Tribunal in Poland.

The dissertation has been divided into five chapters, an introduction and final conclusions.

Chapter I has a historical and comparative nature. This chapter presents the beginning of the idea of controlling the constitutionality of a law adopted in a state and two main models of such control of law – american model (decentralised) and european model (centralised). In the next part, after presenting the development of the constitutional judiciary in Europe, it shows how the compositions of constitutional courts in selected european countries are shaped nowadays.

Chapter II presents a method of appointing judges to the Constitutional Tribunal in Poland in 1985-1997 and the position of the Constitutional Tribunal in a state structure that times.

Chapter III analyzes the provisions of the 1997 Constitution of the Republic of Poland concerning the components of the independence and autonomy of the Constitutional Tribunal and the independence of its judges. These aspects are important for creating the correct procedure of appointing judges to the Constitutional Tribunal in Poland.

Chapter IV, the key chapter of entire doctoral dissertation, was devoted to the analysis the current procedure of appointing judges to the Constitutional Tribunal in Poland. The analysis of the formation of the composition of the Constitutional Tribunal was performed in the chronological order. In this chapter it was also taking into consideration the role of the President of the Republic of Poland in procedure of creating the composition of polish constitutional court. It is important part of consideration because the President of the Republic of Poland is obliged to take an oath from new elected constitutional judges but according to the 1997 Constitution of the Republic of Poland only Sejm is entitled to appoint judges to the Constitutional Tribunal. At the end, the chapter refers to the election of judges to the Constitutional Tribunal in Poland in 2015 which was the beginning of a constitutional crisis.

Chapter V presents the issue of relations between the correct procedure of appointing judges to the Constitutional Tribunal and the issue of legal consequences when the formation of adjudicating bench of the Constitutional Tribunal is improper. In this chapter it was taken under consideration, what are legal consequences of giving judgements by Constitutional Tribunal in situation when the adjudicating board of the Constitutional Tribunal is composed of people who has not right to adjudicate.

The dissertation constructed in this manner became the basis for elaborating conclusions related to the research objectives as well as research problems. Additionally the *lege ferenda* postulates were presented.

