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Abstract of the doctoral thesis

„Inflation of laws in the Third Polish Republic. Theoretical and doctrinal perspective”

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The subject of the doctoral thesis is an attempt at a comprehensive approach to the inflation of laws in Poland in 1989–2021. The title phenomenon understood as overproduction of normative acts combined with a general decline in their quality is known in the literature and journalism but has not yet been presented in its entirety. In the dissertation, the author conducts a quantitative observation of the general system of statutory law in Poland, focusing on variables such as: the volume of the Journal of Laws, the number of acts and regulations with the frequency of their amendment, the legal turnover of normative acts, and the general speed of legislation. In addition, the author analyses three cross-sectional examples of legislation from various areas of law: economic activity, local government, and regulations around the COVID-19 pandemic.

The author poses two fundamental research questions: whether the inflation of the law is an inevitable phenomenon and if and how it can be limited. To answer them, the writer proposes a broad look at the phenomenon from two research perspectives: theoretical and doctrinal.

The part relating to the theory of law includes an in-depth analysis of the legal system of the Third Polish Republic with the cultural, structural, and political factors determining its shape. The author pays particular attention to three phenomena characteristic of the Polish legal culture, which he describes as crucial for the overproduction of law: the paradigm of the rationality of the legislator, the dominance of formalism, and social engineering tendencies in law-making. The doctrinal part covers the important selected trends of contemporary political and legal thought, which constitute the starting point for the postulates of legislative reforms. The author also discusses selected examples of anti-inflationary and deregulation measures in legislation along with their effects in several countries.

The summary concludes that the only way to avoid the inflation of laws is a stable legislative policy, based on reliable compliance with regulatory impact assessment but also on continuous evaluation of the existing statutes. Even if their aim is to limit regulation in a given area, interventions paradoxically only lead to further over-regulation.

The dissertation includes an introduction, four substantive parts, and a summary. Its significant extension is the annex with empirical data on legislative production in Poland in the last three decades. The work is dominated by the analytical (theoretical) method, supplemented by historical, dogmatic, and comparative methods. The work describes the legal status as of 08/31/2022.

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