

## **Summary of the doctoral dissertation**

### **“The judicialization of power. The case of Poland”**

The dissertation discusses the process of judicialization of power in Poland. The analysis covers the public law courts, i.e. the constitutional court and the administrative courts since they were the ones that acquired the most competences from the legislative or executive branch. The period covered in dissertation starts in 1979 with the commencement of the passing the act on Supreme Administrative Court in the parliament and ends in 2015 with the adoption of the new act on the Constitutional Tribunal. The analysis is based on the legislative history of the constitutional court and the administrative courts and it covers the statutes regulating both types of courts, all the amendments thereto, as well as the rulings of the constitutional court related to these pieces of legislation. The judicialization phenomenon is defined as bi-dimensional. Its first dimension may be defined as the transfer of competences from legislative or executive branch to the judiciary or the creation of the new competences for judiciary that allows the judiciary to intervene within the field of power that used to be reserved for legislative or executive branch (formal dimension). The second dimension is understood as a creation of the system of individual and organizational guarantees of judges' independence that allows them to use the newly acquired competences in a relatively unconstrained way (organizational dimension). The dissertation also draws on assumptions of the judicial behavior theories. It also presents the Court/Congress/President game scheme developed by William Eskridge, which highlights the potential of particular actors to become so-called veto players. This scheme is adapted to the rules of the Polish legal system and then used to present the political position of the Constitutional Tribunal and its rise in the era of fragmented parliaments. The dissertation depicts the history of the Polish Constitutional Tribunal and Polish administrative courts since their beginning up to the start of counter-judicialization measures undertaken since 2015. These courts' history shows that the judicialization process has begun as early as in 1980s despite that Poland has been ruled by communist party operating in the authoritarian political system. After the fall of the communist era the process accelerated and the analyzed courts competences were being extended, while more and more measures were guaranteeing the independence of judicial decision-making. Once the current Polish constitution was adopted the Constitutional Tribunal rulings force was aligned with the legal force of legislation. The administrative courts' powers were extended as well as they were provided with the

competence not only to annul the unlawful administrative acts but also to change them, therefore becoming the co-administrators. The dissertation concludes with the description of the new act on the Constitutional Tribunal of 2015, which allowed the parliament for the ‘court packing’, which was a prelude to the constitutional crisis that arose shortly thereafter.

**Key words**

*judicialization, administrative courts, Supreme Administrative Court, Constitutional Tribunal, veto player, theories of judicial behavior*