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## **Abstract of the doctoral dissertation**

### ***"Institutions of civic participation in the legislative process in the Sejm of the Republic of Poland"***

Participation of citizens in decision-making processes concerning various areas of public life is facilitated by mechanisms of participatory democracy, also known as institutions of civic participation. These are the means by which citizens can influence, in a binding or non-binding manner, the final decisions in the field of public authority, both at the national and local levels. At the central level, one of the spheres of the functioning of the state, in which the law allows the participation of citizens, is the adoption of laws. The presence of a social factor in the law-making process is one of the guarantees of a rational and socially accepted law.

With this in mind, the dissertation analyses the institutions enabling participation in the legislative process. The Sejm, in which the legislative proceedings begin, plays a key role in this process. Therefore, the subject of the research was institutions of civic participation, which can both initiate or inspire legislative proceedings in the Sejm of the Republic of Poland (namely, civic legislative initiative and petitions submitted to the Sejm of the Republic of Poland), and act during these proceedings (such as public consultations or public hearings).

The concept of a democratic legislative process requires that law be created with the participation of citizens. Despite the importance of this participation, the actual impact of civic participation on the legislative activity of the Sejm has been limited in the law-making practice for years. The desire to learn about the causes of the depreciation of the role of the social factor in the legislative sphere determined the undertaking of research on the issue of citizens' participation in the legislation process in the Sejm. The relevance and timeliness of the issues addressed found additional justification in one of the so-called milestones, i.e. the conditions fulfilment of which determined the release of funds under the National Recovery and

Resilience Plan (NRRP). As part of the reform, an amendment of the Sejm's Rules of Procedure has been provided, introducing, among others, the obligation to assess the effects of regulations and public consultations for bills submitted by members of parliament and senators. Solutions aimed at increasing participation in the legislative procedure came into force relatively recently, i.e. on 31 October 2024.

Guided by these considerations, the research aimed to identify factors affecting the effectiveness of civic participation in the process of making laws in the Sejm. In particular, the legal bases of the analysed institutions of civic participation were assessed in terms of whether they create real opportunities for citizens' participation in the legislative process. In order to achieve the adopted research goal, the following research hypotheses were verified in the dissertation:

**Main hypothesis** – Institutions of civic participation present in the process of making laws in the Sejm of the Republic of Poland contribute to the democratisation of this process and the legitimisation of the resulting law only when the political "climate" is favourable, since these mechanisms are particularly sensitive to the political context. Meanwhile, the legal regulations in force concerning the institutions of civic participation do not provide them with sufficient protection, which affects the superficial importance of participatory democracy mechanisms in the process of making laws in the Sejm. Improving these forms of citizens' participation in the legislative process requires changing their statutory and procedural legal foundations.

**Detailed hypothesis No. 1** – The development of the institutions of civic participation (and in fact certain manifestations of these institutions) in the Polish constitutional tradition was related to their legitimising nature. In turn, the effectiveness of these mechanisms was influenced by legal conditions (i.e. the state system, the degree of protection of the individual's rights, the legal form of the provisions establishing these instruments) and extra-legal conditions (i.e. historical circumstances, objective conditions such as the size of the state's territory, legal awareness of citizens).

**Detailed hypothesis No. 2** – The right to participate, although not expressly stated in the Constitution of the Republic of Poland, results from the systemic principles that

should determine both the process of law-making and the process of its application. These principles are not properly respected in legislative and judicial practice, which leads to the weakening of the protection of the institutions of civic participation and the ignoring of their constitutional basis in the case law of the Constitutional Tribunal.

**Detailed hypothesis No. 3** – Direct authorisation of the institutions of civic participation in the basic law strengthens the legal protection of these mechanisms, but it is not a sufficient guarantee of their effectiveness in the legislative process of the Sejm.

**Detailed hypothesis No. 4** – The function and place adopted by the institutions of civic participation in the legislative process determine to a decisive extent the actual importance of these mechanisms in the legislative activity of the Sejm.

The verification of the aforementioned research hypotheses was generally successful and allowed to confirm four out of five research hypotheses. The last detailed hypothesis was not confirmed. It has been proven that the relationship between the function and place of a specific institution of civic participation in the process of making laws and its actual meaning in this process is not unambiguous, much less decisive. In particular, this was noted on the example of the citizens' legislative initiative. This institution performs an initiating function. Thanks to the possibility of initiating legislative proceedings, it has a real impact on the legal system, but after examining the practice of its application, it should be concluded that this impact is largely superficial.

The research hypotheses were verified through the analysis of four research areas corresponding to individual chapters of the dissertation.

Chapter I is devoted to the origins of participatory democracy mechanisms. It presents the historical development of participatory institutions in three periods: the interwar years (1919–1939), the post-war period (1947–1989) and the time of the political transformation (1989–1997), with particular emphasis on the work on the Constitution of the Republic of Poland. The years 1939–1947 were omitted due to the exceptional nature of that period. Each subsection contains an analysis of: legal regulations, practices of citizen participation in the legislative process, and the doctrinal position.

Chapter II explores the constitutional foundations of civic participation in the law-making process. Based on the provisions of the Constitution of the Republic of Poland, the case law of the Constitutional Tribunal and the doctrinal views, six principles were analysed: social dialogue, subsidiarity, common good, the democratic rule of law, the sovereignty of the Nation and civil society. Each of them is discussed in a separate subsection.

Chapter III examines constitutional institutions of civic participation in the process of making laws. This chapter has been divided into two subsections. The first focuses on the citizens' legislative initiative, and the second on petitions submitted to the Sejm. The subsections present the subjective and the substantive scope and the course of proceedings with these institutions. In particular, their importance as tools of participatory democracy in the legislative process was emphasised.

Chapter IV concerns extra-constitutional institutions of civic participation. It discusses the legal basis for public consultations and public hearings, with particular emphasis on the subjective and the substantive scope, as well as the procedure for applying these instruments. In the section devoted to the participatory nature of these institutions, reference was made to their practical importance for the process of making laws in the Sejm of the Republic of Poland, taking into account the place they occupy in it and the functions they perform.

Each chapter is accompanied by introductory remarks and conclusions. The final section verifies the research hypotheses and formulates *de lege ferenda* proposals, the inclusion of which will be conducive to the democratisation of the process of making laws in the Sejm.

The research was carried out using the formal and dogmatic method characteristic of studies in the field of legal sciences, analysing the applicable legal regulations regarding the institution of civic participation, case law and literature on the subject, mainly in the field of constitutional law, and due to the interdisciplinary nature of the issue, also from other social sciences. The process of shaping civic participation in the Polish political tradition was examined using the historical and descriptive method. The assessment of the effectiveness of participatory institutions in the legislative process was based on observation of Sejm practice, including the

analysis of data on the frequency of their use. In the dissertation, the functionality of national legal solutions was assessed; therefore, the comparative legal method was not used.

Keywords: civic participation, Sejm, legislative process, law, democracy