



SUMMARY

Genesis, system and jurisprudence of the Supreme Administrative Court until 1989

This work focuses on the genesis, system and jurisprudence of the Supreme Administrative Court (hereinafter: the SAC) until 1989, and is related to the following research topics:

- 1) reasons for not establishing an administrative judiciary in the Polish state immediately after the end of World War II;
- 2) why, at the turn of 1979/1980, the then authorities of the Polish People's Republic agreed and committed themselves to the establishment of a single-instance administrative judiciary, i.e. the SAC;
- 3) the course of work on the establishment of the SAC;
- 4) the organizational nature and functioning of the SAC;
- 5) the role of the SAC in the legal system of the Polish People's Republic;
- 6) impact of the jurisprudence of the SAC on the scope of legal protection.

Contemporary literature on the topic has not yet discussed the aforementioned research problems in detail. Conversely, there is no absence of work created before 1989, as the issue of administrative judiciary, especially since the establishment of the SAC, has been one of the most discussed legal issues. However, at that time, due to censorship, a lack of access to archives, as well as the political and party involvement of many authors, the vast majority of the publications of that time do not present the full origin and significance of the administrative judiciary in the political system of the Polish People's Republic as seen today.

The paper consists of four chapters, not counting the introduction, the conclusion and the list of sources and references: , The Issue of Administrative Courts in Poland in the Years 1944–1980 (Chapter I), The Issue of Administrative Courts in the Soviet State and Other European Socialist Countries (Chapter II), The Supreme Administrative Court in the Years 1980–1989 (Chapter III) and The Jurisprudence of the Supreme Administrative Court in the Years 1980–1989 (Chapter IV).

The genesis of the administrative judiciary established in the Polish state at the beginning of the 1980s has been broadly described in the paper. As it covers the following period: from the fall of the First Polish Republic and partitions; the Second Polish Republic, including the functioning of the Supreme Administrative Tribunal (hereinafter: the SAT); after World War II. The reason for the adoption of such a structure of the work is the presentation of mechanisms of judicial review of the administration since the period of the partitions, as they had a lasting impact on the functioning of judicial and administrative control in Poland. Such judiciary, before the outbreak of World War I, functioned in the Prussian and Austrian partition. In the Second Polish Republic, the activities of the judiciary were regulated by the Constitution of the Republic of Poland of March 17, 1921 and the Constitution of the Republic of Poland of April 23, 1935. This resulted in the establishment of the SAT that existed in the years 1922–1939. The experience and tradition of the SAT, in turn, influenced discussions about the administrative judiciary in the Polish state after 1944, especially when the SAC was established.

The first chapter of the work discusses the issues of the administrative judiciary in Poland from 1944 to 1980, i.e. from the time when the so-called People Power was formed, to the establishment of the SAC. First of all, this chapter focuses on the issue of judicial review over administrative decisions in the context of the then state (constitutional) law, followed by a detailed presentation of attempts to establish SAT in post-war conditions. The next part of the chapter examines the issue of the administrative judiciary in the Polish People's Republic after 1956. Therefore, the concepts of establishing a judicial review of administration in the context of the functioning of the administration in the socialist state were discussed. The last part of the chapter concerns the legislative work of the Sejm of the Polish People's Republic of the 7th term (1976–1980), which concerned the amendment of the Code of Administrative Procedure and the establishment of the SAC.

Chapter II is devoted to the issues of the administrative judiciary in the Soviet state and other European socialist countries. Its inclusion in the work

resulted, *inter alia*, from the fact that after 1944, the Polish state system was modelled on that of the Soviet system. It should be noted that the various forms and mechanisms of judicial review of administrative decisions that existed in the USSR or other European socialist countries were an argument in favor of establishing administrative courts in the Polish People's Republic. Chapter III concerns the structural organization of the SAC in the years 1980–1989. It discusses issues such as the SAC system, proceedings before the SAC, the political role of the SAC in relation to the main state authorities of the Polish People's Republic, the role of the SAC in relation to the Constitutional Tribunal, the State Tribunal and the Commissioner for Human Rights. The last chapter is devoted to issues related to the jurisprudence of the SAC in 1980–1989. It contains a general description of the jurisprudence, together with the number of complaints filed with the SAC and an analysis of the jurisprudence in terms of its impact on the standards of administrative proceedings, administrative court proceedings, and the degree of the legal protection of Polish citizens.

The caesura of the subject matter dealt with in the work is defined by the year 1989. This is related to the assumption that with the beginning of the then political changes in the Polish state, also the concept and political role of the administrative judiciary has transformed. The SAC was established and functioned until 1989, i.e. under the conditions of the socialist state system, in which the courts were part of the concept of single state authority. As a result, the courts were subordinate to the supreme state authorities and political factors. After 1989, the SAC, and the administrative judiciary, changed its role, becoming a fundamental element in the existence and functioning of a democratic state of law. Therefore, the fate of the SAC after 1989 requires a separate study.