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ABSTRACT OF DOCTORAL DISSERTATION

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National Council of the Judiciary. Constitutional and Legal Study

In the Polish legal system, the National Council of the Judiciary (KRS) sets out an important framework for the functioning of the judiciary. Its role, composition and competences have become the subject of intense discussions and analyses on the part of lawyers, political scientists, and the public. The aim of the doctoral dissertation was to conduct a comprehensive constitutional and legal study of the National Council of the Judiciary. The analysis covered this institution's genesis and evolution and its current place and role in the judicial system. Through detailed considerations of the normative foundations of the functioning of the National Council of the Judiciary, the organizational structure and mechanisms of operation, the work seeks to identify key issues concerning the independence of the judiciary, democratic supervision over the courts and the effectiveness of decision-making processes within this institution.

The dissertation consists of an introduction, four chapters and a conclusion. The introduction defines the subject of research, the research problem, the purpose and research questions, and the methods of scientific analysis. In the first chapter, the author presents the genesis and legal evolution of the position of the National Council of the Judiciary. In it, she described both the postulates of the establishment of the National Council of the Judiciary in the "Solidarity" program, as well as how the issue of the National Council of the Judiciary was raised during the "Round Table" debates. The presentation of the National Council of the Judiciary in the April amendment of 1989 and during the period of validity of the Small Constitution of 1992 is presented. In the second chapter, the author presents the place of the National Council of the Judiciary in the system of state organs in the Constitution of 1997. It takes into account elements such as: shaping the concept of the National Council of the Judiciary in the work of the Constitutional Commission of the National Assembly, the key systemic function of the National Council of the Judiciary in the form of standing guard the independence of courts and judges, and the relations between the National Council of the Judiciary and other bodies in the context of the principle of separation and balance of powers were analyzed. The third chapter presents the procedure for shaping the composition of the

National Council of the Judiciary. The conclusion of the analysis is that the composition of the Council formed by the Act of 8 December 2017 violates the fundamental rules of the functioning of the National Council of the Judiciary and is contrary to the Constitution of the Republic of Poland. The author also analyzed the issue of the term of office of the body, its internal organization, and the mode of functioning. Attention was paid to both the term initiation of the body members, as well as the expiration of their term in office, which was criticized as being contrary to the Constitution of the Republic of Poland. The fourth chapter contains an analysis of the competences of the National Council of the Judiciary. It includes general remarks; competences related to the protection of judicial independence, the participation of the NCJ in the judicial nomination procedure, and other competences. The author has presented excerpts from selected judgments of the European Court of Human Rights, the Court of Justice of the European Union, the Constitutional Tribunal, administrative courts, the Supreme Court, and common courts, and has analyzed them in the field of constitutional standards and legislation of the European Union. In the end, the author summarizes the analyzed content and attempts to comprehensively assess the role of the National Council of the Judiciary in the system of state authorities.

The conducted considerations, based on an analysis of the available literature on the subject and a review of the jurisprudence of courts and the Constitutional Tribunal as well as international tribunals, have shown that over the nearly thirty years of functioning in the Polish political system, the National Council of the Judiciary has undergone a complicated evolution.

In the first twenty years of the 1997 Constitution, it was formed as a body fully independent of the other branches of government, thanks to which it effectively carried out its mission of protecting the independence of courts and judges. In its current form, determined by the changes of 2017, it has become a body entangled in political and party dependencies, which makes it unreliable for the judiciary, as a patron of the values expressed in Article 186(1) of the Constitution.

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