DROIT POLONAIS CONTEMPORAIN
POLISH CONTEMPORARY LAW
1990 n° 2 (86)
PL ISSN 0070-7325

*Stanisław Włodyka**

REFORM OF THE POLISH ADMINISTRATION OF JUSTICE

1. INTRODUCTION

The year 1989 was in Poland a period of extensive changes in both the political and the socio-economic system. One of their important elements was a reform of administration of justice. Two currents of that reform can be mentioned.

The first one, earlier though entangled with the current that followed, was related to a change of the economic model from centrally controlled planned economy to the so-called socialist market economy,* [1] all of that, however, still within the framework of the socialist political and economic system. It involved liquidation of the State Economic Arbitration and establishment of economic courts.

The second and subsequent current accompanied the stage of the Polish State's relinquishment of the socialist system and reversion to Western-style democracy, and consisted in rejection of the socialist model of administration of justice interpreted as one of the planes of State activity, political and class in nature.

The two currents overlapped in time which is why it sometimes happened that the first of them was implemented with delay already during the period of relinquishment of the socialist system or had not been implemented at all till that time ; the latter concerns in particular a reform of the Polish civil procedure which should abolish the privileges of units of socialized economy in proceedings, etc.

The above two currents of reformatory activities result in a specific incoherence of the legislation and of the process of reforms itself ; they both, however, pursue one and the same aim, that is to relieve the

* Professor of Law at the Jagellonian University of Kraków.

[1] For more details, see S. Włodyka, "Prawne elementy modeli gospodarki socjalistycznej" [Legal Elements of the Model of Socialist Economy], *Przegląd Ustawodawstwa Gospodarczego*, 1988, No. 5—6, pp. 135//.

administration of justice of the burden of various deformations related to the socio-political system in force after the war.

In the discussion to follow, however, a division based on the merits has been adopted which is not in line with chronology of changes. This is why reforms of the system of agencies of administration of justice will be discussed first, followed by a discussion of a reform of the ways of settling economic disputes.

2. SYSTEM OF AGENCIES OF ADMINISTRATION OF JUSTICE

The system of agencies of administration of justice in Poland was based on the principles adopted from the Soviet model which resulted from Soviet ideology (class nature, etc.).[2] The point of departure for radical changes in this sphere was provided by decisions of the so-called "round table" conference. As regards the legislative changes themselves, they took place in three stages in 1989.

The first stage started with the Act of April 7, 1989 on changing the Constitution of Polish People's Republic *(Journal of Laws,* No. 19, item 101). Due to the elimination of the Council of State and establishment of the office of President of Polish People's Republic, the powers to appoint judges and the Public Prosecutor General and to hear the latter's reports, formerly granted to the Council of State, were now delegated to the President. At the same time, the Act provided for establishment of a complete novelty in the Polish system, that is the National Council of the Judiciary. Also the mode of appointment of the Supreme Court was changed. Finally, the new Art. 60 section 2 of the Constitution explicitly declared one of the basic quaranties of independence of the judiciary, that is irremovability of judges ; a suspension of that guaranty was to be possible in cases specified in the statute only. The new Art. 60 section 1 of the Constitution introduced the principle of appointment of judges by the President on motion of the National Council of the Judiciary, and at the same time referred to ordinary legislation in questions of that Council's powers, composition, and way of functioning. This way, both the constitutional grounds and the ordinary legislator's duty have been established to introduce the above-mentioned principles by means of specification of details related to their implementation.

That was effected during the second stage of reforms through the acts of December 20, 1989 passed by the Seym of a new term, that is the Act

[2] For more details, see S. Włodyka, *Ustrój organów ochrony prawnej [The System of Legal Protection Agencies]*, Warsaw 1975.

on the National Council of the Judiciary *(Journal of Laws,* No. 73, item 435) and the Act on changing acts on the system of common courts, on the Chief Administrative Court, on the Constitutional Tribunal, on the system of military courts, and on notaries public *(Journal of Laws,* No. 73, item 436) . They aim at freeing courts of the political element and securing their full separateness and the judges' full independence.[3] The changes are immense which makes it difficult to discuss them here to the necessary extent.

In the Soviet model, courts were explicitly political in nature which resulted in their separateness, and also in independence of the judiciary, being rather relative to say the least. The Polish acts of December 20, 1989 radically change that state of affairs.

What served this purpose above all was the Act of December 20, 1989 on the National Council of the Judiciary. The Council is the supreme supervisory agency of the court system ; its basic task is to guard independence of courts and of the judiciary (Art. 1 section 2). It is composed of : First President of the Supreme Court ; President of the Supreme Court in charge of the proceedings of the Court's Division for the Military ; two judges of the Supreme Court and one of the Chief Administrative Court (appointed by general assemblies of judges) ; nine judges of common courts (appointed by their respective general assemblies) ; four deputies and two senators (appointed by the Seym and Senate respectively) ; a person appointed by President of Republic of Poland; the Minister of Justice. Thus most of the Council's members are persons from without the group of administration of the whole department or of courts ; what is more, Chairman and Vice-Chairman of the Council are elected by the Council itself, and that post by no means falls to the Minister of Justice *ex officio.* The Council's term is four years. Its competences are broad and include two categories of matters. One of them are individual matters concerning the separate judges, such as proposals as to the appointment and transfer of judges, or approval of judges over 65 years of age still remaining in their office. The other group of competences concerns supervision of courts in general. The National Council of the Judiciary specifies the number of members of various disciplinary courts deciding in cases of judges ; it expresses its opinion about the principles of professional ethics of the judiciary ; it takes a

[3] See R. Łuczywek, "Katalog gwarancji (niezawisłość sędziowska)" [Catalogue of Guaranties (Independence of the Judiciary)], *Gazeta Prawnicza*, 1989, No. 22; K**.** Pędowski, "Nieusuwalność sędziów i problemy z tym związane (de *lege ferenda)"* [Irremovability of Judges and the Related Problems *de lege ferenda], Palestra*, 1989, No. 5—7.

standpoint as to changes in the system of courts ; it pronounces an opinion of lawyers training programmes, etc. What has separately to be mentioned in this group of matters is the hearing of information given by First President of the Supreme Court, Minister of Justice, President of the Chief Administrative Court and chairman of the High Disciplinary Court concerning the activity of courts, as well as the Council's right to express its opinion about the staff situation of the judiciary.

The other of the above-mentioned acts of December 20, 1989 introduced parallel radical changes in the system of all courts. The changes concerning common courts are of fundamental importance and will be discussed first and foremost further on. They follow several courses.

The first course consists in removal of the judges' and courts' political involvement and a reversion in this sphere to Montesquieu's classical conception. As far as the courts are concerned, the programmatic provision was repealed which stated that the courts guard people's rule of law ; the formerly valid ideology was expressed in the latter term. Also cancelled was the provision which imposed on courts such political and class tasks as "protection of the political and socio-economic system of Polish People's Republic, of social property ...," etc ; that provision had formerly served as the normative grounds for a privileged position in judicial proceedings of specific values which enjoyed priority in the former system. Finally, also the provision was cancelled which imposed on courts the duty to exercise educational influence from the viewpoint of those very above-mentioned values that enjoyed ideological priority, and also the duty of the so-called judicial notification, that is the court's obligation to notify the competent agencies and organizations, or even the prosecutor, of incidents of breaches of the law or other irregularities ascertained in relation to the case examined. As a result of these changes, the court system resumes its traditional function as an impartial agency whose only competence is the exercise of administration of justice. This function has also been strengthened through cancellation of a formerly valid provision which stated that courts should fulfil their task with active participation of the citizens. That provision expressed a programmatic idea whose actual implementation could have jeopardized the proper interpretation of the court's role as an agency of administration of justice. This does not mean, however, that the citizens' participation in administration of justice has been eliminated : the participation of lay judges still remains a principle but political parties have been deprived of the right to nominate candidates for lay judges. At the same time, a number of legislative changes have been introduced to free the position of the judges

themselves of its former political character. From the affirmation formula uttered by a judge on appointment to the office, all elements have been removed which might have infringed his political disengagement. In particular, the formulation has been deleted that the judge is to "guard the political, social and economic system, to protect the achievements of the working people, the social property, and the citizens' rights and interests protected by law, to guard people's rule of law and consolidate the citizens' legal consciousness, and to be guided by principles of social justice among other things." Instead, the new affirmation formula requires that the judge should faithfully serve the Polish Nation and uphold the law. Accordingly, also the provision concerning the judge's duties has been changed. Moreover, the provision has been introduced for the first time in the postwar history of the Polish court system that "while in office, the judge may not be member of any political party or take part in any political activity ; this ban does not concern the offices of deputy and senator only." Also deleted has been the provision which subjected the possibility of being appointed judge to the condition that the candidate "warrants a proper performance of duties of a judge in Polish People's Republic."

What also serves the strengthening of separateness of courts and independence of the judiciary is the new situation of agencies of judicial administration. The provision now in force states explicitly that their supervision of courts concerns the "administrative activities" only. This removes the previously existing doubts in this sphere which often resulted in the agencies of administrative supervision repeatedly encroaching on the courts' jurisdiction proper. Presidents and vice-presidents of courts are appointed with active participation of judicial self-management (general assembly and board of judges). As regards the way of exercising supervision, the provision has been deleted, formerly implemented on a large scale in practice, which gave the supervisors the right to "examine judicial decisions." Consequently, that supervision necessarily has to be limited to judicial administration and thus not the jurisdiction proper. The agencies of judges' self-management (general assembly of judges and board of the court) were given a new shape as well with the aim to consolidate their competences.

The other basic trend of the changes introduced by the acts of December 20, 1989 is consolidation of the principle of independence of the judiciary also in spheres other than the political disengagement.

What serves this purpose is first of all the establishment of the National Council of the Judiciary, and particularly the Council's competences in the sphere of appointment of judges (see above).

Independence of the judiciary is also to be strengthened by a new shape of the principle of permanence of the judge's profession. It was formally valid before, too ; in practice, however, its most relativistic interpretation made it difficult to say that it was actually applied. First of all, the principle of irremovability of a judge has been reformed. The notion of "removal" was entirely deleted from the act, and the only possibility that remains is a "recall of a judge." The fact itself is of some importance that today, only President of the State is authorized to recall a judge ; thus a corresponding right of the Minister of Justice has been eliminated as was partly the case before. What matters most, however, is the introduction of an explicit provision that "judges cannot be removed from their offices with the exception of cases specified in this Act." At the same time, the act now in force formulates those exception according to the model commonly accepted in Western democracies. Moreover, the former provision has been deleted which provided for the possibility of recalling a judge if that judge "failed to warrant a proper performance of a judge's duties." It was this very provision that serve as the grounds for removal of judges whom political authorities found inconvenient, and for exertion of political influence on courts by means of such removals. As is well known, an important guaranty of independence of the judiciary is the judge's material independence. The act of 1989 introduced fundamental novelties in this sphere : first, it formulates the principle of equal wages of judges of equal courts, the wages depending on the length of employment and the functions performed ; second, it provides that a judge's salary should amount to a multiple of the average salary in material production which means that a judge's minimum statutory remuneration should amount to at least twice the average salary. Finally, permanence of a judge's protection is also safeguarded by a new regulation of disciplinary proceedings, now carried out by autonomous and fully independent disciplinary courts.

Ultimately, what also serves the strengthening of indepence of the judiciary is the new shape of competences of the agencies of judicial administration, that is of the Minister of Justice and agencies of judges' self-management. All that might have jeopardized that independence in this sphere has been removed from provisions. As has been mentioned before, the supervision exercised by those agencies concerns only the administrative activities of courts. The former provision has been deleted which concerned the convocation by presidents of courts of conferences of judges devoted to appraisal "of the state of observance of law in the light of cases examined." Such conferences were a convenient forum on which the judges could be influenced as regards the way they decided in

cases under examination. Also deleted has been the provision which authorized the general assemblies and boards of judges to appraise the overall situation as regards a given court's judicial decisions and the activities of judges ; that provision also seriously jeopardized independence of the judiciary. Finally, the deleted provisions included also one which granted to agencies of administrative supervision the right "to examine decisions." Consequently, the courts jurisdiction proper has been completely excluded from the competences of agencies of administrative supervision ; it is now subject to review on the part of higher courts only. It should be added at last that presidents of courts have been deprived of the right to pronounce opinions on judges for the purposes of staff decisions.

The third of the discussed trends concerns the Supreme Court. The above-mentioned act of December 20, 1989 amended the Act of September 20, 1984 on the Supreme Court *(Journal of Laws,* No. 45, item 241). First, that amendment followed a direction analogous to the changes introduced in the sphere of common courts, that is aimed at securing a genuine independence of that Court and a full independence of its judges. Also the Supreme Court's relationship to supreme State authorities was changed parallel to that of common courts (among those authorities, the Council of State having been replaced by President and the National Council of the Judiciary). Second, the way of appointment and range of competences of the Supreme Court were fundamentally changed. As regards the former issue, the full composition of the Supreme Court, appointed for a period of five years before, is now elected with no term as is the case with judges of common courts. From the range of competences of the Supreme Court everything has been excluded which went beyond administration of justice interpreted as decision-making in definite cases. The Supreme Court has been deprived of the right to pass the so-called guiding principles for the judiciary, that is general instructions with no reference to any concrete case, formally binding for all courts ;[4] moreover, a provision has been cancelled by virtue of which the so-called legal principle resolved by the Supreme Court in a given case bound all benches of that Court.

Similar changes have also been introduced in the system of the Chief

[4] For more details, see S. Włodyka, *Wiążąca wykładnia sądowa [Binding Judicial Interpretation]*, Warsaw 1971, pp. 101*ff*, and S. Włodyka, "Specjalne środki nadzoru judykacyjnego Sądu Najwyższego" [Special Measures of Judicial Supervision of the Supreme Court], in: L. Garlicki, Z. Resich, M. Rybicki, S. Włodyka, *Sąd Najwyższy w PRL [The Supreme Court in Polish People's Republic]*, Warsaw 1983, pp. 208*ff*.

Administrative Court and military courts (the reform of the act on notaries public will not be discussed here as notaries public are not agencies of administration of justice).

The third stage of radical changes in the model of Polish administration of justice is related to the constitutional amendment made in the Act of December 29, 1989 on amending the Constitution of Polish People's Republic *(Journal of Laws,* No. 75, item 444). The act abolished subordination of the Prosecutor's Office to the President (formerly—to the Council of State) and included that office in the department of justice, subordinating it directly to the Minister of Justice. This way the Prosecutor's Office lost its nature, most typical of the socialist system, of a law enforcement agency which was supreme on the national scale and situated practically beyond any supervision whatever. At the same time, those provisions of the Constitution have been repealed which granted to the Office specific competences with a political and class tinge, modelled after the Soviet legislation. Naturally, those new constitutional provisions will have to be appropriately transposed to ordinary legislation.

3. ECONOMIC COURTS

What was a characteristic element of administration of justice in the model of centrally controlled socialist planned economy was the existence of the so-called State Economic Arbitration—an agency competent to settle disputes concerning property in the socialized sector, that is in relations between units of socialized economy.[5] That model treated the whole of socialized economy as a specific whole centrally controlled by the State and having its own legal regime, that is own and separate regulation of legal relations between units of socialized economy, as well as its own and separate agency to settle disputes in those relations, that is the State arbitration. At the same time, the arbitration played a double role : on the one hand, it was an agency to settle disputes, and on the other hand—one that jointly administered the socialized economy in its specific way.[6] This led to extreme conclusions as to the nature and function of State arbitration in the centralized variant of the controlled economy model : there,

[5] For more details, see S. Włodyka, *Arbitraż gospodarczy [Economic Arbitration]*, Warsaw 1985.

[6] For more details, see S. Włodyka, "Państwowy arbitraż gospodarczy w systemie zarządzania gospodarką socjalistyczną" [State Economic Arbitration in the System of Management of Socialist Economy], in : *Państwowy Arbitraż Gospodarczy w okresie XXX-lecia PRL [The State Economic Arbitration in the Thirty Years of Polish People's Republic]*, Warsaw 1975.

arbitration was considered to be an ancillary agency of State economic administration and had extensive competences as regards repression as well. In the discussed model's decentralized variant, that agency's nature and functions approached those of a court ; consequently, it became a quasi-judicial agency and lost its repressive powers.

In both its forms, that agency's peculiar feature was that neither the arbitration as a whole nor the persons who made decisions within it enjoyed the privilege of independence and the related guaranties.

The evolution of the socialist economic system towards the model of socialist market economy made a further existence of State arbitration pointless, and that mainly for two reasons : first, that the latter model's characteristic principle of equality of economic sectors removed the need for a separate legal regulation and deciding agency for the socialized economy ; second, that the principle of full independence and rights of the units of that economy required that the legal protection of their interests should be turned over to independent courts. It is therefore only natural that the transition to the model of socialist market economy resulted in liquidation of State arbitration in all of the socialist countries (that was the case in Yugoslavia in 1952 and in Hungary in 1972). It is just as natural that also the Polish reform of 1981 which tended in a similar direction also declared the abolition of that agency.[7] Yet despite that declaration, the State economic arbitration was to function in Poland till as late as 1989. This was caused partly by personal reasons ; to some extent, however, it expressed the conviction that as long as. there still were spheres not included in the operation of principles of market economy, the arbitration should have continued.[8] It was only the above-mentioned Act of May 24, 1989 on examination of economic cases by courts *(Journal of Laws,* No. 33, item 175) that fulfilled the postulate of liquidation of the State economic arbitration.[9]

The Act of May 25, 1985 liquidated the State Economic Arbitration and transferred the disputes that had previously failed under its competences (in principle, property disputes between units of socialized economy) to

---

[7] On the related projects, see S. Włodyka, "Sądownictwo gospodarcze (uwarunkowania i założenia)" [Economic Courts : Conditions and Assumptions], *Państwo i Prawo,* 1987, No. 5, pp. 21*ff*.

[8] Thus A. Klein, A. Rosienkiewicz, "Problem rozstrzygania sporów między jednostkami gospodarki uspołecznionej" [The Settling of Disputes between Units of Socialized Economy], *Przegląd Ustawodawstwa Gospodarczego,* 1983, No. 2, pp. 37*ff*.

[9] For more details, see S. Włodyka, "Ustawa o rozpoznawaniu przez sądy spraw gospodarczych" [The Act on Examination by Courts of Economic Cases], *Państwo i Prawo,* 1990, No. 3, pp. 14—28*ff*.

common courts. At the same time, however, it established separate organizational units within those courts, calling them economic courts, and excluded for their competence a special category of civil cases, the so-called economic cases. This expressed the legislator's conviction that economic cases have certain features in common which sufficiently distinguish them from among the bulk of civil cases. Namely, the economic disputes :

1) are related to economic activity pursued professionally, that is on a permanent basis and for profit, which is governed by its specific laws (e.g. planning) and by the strict rules of profitability and gain, the principle of quick returns, that of professional competence, protection of professional and trade secrets, etc. ;

2) are usually most entangled, both as regards the facts (accountancy and legal technicalities in particular) and the legal aspect ;

3) usually emerge in relations of regular co-operation which the parties generally wish to continue in spite of the dispute, treating that dispute as a temporary obstacle only ;

4) emerge in legal relations which should be fully subordinated to the principle of autonomous will of the parties ;

5) they are disputes where the parties wish not exactly a settlement fully consistent with the formal letter of law, but rather an economic decision which would be most reasonable and make continued co-operation easier.

The act provides for a twofold definition of the economic case. On the one hand, the general clause contains its statutory definition. According to that definition, cases are economic which : 1) result from relations under civil law ; 2) involve subjects engaged in professional economic activity ; 3) concern that activity only. The above formulations are insufficiently definite and as such may arouse doubts ; this concerns point 2 in particular from which it follows at any rate that we deal here with bilateral economic disputes only where both parties are subjects involved in professional economic activity, not necessary statutory in nature. Moreover, provisions of the Act extend the competences of economic courts to include additional cases generally specified in Art. 2 section 2 and in Art. 479^1 para 2 of the C. C. P. They are : 1) cases resulting from partnership ; 2) cases against economic subjects, concerning desistance from pollution and restoration of the former state of the environment or redress of the resulting damage, and prohibition or limitation of activities that endanger the environment ; 3) cases that fall under the competence of courts on the grounds of provisions on prevention of monopolistic practices in economy, provisions of the law on bankruptcy proceedings and composi-

tion agreement proceedings, etc. Besides, additional categories of disputes may be transferred to economic courts by force of a statute ; thus e.g. the recent amendment of the banking law[10] transferred to those courts some of the disputes between banks and President of the National Polish Bank resulting from the latter's supervision over banks, also in the case of banks with foreign capital share. A civil case which is not economic in nature falls under the competence of a "civil court" and is examined according to "normal" civil procedure.

The economic court is a court in the full sense, which functions within the system of common courts in practically all provincial courts and those of the district courts whose seat finds itself in the capital of a province. The competences of those courts include : 1) examination of economic cases ; 2) keeping registers of the activities of enterprizes ; 3) supervision of conciliatory courts in economic cases (examination of complaints against their decisions, etc.). The economic courts are also competent to carry out proceedings to secure claims in economic cases ; instead, the executive proceedings are always carried out by "civil" courts, that is also in the case of execution of decisions of economic courts. In principle, the function of the court of 1st instance is performed by a provincial court, and by a district court in exceptional cases only. The economic court generally decides with participation of lay judges who fall under the general provisions concerning lay judges in common courts. Qualifications of members of the bench are of essential importance. According to the provisions now in force, the judges and lay judges appointed to decide in economic cases should be particularly familiar with economic problems. Their appointment is based on the principle of specialization according to which they are to decide generally in economic cases only.

Passing to the mode of examination of economic cases, the fact should be mentioned to begin with that the Act of May 25, 1989 abolished, as if by the way, the former limitations contained in Art. 697 para 2 and 3 of the C. C. P. which concerned the admissibility of a written arbitration agreement of the so-called units of socialized economy (State enterprizes, cooperatives, etc). Thus today, also those units may bring their cases before conciliatory courts according to the general principles, that is "to the extent of their ability to commit themselves independently" (Art. 697 para 1 of the C. C. P.). This concerns also disputes with foreign subjects, as well as written arbitration agreements of subjects seated abroad.

As far as the examination of cases by economic courts is concerned, the now valid provisions specify three possible modes of procedure, that

[10] The Act of December 28, 1989 on amending the banking law and the act on the National Polish Bank *(Journal* of *Laws*, No. 74, item 74).

is : separate litigious proceedings in economic cases ; separate non-litigious proceedings in economic cases in the State-owned sector (disputes between agencies of a State enterprize, etc.) ; and proceedings based on the principles of general proceedings. The Act of May 25, 1989 introduced the first of the above forms and regulated it in detail from, the viewpoint of the above-mentioned specific features of economic cases and with the aim to secure : 1) full guaranties of a proper and impartial settlement of the dispute ; 2) deciding basing on law and nothing but law ; 3) the best possible protection of subjective rights of the parties to proceedings ;
4) protection of certain fundamental and superior economic values, that is independence of economic subjects, protection against abuses of the monopolistic position, protection of the natural environment and a proper quality of products and services ; 5) full equality of parties in proceedings (among others, the principle of equality of economic sectors) ; 6) full implementation of the principle of accusatorial procedure, free exercise by the parties of their rights, and adversary system in court proceedings ; 7) the highest possible promptness and the lowest possible cost of proceedings ; 8) the principle of priority of conciliatory (amicable) settlement of the dispute by the parties themselves ; 9) the principle of provoking no hostility between the parties and of facilitating their future undisturbed cooperation. The provisions that regulate the separate litigious proceedings in economic cases have been shaped accordingly.

The limits between the above-mentioned three types of proceedings in economic cases have been drawn in a way as to make the separate litigious "proceedings in economic cases" (Arts. 479^{1}—479^{27} of the C. C. P.) a rule, and the remaining two types—an exception. The proceedings based on "general principles" concerns those cases examined by the economic court which have not been enumerated as cases transferred by provisions to be examined in the remaining two types of proceedings.

It should be mentioned to conclude that the discussed reform of the way of examination of economic cases is also of considerable importance for foreign subjects, the foreign investors in particular, as economic disputes (as defined above) with their participation in principle fall under the competences of economic courts in the light of the legislation now in force in Poland. This way, the valid legal regulation secures to such subjects a better protection of their rights as compared to what was previously possible before the civil court and in civil proceedings based on the principles characteristic of the socialist system of administration of justice.

4. AT THE TRESHOLD OF FURTHER CHANGES

The 1989 reforms of the Polish administration of justice are a radical turning point on the road towards the model characteristic of Western democracies ; they are, however, just the first step in that direction.

The regulations that now find themselves in the final stage of the legislative process include a new act on Prosecutor's Office of the Republic of Poland which implements the above-mentioned constitutional changes of the end of 1989, as well as a radical amendment of the Code of Civil Procedure which removes from that code the institutions typical of the Soviet model (the privilege of units of socialized economy, special powers of the court, etc).

Also advanced are the works on an entirely new law on the system of courts and on judicial procedures which assumes a reversion to the traditional Polish court system of three instances, etc.

Advanced works on material civil and penal law should also be mentioned here ; a draft act on amending the civil code which implements the first stage of Polish civil law reform is now in the final stage of the legislative process.

Only after all these plans are fulfilled—which should take place in about two years—it will be possible to speak of a full democratization of the Polish administration of justice in the sense of its adjustment to Western democracies.