*Klaudia Zawiślak*

Institute of Law Studies of the Polish Academy of Sciences

# The quality of law in Poland – selected issues

**ABSTRACT**

*Subject of research:* The article deals with the topic of the quality of law in Poland – selected issues. The main constitutional rules related to the correct legislation were discussed. Also the right of legislative *initiative was shortly mentioned. Moreover* the impact of state authorities and other bodies, which don't have a right of legislative initiative, on the quality of law in Poland was presented. In this article a great emphasis was put on the impact of such inspiration on the Polish law and legislative process as well.

*Purpose of research:* The purpose of the research is to show what factors impact on the quality of law in Poland. Also, the attempt was made to present what constitutional principles are connected with the quality of law and which bodies in Poland can inspire the relevant authorities to introduce legislation. Moreover, the aim of the article is to present the impact of non-government institution, citizens and other bodies on Polish law.

*Methods:* For the purpose mentioned above, a dogmatic-legal method was used, which consisted in analysis of legal regulations in Poland.

***Keywords:*** constitutional legislative principles, pre-legislative stage, the quality of law, impact on Polish law, legislative inspiration, entities not having a legislative initiative

## 1. Introduction

The quality of law in Poland is in bad condition and that statement is common known and repeated not only in the legal society but also

by the receivers of that law (Lipowicz, 2012, p. 286; Kalisz, 2012, p. 3; Kochanowski, 2003, p. 77). Polish law is produced fast and in increasing numbers. In 2016, according to the last report of the Grant Thorton,[1] 31,906 pages of the legal acts entered into force and the average period of work on the law – counting from the introduce the project to the Sejm until the date of signature of the President of Poland – lasted only 77 days. For comparison, a year earlier it was 122 days, and in 2000 – 201 days. Those numbers show how fast the problem with insufficient quality of law is growing. Excessive regulation of social and economic development sometimes can become a source of crisis in the country (Kochanowski, 2003, p. 81). German philosopher and sociologist Jürgen Habermas called that phenomenon "Juridification". In general terms, juridification refers to an increase in formal or written law, when law comes to invade more and more areas of social life, turning citizens into clients of bureaucracies (Habermas, 1982, p. 222).

Another problem related to the enormous number of legislation is that the addressees of the legal provision are unable to read the content of the legal norm and therefore they are unable, without the assistance of legal experts, to define the scope of theirs rights and obligations (Zoll, 2014). Experts at Grant Thornton calculated that "the mechanical reading of this collection would take the average Pole half of each working day, and to be exact, 3 hours and 59 minutes. In other words, in order to read the new laws and regulations, you would need to spend up to 983 hours or 41 full days"[2].

In this paper an attempt was made to present what principles described the ideal law – in its construction and meaning. On the basis of the Constitution of the Republic of Poland the most important legislative rules were discussed. The reason of that was to show how the fundamental Act in the country influences all of the legislation. However the main aim of that article is to present the most significant entities, which don't have a right to introduce the bill to the Sejm, but they can inspire the relevant state authorities and bodies, which are able to bring a draft of the bill to the Sejm.

[1] More information on the webpage http://barometrprawa.pl/#p2

[2] More information on the webpage http://www.financialobserver.eu/poland/polish-law-is-the-most-unstable-in-the-european-union/

## 2. The quality of law in the principles of the Polish Constitution

The Constitution of the Republic of Poland is the fundamental Act – the supreme law in Poland. It contains many crucial legal provisions concerning the character of the state, state authorities, political, social and economic system of the country and describes the main rights and duties of the citizens (Garlicki, 2016, p. 46). The Constitution is also the source of regulations related to the quality of law. The article 2 of the Constitution states that the Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice. That constitutional principle played a significant role in the development of the Polish law (Winczorek, 2008, p. 19). Nowadays, that rule is a fundamental principle of the Polish state and it expresses many rules which are not explicitly mentioned in the Constitution, for example the principle of legal certainty, the principle of legality, the principle of separation and balance of powers, the principle of equality before the law and the principle of correct legislation. Moreover that principle influences the way of interpretation the law (Jędrzejewska, 2011, p. 120.)

The Constitutional Tribunal has frequently stressed the importance of correct legislation in its judgments stating that in a democratic country it is one of the fundamental principles determining the relationship between the state and citizens (see the judgment of the Constitutional Tribunal ref. no. P 3/00). In the light of the Constitutional Tribunal' judgments the principle of correct legislation includes specific rules such as the principle of protection of citizens' trust in the state and its laws, the principle of certainty of the law, the principle of specificity of legal provisions, the principle of protection of interests in progress, the principle of protection of acquired rights, the principle of non-retroactivity *(lex retro non agit)*, the principle of the appropriate *vacatio legis* and the principle of observance of legislative technique (Frankowski and Bodnar, 2005, p. 7).

The constitutional principle, which creates specific obligations in the sphere of activity of public authorities, is the principle of protection of citizens' trust in the state and its laws (also referred to as the principle of loyalty of the state to the individual). That principle is one of the basic principles defining the relationship between the citizen and the state

(Zaleśny, 2009, p. 21). The main aim of that principle is to prohibit the creation by the state the illusory law, which is unfeasible. The Constitutional Tribunal expresses the view that this principle consists in such lawmaking and the application of the law, so as not to become a trap for a citizen who should be able to organise his life in trust to the law. Citizens of the state should make their decision without risking the unforeseeable legal consequences. Citizens have to be sure that their actions, taken in accordance with the applicable law, will also be recognized in the future by the legal order (see judgment of the Constitutional Tribunal K 26/97).

The principle of protection of citizens' trust in the state and its laws is based on the requirement of legal certainty, i.e. such a set of features describing legal regulations that provide individuals with legal security; enable them to decide about their own actions based on the in-depth knowledge of the rationale behind the activities undertaken by the state authorities, and of the legal consequences that the acts of the individuals may bring about (see judgment of the Constitutional Tribunal ref. no. K 13/01). The legal certainty is not only the stability of the law, but is more the ability to anticipate the activities of the state authorities and the related behavior of citizens (Safjan and Bosek, 2016, p. 225). T. Spyra stresses the fact that "the assessment of legal certainty must be of a comprehensive nature and it must embrace a number of additional factors, such as: the actual level of the availability of jurisdiction or professional legal help in the society" (Spyra, 2003, p. 73).

Next rule related to the correct legislation is the principle of specificity of legal provisions. According to this principle the law must be formulated in a clear, precise and correct manner so that the addressees of the legal norm can easily determine the legal consequences of their behavior (Garlicki, 2016, p. 80). In the opinion of the Constitutional Tribunal, the state by formulate unclear legal provisions, cannot leave to the authorities excessive freedom in determining in practice the scope of individual freedoms and rights (see judgment of the Constitutional Tribunal ref. no. K 33/00). In a democratic state, the aim of a particular legal regulation must clearly results from the content of the provision. The addressee of a legal norm must understand its content Moreover receiver of the legal provision should be able to determine without any doubt the scope of rights or obligations contained therein (Koksanowicz, 2014, p. 476).

The principle of protection of interests in progress has also influence on the quality of law. That principle is significant for the individuals because it provides protection of the citizen in situations when the individual has started legal action on the basis of current legal provisions and before the end of that action the new law was passed. This principle cannot be equated with the guarantee of invariability of the law, because variability of the legal provisions is unavoidable.

Another rule connected to the principle of the state of law is the principle of protection of acquired rights. That principle is often and widely analyzed in Polish and international doctrine and jurisprudence. According to the Constitutional Tribunal the principle of protection of acquired rights prohibits arbitrary abolition or limitation of subjective rights held by individuals or other private actors (see judgment of the Constitutional Tribunal ref. no. K 5/99). Moreover the Constitutional Tribunal in its judgments, has pointed out that, when interfering with the properly acquired rights, the legislature should introduce legal arrangements, which reduce the negative effects for those concerned to a minimum, and allow them to adapt to the new regulations. These restrictions on part of the legislature stem from the principle of the democratic rule of law. It has to also stressed that this principle protects only right acquired properly. The principle of the protection of acquired rights does not apply to rights acquired wrongly (Safjan and Bosek, 2016, p. 227).

Next rule which ensure citizen's right is the principle of non-retroactivity – *lex retro non agit* (Czarnota, Krygier and Sadurski, 2005, p. 303). That principle, according to the judicial decision of the Constitutional Tribunal, is "one of the essential elements of the rule of law" (see judgment of the Constitutional Tribunal ref. no. K. 7/90 and K. 9/90, K. 12). That rule means that the law cannot have retroactive power. "The essence of this principle implies that a law's effect does not extend to include past affairs and cannot pass judgment on events which occurred prior to its implementation. Instead, a law only applies to events that occur after its implementation." (Alnowaiser, 2016, p. 4). However, it should be emphasize that this rule refers to regulations which worsen the situation of the addressees. As Prokop states "there are no obstacles in the process of passing regulations, which make the situation better. The prohibition of retroaction is absolute only within criminal law, with the exclusion of actions, which at the moment

of committing have constitutes a crime in the light of international law (article 42 of the Constitution). Also within financial law the prohibition of retroaction is treated quite strictly." (Prokop, 2011, p. 35).

Another principle related to the correct legislation and because of that to the quality of law, is the principle of the appropriate adaptation period *(vacatio legis)*. The Constitutional Tribunal in its judgements mentioned extensively on the obligation to ensure an adequate period of *vacatio legis.* Tribunal stated that "the imperative for a proper *vacatio legis* is one of the standards that makes up the contents of the principle of the democratic rule of law, and stems directly from the principle of trust in the state." (see judgment of the Constitutional Tribunal ref. no. Kp 1/05). The necessity to create an adjustment period relates to all legal regulations addressed to citizens. A *vacatio legis* is considered appropriate if the receivers of the new legal provisions are able to adapt their activities and interests, as well as manage their affairs in accordance with the new requirements. The lack of a real chance to adapt to the new legal provisions proves the insufficiency of *vacatio legis.* An exceptional reduction of the *vacatio legis* period, or even its complete omission can be justified by an important public interest (Garlicki, 2016, p. 79) .

The next rule which is strongly connected with the quality of law is the principle of observance of legislative technique. The legislative technique is the term used by both the legal practice and the discipline referred to as jurisprudence (Giżyńska and Chomoncik, 2012, p. 216). The legislative technique includes not only the skills of drafting the legislative acts and correct organization of the system of such acts, but also the set of rules (directives) indicating how to design the legal acts correctly and how to include them into or eliminate them from the legal system (Wronkowska and Zieliński, 2004, p. 11). The "Principles of Legislative Technique" from 2016 are the official (with the rank of the regulation) sets of the legislative technique directives.

## 3. The legislative initiative in the legislative process

The legislative initiative consists in the right to bring a bill to the Sejm. According to the article 118 of the Constitution of the Republic of Poland the right to introduce legislation shall belong to Deputies, to the

Senate, to the President of the Republic, to the Council of Ministers and to a group of at least 100,000 citizens having the right to vote in elections to the Sejm.

The legislative initiative is precised in the Standing Orders of the Sejm of the Republic of Poland, which clarify that the minimum number of Deputies who want to bring a bill to the Sejm is 15. Also the Deputies' bills may be introduced by Sejm committees. Moreover, the Standing Orders of the Sejm specifies what kind of documents must be submitted with the bill. Article 32 states that a bill shall be accompanied by an explanatory statement which shall explain the need for and purpose of passing of the bill; present the actual situation within the area to be regulated; indicate differences between the presently existing and the proposed legal position; present an estimate of the social, economic, financial and legal effects thereof; identify sources of finance, in the event that the bill imposes a burden on the State Budget or budgets of local government units; outline drafts on principal executive acts; contain a statement of conformity of the bill to European Union law or a statement that the subject matter of the proposed legislation is not governed by the law of the European Union.

In the Senate article 76 of the Rules and Regulations of the *Senate* determines that the Senate committees or at least 10 senators can bring the legislative initiative to the Marshal of the Senate. Just like in the Sejm the Rules and Regulations of the *Senate* clarifies what kind of documents have to be submitted and which information the justification of the bill should contain. Then, during the sitting of the Senate, all senators voting for or against introduction of a legislative initiative to the Marshal of the Sejm. Although, the legislative initiative can come from number of different sources, in the Sejm the passing law has to be completed.

Bills shall be considered in three readings and according to the Sejm and Senate' rules the author of the bill, up to the end of the second reading, may withdraw his proposal. According to the article 39 of the Standing Orders of the Sejm the first reading of a bill shall consist of justification thereof by its sponsor, a debate on general principles of the bill, as well as Deputies' questions thereon and answers of the sponsor. A first reading at a sitting of the Sejm shall end with the referral of the bill or draft resolution to committees, unless the Sejm, pursuant to a relevant

motion, rejects the draft as a whole. The second reading shall consist of the presentation to the Sejm of a committee report on a bill and the debate and introduction of amendments and motions. The third reading shall consist of the presentation of an additional committee report (if there were amendments) and voting. Nowadays, the legislative process is held only in the Sejm and in the Senate. However, it has to be mentioned that at the end of the legislative process each law has to be sign by the President. President has also the right to use a presidential veto or reference the statute to the Constitutional Tribunal.

## 4. The impact of state authorities on the quality of Polish law

In Poland legislative authorities are the Sejm and Senate, which constitute the Parliament. The Council of Ministers of the Republic of Poland is, with the President, the executive body. All of mentioned authorities have the constitutional right to introduce legislation. However, there are some bodies, which are not a part of legislative authorities but they have also some rights and powers which results have impact on legislation process. Among entities which according to legal provisions may influence the shape and quality of Polish law are the Supreme Court, the Constitutional Tribunal, the Supreme Audit Office and the Commissioner for Citizens' Rights (called the Ombudsman).

The First President of the Supreme Court of the Republic of Poland is the authority who has impact on relevant entities which has right to introduce the bill to the Sejm. The Supreme Court is a unique judicial body that has been set up to ensure the lawfulness and uniformity of the jurisdiction of the courts. Although the Supreme Court is a representative of the judicial power, it also influences legislative power. The First President of the Supreme Court submits to the competent authorities comments on any irregularities or gaps in law which must be removed to ensure coherence of the legal system of the Republic of Poland (Zbrojewska, 2013, p. 147). Undoubtedly, this competence of Supreme Court is intended to signal irregularities and inspire competent authorities to initiate the legislative process to remove these irregularities and gaps in the law and to improve the quality of Polish law (Wróbel, 2008, p. 75-89).

In addition, the First President of the Supreme Court is required to submit annually information on the activities of the Supreme Court. Since the Supreme Court issues cases belonging to various branches of law, the First President has the widest knowledge about problems related to the functioning of the judiciary. Because of this annual information the First President of the Supreme Court has the opportunity to present these problems and to inspire the President of the Republic of Poland, the Sejm or the Senate to take legislative initiative to improve the quality of Polish law. To sum up, although the Supreme Court does not have a legislative initiative it influences the shape of Polish law and improves its quality through its activity.

Another source of inspiration for the change of Polish law to improve its quality is the Constitutional Tribunal. The President of the Constitutional Tribunal informs the Sejm and the Senate and other bodies, which are entitled to bring the bill to the Sejm, the existence of deficiencies and loopholes in the law which have to be removed to ensure coherence of the legal system. Also the judicial decisions of the Court play a significant role in the process of improving the quality of law. In the Polish system of constitutional control, it is assumed that the consequence of the incompatibility of the whole act or of a specific norm with the Constitution, international agreement or law is not its nullity *ex tunc* but only defectiveness.[3] Although the Constitutional Tribunal cannot bring legislative initiative to the Sejm, but through the content of the rulings can indicate the direction of the necessary changes in legislation to improve the quality of the legal system in Poland.

In addition, the President of the Constitutional Tribunal is obliged to submit to the Sejm and to the Senate an annual report on significant issues arising from the Court's activities and case-law. This is an opportunity for the President of the Constitutional Tribunal to personally present the problems resulting from the irregularities in the law and to propose the Chamber to undertake legislative work to rectify these deficiencies. Taking into account the Constitutional Tribunal' powers, it must be recognized that by its activities the Constitutional Tribunal influences the shape and

[3] See more on http://trybunal.gov.pl/o-trybunale/trybunal-konstytucyjny-w-polsce/nastepcza-kontrola-norm/

quality of Polish legislation. Another public body that have an impact on the Polish legal system is the Supreme Audit Office. The Supreme Audit Office has the broadest powers within its mandate (Safjan and Bosek, 2016, p. 1364). The Polish Constitution and the Act on the Supreme Audit Office impose an obligation on the Supreme Audit Office to submit to the Sejm an annual report on its activities. The Supreme Audit Office presents in its report a complete list of post-inspection proposals and *de lege ferenda* proposals, which constitute abundant information on the state of law and its quality. Undoubtedly, this type of activity is a form of influencing competent authorities to create a high quality law.

In addition the President of the Supreme Audit Office may move to the Marshal of the Sejm to request the Prime Minister to provide a statement on audit conclusions concerning the making and application of law. According to article 11a of the Act on the Supreme Audit Office if the statement provides the need to amend generally applicable legal regulations, it shall define the timeframe for the initiation of legislative work for these amendments and the authority responsible for developing proposals for appropriate regulations. The Supreme Audit Office, by pointing out loopholes in legislation, is trying to influence state authorities – in particular the Sejm, the Senate, the Council of Ministers and individual ministers – to create high quality law (Mazur, 2015, p. 25). Although the Supreme Audit Office has no right to introduce legislation within the meaning of art. 118 of the Constitution of the Republic of Poland, due to its control activities and the *de lege ferenda* proposals, it can be stated that Supreme Audit Office has impact on the shape of Polish law and its quality.

The Commissioner for Citizens' Rights (also called the Ombudsman) is another state authority that has an impact on the shape and quality of law in Poland. According to article 208 of the Polish Constitution the Ombudsman "shall safeguard the freedoms and rights of persons and citizens specified in the Constitution and other normative acts". The Ombudsman is an independent and politically neutral body. The scope and manner of operation of the Commissioner is defined by the Act, according to which the Ombudsman "may approach the relevant agencies with proposals for legislative initiative, or for issuing or amending other legal acts concerning the liberties and rights of a human and a citizen". In doctrine, such competence is called the indirect legislative initiative (Trociuk, 2014, p. 95).

Complaints directed by citizens to the Ombudsman concern matters from different areas of law, so the Commissioner has information about significant problems throughout the legal system. In situation when, during the examination of complaints, the Ombudsman concludes that the cause of violations of freedoms and rights is not the incorrect application of the law but the poor quality of law itself, the Ombudsman intervention is necessary. Such interference may take the form of alarm about the obligation to issue a new normative act or the need to amend the law in order to clear the gaps in the law and to improve its quality.

The Ombudsman has many means of influencing the legislative process and the way of interpreting the law. The Ombudsman not only responds to complaints, but also informs, suggests and postulates some systemic solutions. He directs speeches to authorities, organizations and institutions that have violated rights and freedoms (Górzyńska, 2005, p. 48). In addition, according to article 19 of the Act on the Commissioner for Human Rights, the Ombudsman "shall annually inform the Sejm and the Senate on his activities and on the observance of the liberties and rights of a human and a citizen". In this information the Commissioner signals the irregularities in the area of lawmaking.

To conclude, the Ombudsman is one of the bodies that can influence the quality of Polish law. Because of his powers the Ombudsman may request the competent authorities to apply for a legislative initiative, which in many cases results in passing a law. The Ombudsman, through his activities, influences the shape of Polish legislation.

Taking everything into consideration, the activities of state bodies that do not have the right to a legislative initiative affect the quality of the Polish law. As demonstrated by the examples discussed above, the form of influencing the shape of Polish law is varies, and may take the form of reports, information, signaling infringements and irregularities.

## 5. The legislative inspiration of citizens and non--state authorities and theirs impact on the quality of Polish law

At the beginning it is necessary to explain what a legislative inspiration is in the Polish legislation. Legislative inspiration is more political than

legal issue because it is not *expresis verbis* regulated by law. The doctrine of the constitutional law considered legislative inspiration as an action aimed only at introducing the bill into the Sejm. These activities involve, for example, social moods, changing national and international policies and unpredictable events.

Inspiration for initiating a legislative procedure may be long-term emphasis on some issue and the systematic alarm about the need for specific regulation. All sorts of strikes and manifestations very often affect the direction of Polish law.

Inspiration can also be the postulate of one man who is highly revered and respected by others. For example, in 2011, as a result of Mr Bartoszewski' actions, Deputies of the Sejm brought a legislative initiative setting out the purpose and scope of the grant for the Auschwitz-Birkenau Foundation. As a result, the Act of 18 August 2011 on a Subsidy for the Auchwitz-Birkenau Foundation Intended to Supplement the Perpetual Fund, was passed.

Sudden events, unpredictable and independent of human will also affect the content of the law. All kinds of accidents and natural disasters contribute to the creation or change the law. In most cases, the purpose of the amendment is to improve the quality of law, which at the time of the emergency has proved insufficient.

Undoubtedly the quality of law is also influenced by the think tanks. When think tanks, produce different types of reports they have to analyze the legal regulations in a particular field. Very often the conclusions included in such reports are used by the lawmaking authorities. It is worth to support development of think tanks in Poland, because if more independent and well informed research centers we have, then the law of better quality can be passed (Krygiel, 2014).

Legislative inspiration can also refer to already submitted bills. Very often, due to the negative reaction of citizens, we notice a change in direction of legislative work . This reaction can take on a mass character, eg. social protest, aimed at stopping the proceedings of a particular legal regulations. It may also happen that the protesters will seek to change the current law or they will demand to initiate a legislative process to enact a new law.

Also non-state authorities coming from outside the public sector can impact the quality of law by inspire the relevant authorities to introduce

the legislation to the Sejm. For instance, the Social Dialogue Council and professional lobbyists have an impact on Polish law.

The Social Dialogue Council, according to article 2 of the Act on the Social Dialogue Council and other social dialogue institutions, has right to express opinions and takes positions, gives opinions on draft guidelines for draft legal acts and on draft legal acts and initiates legislative process. Council powers do not fulfill the role of the legislative initiative, but only fall into the field of preparatory action and may be considered only as activities related to the legislative process (Męcina, 2016, p. 501). Certainly, the Council's activity in the law-making area has an impact on the shape of law and on its quality (Gubała, 2015).

Lobbyists are also entities that have an impact on the Polish law and the legislative decisions. According to the Act of Law on the Lobbying Activity in the Legislative Process the regular lobbying is any activity conducted by legally allowed means, which leads towards the exertion of influence upon the organs of public authorities in the lawmaking process.

Lobbying activities are not related only to the stage when a bill is already introduced to the Sejm but very often lobbyists activities are associated with the pre-legislative stage, when they inspire relevant authorities to bring a specific legislative initiative to the Sejm (Wołpiuk, 2005, p. 237). Although the Act specifies the scope of lobbyists' influence on public authorities, it is obvious that outside the scope of the law, less formal forms of influencing politicians' decisions are used eg. meetings with parliamentarians, media campaigns etc. (Młynarska-Sobaczewska, 2015, p. 168). Such activity have an impact on the competent authorities to initiate specific legislative actions in order to pass legislation that is desirable by lobbyists.

Taking everything into consideration, the pre-legislative stage always takes place because the legislative activity of the state is always the result of an event, someone's activity or an immediate need to change the legal situation. Legislative inspiration can be termed all the impulses, motivations and incentives that influence on the decision to start the legislative process.

## 6. Conclusions

The quality of law in Poland has been affected by many factors. The constitutional rules describe the main idea how correct legislation should look like. Also the "Principles of Legislative Technique" from 2016 clarify the legislative technique directives, which have to be used during creating the legal provisions. However, not only the legislative technique influences the quality of law. Beyond the relevant state authorities which according to article 118 of the Constitution have the right to introduce the bill to the Sejm and by that they create the legal system in Poland, also many other authorities influence the shape of the Polish law. Due to the fact that some state bodies have rights and powers to perform specific legal actions, they can impact on the law.

## Bibliography

Alnowaiser, K. A.(2016). *Legal Concepts: The Principle of Non-Retroactivity of Law*.

Czarnota A., Krygier M., Sadurski W. (2005). *Rethinking the Rule of Law after Communism*, CEU Press.

Frankowski S., Bodnar A. (2005). *Introduction to Polish Law*, Hague.

Garlicki L. (2016). *Polskie prawo konstytucyjne. Zarys* wykładu, Warszawa.

Giżyńska M., Chomoncik S. (2012). *Principles of the legislative technique in Poland,* [in:] The quality of legal Acts and its Importance in Contemporary Legal Space, University of Latvia Press.

Górzyńska T. (2005). *Wpływ instytucji nieposiadających inicjatywy ustawodawczej na proces prawotwórczy*, [in] Tryb ustawodawczy a jakoś prawa, ed. J. Wawrzyniak, Warszawa.

Gubała M. (2015). *Rada Dialogu Społecznego: między inspiracją a inicjatywą*, [in:] Rzeczpospolita, Warszawa.

Habermas J. (1981). *Theorie des komunikativen Handelns* (M. Kaniowski, Trans.), Frankfurt 1981.

Jędrzejewska I. (2011). *Constitutional terminology in transition: the drifting semantics of the supranational discourse under negotiation,* Berlin.

Kalisz R. (2012). *Jakość stanowionego prawa,* [in:] Rozwój kraju a jakość stanowionego prawa, Warszawa.

Kochanowski J. (2003). *Trzy powody czy też symptomy kryzysu prawa* [in:] Nadużycie prawa ed. H. Izdebski, A. Stępkowski, Warszawa.

Koksanowicz G. (2014). *Zasada określoności przepisów w procesie stanowienia prawa,* [in:] Studia Iuridica Lublinensia, Lublin.

Krygiel P., *Polska scena think tanków w świetle Global Go To Think Tank Index*, [in:] http://www.sobieski.org.pl/komentarz-is- 160/#return-note- 8368-4.

Lipowicz I. (2012). *Jakość prawa w Polsce stale się pogarsza,* [in] Rzeczpospolita 2012,

Mazur J. (2015). *Współpraca Najwyższej Izby Kontroli z Sejmem*, [in:] Kontrola Państwowa nr. 2, Warszawa 2015.

Męcina J. (2016). *Komentarz do ustawy o Radzie Dialogu Społecznego i innych instytucjach dialogu społecznego*, [in:] Zbiorowe prawo pracy. Komentarz, ed. W. Baran, Warszawa.

Młynarska-Sobaczewska A. (2015). *Zawodowa działalność lobbingowa, wysłuchanie publiczne i eksperci w sejmowej procedurze ustawodawczej*, [in:] Kontrola legalności ustawy w Sejmie, ed. P. Radziewicz, Warszawa.

Prokop K. (2011). *Polish Constitutional Law*, Białystok.

Safjan M., Bosek L. (2016). *Konstytucja RP. Tom II*, Warszawa 2016.

Spyra T. (2003). *Zasada określoności regulacji prawnej na tle orzecznictwa Trybunału Konstytucyjnego i niemieckiego sądu konstytucyjnego*, [in:] Transformacje Prawa Prywatnego 3, 2003.

Trociuk S. (2014). *Komentarz do ustawy o Rzeczniku Praw Obywatelskich, Uwaga do art.16,* Warszawa.

Winczorek P. (2000). *Komentarz do Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.*, Warszawa.

Wołpiuk W. J. (2005). *Lobbing a demokratyczne formy wpływu na stanowienie prawa*, [in:] Tryb ustawodawczy a jakoś prawa, ed. J. Wawrzyniak, Warszawa.

Wróbel W. (2008). *Wpływ orzecznictwa Sądu Najwyższego na kształtowanie się pojęć i instytucji prawnych*, [in:] Orzecznictwo w systemie prawa. II Konferencja Naukowa Wydziału Prawa i Administracji Uniwersytetu Gdańskiego, ed. T. Bąkowski, K.Grajewski, J. Warylewski, Warszawa 2008.

Wronkowska S., Zieliński M. (2004). *Komentarz do zasad techniki prawodawczej,* Warszawa.

Zaleśny J. (2009). *Zasady prawidłowej legislacji*, [in:] Oblicza polityki, Warszawa.

Zbrojewska M. (2013). *Rola i stanowisko prawne Sądu Najwyższego w procesie karnym*, Warszawa.

Zoll A. (2004). *Główne grzechy w funkcjonowaniu państwa prawa,* paper presented at the conference: Czy Polska jest państwem prawnym?, Warszawa.