

„The role of custom in polish parliamentary law”

Summary

The aim of the dissertation is to analyze the role and place of parliamentary customs in the Polish legal system. According to the Polish Constitution, custom and customary law cannot be recognized as a source of law. Therefore, there is a need to explore the influence and a force of customs on internal parliamentary procedure. Furthermore, a central issue regarding the recognition of custom determines what practices and norms actually constitute customary law. For this reason, the analysis conducted for the purpose of my dissertation includes the legal norms of the constitution, bills, Standing Orders and their application in the parliamentary practice. The research is focused on one chamber of the parliament – the Sejm. The analysis of parliamentary custom has been restricted to the period from the first to the eight term of the Sejm.

The phenomenon of parliamentary customs has not been widely studied in the law doctrine. Neither, this problem has been the topic of a comprehensive study in the domestic law literature. The doctrine contains solely analysis of individual customs. For this reason - and also because of the practical aspect of the study – my dissertation contributes not only to the development of the doctrine on the role of parliamentary customs, but also increases awareness of MP's in this area.

The analysis of the issues covered by the dissertation was carried out using the dogmatic method, by analyzing normative material and judicature of the Constitutional Tribunal. The historical method was used to outline evolution of shaping specific parliamentary customs.

Dissertation consists of introduction, five chapters and a conclusion. The first two chapters are focused respectively on: (1) definitional and systemic issues of legal norms and normative acts and (2) a review of the concept of a legal norm. The interaction between the legal norms and customs was also analyzed. It also presents a typology of normative acts in the Polish legal system. The third chapter discusses parliamentary law and its sources. The sources of parliamentary law are presented with particular consideration given to the Standing Orders of the Sejm. The fourth chapter analyzed the concept of parliamentary custom and parliamentary custom law and the relationship between them. It also discusses the exceptions to the application of the custom law in the parliamentary practice. The study for the purpose of this chapter used not only legal acts but also Sejm papers, shorthand reports and committee

bulletins. As a result of the research conducted in the fourth chapter, the catalog of existing and currently used parliamentary customs is compiled in the last chapter. Customs have been distinguished according to their role and place of their application.