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How to protect rights by informing about rights? Some remarks about Polish law

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VII. Summary

I. Presumption

Nowadays information is more valuable than money. Those who do have power. Therefore, the media, especially social media, are called "fourth power". They can influence and shape reality because of the access to information about the surrounding reality.

With information about the law one may very well affect the use of the law by individuals. However, the knowledge and information about the law in Poland are difficult to learn and understand because of the very complicated way of creating it by the Polish legislator. In Poland we use to say that the law is only for lawyers. Language, which is used to write the acts and its provisions is not understandable not only for ordinary people, but also for lawyers.

It often happens, that meaning of law act provision is the topic of disputes and arguments not only between ordinary people, but also among professional lawyers including judges and courts. Explanation of meaning of law provision could be a topic of question, which common civil court ask The Polish Supreme Court (according to article 390 of the Polish Civil Procedure Code) and The Polish Constitutional Tribunal (according to article 193 of the Polish Constitution).

Currently in Poland content and meaning of the law has become almost the primary subject of heated debate and struggle between political factions, the primary topic of interest of the media and a large part of society. Questioned the previously accepted interpretation of the Constitution and laws, inferring from them the meaning different from the hitherto generally accepted.

Poland legislation has a habit of very detailed regulation of all areas of activity and life. Every issue, the problems and the institution has an individual act on the basis of which exists and operates. Therefore, the current legislative activity of the government and introduced by him changes in the law (by amending the existing laws and the creation of new

laws) have been criticized as chaotic, spontaneous and reckless, and not preceded by consultations between the relevant ministries and analysis prepared by professional legislators.

Criticism of this course of action, and the same laws, by media and NGOs is so loud and opinion-making that affects society that - without knowing their contents, have often speaks about them, criticize and evaluate them. That is why politicians of various opposition parties, part of the media and members of the public openly criticize the actions of the new government and the ruling party. The biggest objection is the lack of information on the financial impact of legislative changes, which usually are calculated in the course of legislative work. The government defends claims against the necessity of these changes, arguing that they result from both the election promises and the need to repair the defective legislation, introduced by the previous parliament. However, the biggest problem in Poland there is a lack of detailed information on planned and implemented Legislative changes what is most painful for banks, businesses as well as for practicing lawyers and financial advisors.

The average observer of this quasi discussion does not know the facts, but he knows how to evaluate them and to take a stand against them. Most of the representatives of the Polish media (hard to call them journalists) are involved politically on different sides, they do not represent the reality in an objective manner, instead of giving the public the facts they give the comments to them. The mode of action of the media in Poland can be illustratively say they do not tell you what happened, but indicate how to assess what happened.

Because of the above approach the majority of Polish journalists due fraught for the ordinary citizen and also a negative effect of not objective and incomplete picture of the legal status in Poland.

The right to information is one of the most important components of civil rights. The problem will arise of how to inform about the law so that citizens can benefit from this information and properly conduct their own affairs, to decide whether to take business, calculate risks and costs thereof; decide whether to work or improve their education, to ensure the future maintenance of their families.

Information about the law allows to protect the rights of citizens: the lack of news on the Rights leads to the inability to use the rights and at worst - to its violations. Lack of

knowledge about almost causes pushing citizen on the margins of society, generates unnecessary costs or lack of income, which would reach a person familiar with the law.

Poland currently places a strong emphasis on information about people rights: there are many ways to obtain information about various types of rights, it is possible to get it at many levels and in many aspects. Despite the many efforts of government and non-governmental organizations in this field, there is still much to do, still not everyone in need of legal information are aware of the many ways to make information about the law.

In this article you will be first presented to the court system in Poland, because due to the rather complicated their division and competence there is a problem with an indication of the competent court. Then I will present the ways of obtaining information about the content of the law in Poland, and entities that deal with providing them.

The next problem, connected with informing about law is two different lawyer's corporation who have right to represent parties before the court (advocates and legal advisers), and existing different group of professionals, who can represent parties before court (tax counsellors, property managers). The legal support in Poland could be divided into general and personal, precourt and court one. Generally, legal support is given by advocates (barristers) or legal advisers. In some court cases legal support could be given by other professionals, for ex. tax counsellors . Of course above mentioned professionals' advices are paid.

There is not any problem to find professional legal advisers for those, who have money, whos financial status is good. The problem is for people, who's financial status is so bad so they have not money for lawyers and for profesional legal advice.

I will focus on some aspects of the right to information on law provisions and the ways of using it by Polish law entities. There is many ways of collecting information about law provision in Poland, f.e. both kind of courts have duty to inform parties of the hearings about their rights

II. Polish court system

The Polish judiciary system is consisting of two different courts: common and administrative. Common courts recognize civil and criminal cases. Civil cases mean also: labour cases, family cases and commercial cases. Administrative courts are separate branch of

court system. They recognize administrative cases concerning for example environmental protection law, data protection law, construction law, tax law. The material competence between administrative and civil courts is complex and it is sometimes difficult to understand it by those who are not experts in Polish legal system.

Part of the judgments concerns the cases, which under Polish legal system are classified as personal interest ones under the material competence of common courts, and thus were issued by district court, then appeal court, and finally by The Polish Supreme Court. The other part of the judgments were issued by The Polish Supreme Administrative Court, which is competent to settled cases concerning for example protecting personal data, also those ones, which are connected with the right to privacy of individual and legal persons, as well as connected with freedom of expression. Some of judgments, connected with freedom of expression are issued by common (civil court), which are also (in some cases) competent in this matter.

It should be underlined that in view of the mentioned above duality of Polish courts system, some legal problems- in case of necessity to prosecute a claim in court- will be settled by common or administrative courts. It explains the necessity of analyses of the judgments of two different kind of courts¹. This analyses should be provided by professionals, because those, who are not profesional face serious problem with proper understanding the reasons of judgements issued by some courts.

III. Public available information about law (general)

a) The role of media in disseminating information about the law

In Poland to obtain information on the law may be held not only by professional lawyers, but also free of charge. There are a number of websites where everybody can get information on current legislation. This way of getting information is so important, since it does not require financial outlays and is not dependent on place of residence in search of information. Therefore, the availability of information on the law for anyone, regardless of financial status is essential for the protection of the rights of individual citizens.

An important role in Poland in terms of informing about the law and protecting the rights of citizens play the media. Their informative role is not just about presenting

¹ I've already written an article with details about Polish court system for IAPL Stambul Conference Papers, which will be published

information on the Polish legislation in force, but also make available to the public the interesting cases decided by the courts. Some daily newspapers have special pages devoted to legal issues, there are journalists who tend to courtrooms and on an ongoing basis draw up press releases from their course. In this way, up to date and very quickly be made public information about the current court decisions, the most interesting cases and issued judgments.

Media have a significant impact on the shape of the legislation. In Poland, the media are able to exert such a significant influence on politicians, that in fact they can influence the law.

The lobbying and pressure of media campaign f.e. resulted in entry into force the act of proceedings against the persons with mental disorder creating the danger to life, health and sexual freedom of other people, which entered into force in 22 January 2014. In fact the only reason to form this act was Trynkiewicz case². The act envisages the possibility of isolation of person accused on sexual children harassment, after termination of his penalty, by putting him into special, closed, medical center or arranging for him police supervision.

Case of Trynkiewicz shows unprecedented power of media being in a position to make some important legal acts to come into force by their persistent campaigning and lobbying.

From the beginning of the year 2014 all Polish media, expecting his release, launched broad campaign against this man, demanding continuation of his isolation from the society.

General information about the law and the ways of its implementation on specific issues are available on the websites of the entities and bodies such as the Ombudsman, the Ombudsman for Children, the Insurance Ombudsman, the Ombudsman for Patients' Rights, Consumer Ombudsman. These authorities shall inform about the content of the provisions under which they operate, the extent of their competence and how to redress the scope of matters to which they have been called.

Although there are many options and many readily available sources of information about the law, not everyone in need can reach them.

² The most interesting and spectacular case was called „Trynkiewicz case”. Mariusz Trynkiewicz is the man who raped and murdered four boys in 1988 and was sentenced to death. Then few years later, the Polish criminal code was changed (amended) and his penalty was converted to 25 years imprisonment. He completed his imprisonment on 11 February 2014.

b) Early education

The most important issue is education, providing general information on how to behave in a particular legal situation before there is even a violation of law or before there is a need for legal protection. This is a key aspect of general legal education. This education takes place in schools within the subject „Knowledge about society”, lined ranging from 2 middle school through high school.

Currently, it seems that the best overall knowledge of the law have older children and adolescents. In schools there are organized talks and lectures on the law, granted by police, lawyers, volunteers of various institutions and NGOs.

This impression on the limited social group having information on the law are not exaggerated, as evidenced by another, put into force laws, to improve the legal awareness of citizens.

Started from January, the 1st, 2016, the brand- new provisions came into force in Polish law related to free of charge legal support. According to this act provisions, public administration organs are obliged to educate their society to improve level of law knowledge, to inform about rights.

The Act provides, inter alia activities aimed at shaping the legal awareness of citizens. According to the Act, public administrations in carrying out their tasks related to public legal education will be obliged to undertake educational activities aimed at enhancing the legal awareness of society.

Tasks which are the subject of discussed issues will be implemented by public interest organizations, as well as institutions offering higher education with the law faculty, professional associations of lawyers, solicitors, notaries, bailiffs and tax advisors - selected in an open tender procedure. Details on this Act is contained in section IV of the text.

A lot of interest in Poland are TV programs to disseminate legal knowledge about the operation of courts and other judicial and civil rights.

c) blogs

In Poland, there are several different blogs, in particular concerning information about the law and how to claim. Most of them are in fact advertorial law firms, for lawyers and legal

advisers can not officially advertise, and therefore leads blogs, which provide quasi-legal advice, general advice, thereby encouraging customers to use their services.

IV. General information public available (Pre-court information)

a) Official websites Ministry of Justice

Much of the information about the law and about ways of doing things about the legal sense is on the official websites of ministries, particularly the Ministry of Justice. One can get the information on specific laws and other legal acts. It also includes on-line access to land registers and other registers kept by the Ministry. On the website of the Ministry one can also download forms needed to initiate and investigation of cases before the courts.

b) Court's websites

Courts in Poland maintain websites with information on the type of caseload, reveal statistics on the number and duration of proceedings. It is important for potential parties have information on costs, because many times their level depends on the decision to open the proceedings. Court costs in Poland are very different depending on the type of case and the court has jurisdiction to hear it. These costs are quite high- when it comes to the civil courts, but eg. employee or insured claims coming before the labour court and social security do not bear the costs. They are not borne by the party seeking alimony before a family court.

On the websites of the individual courts downloads are prints, you need to take action and apply for exemption from court fees and the establishment of legal aid. In offices filing courts application forms are available (on the same subject) as well as eg. legal remedies and other pleadings needed to independently pursue the case by people who are not professional lawyers.

Moreover, the courts maintain websites which provide judgments issued in specific cases, together with the justifications. Despite anonymization they have significant cognitive and informative value of the case-law in a particular type of case. Information about the contents of sentences issued in certain cases, are useful not only for potential sites, but also for scientists who, based on their analysis can lead scientific research.

c) information about law made available by special institution

Started from January, the 1st, 2016, in Poland come into force brand- new provisions in Polish law related to free of charge legal support

The act of free of charge legal support from August, 5, 2015 enabled free of charge legal support to be given by community (borough) or county (district) (art. 8.1). They engage attorney or legal adviser (art. 6.1) and make a deal with him. This free of charge legal support is given to natural person (according to art. 4.1) f. ex. whose age is below 26 years or who completed 65 years old, and their financial status is poor, Big Family Card holder³, combatants, veterans.

According to art. 3. 1 free of charge legal assistance covers among others informing the eligible person on its binding legal status, on the rights it is entitled to, on its obligations, on the ways to solve its legal problems and/or drawing up the letter requesting for the exemption from the court fees or establishing ex-officio representative in the court procedure or establishing advocate, legal adviser, tax councillor or patent adviser in administrative court proceedings. However legal aid does not cover preparation of the court letters in a precourt or court proceedings as well as the letters in the administrative court proceedings (art.3.1.3).

Free of charge legal aid does not cover taxation cases related to business activity, customs, foreign currency and commercial law with the exception of the matters related to preparations for commencing such activity (art.3.2).

Since January 2016, more than 1,500 points throughout Poland, where professionals provide legal assistance had been created. Thanks to the cooperation of the government, local authorities and NGOs the nationwide system will guarantee free access to legal advice at the local level, thereby eliminating financial barrier to access to professional legal services too often occurring in our country. Such a large number of free legal aid points is expected to abolish barriers to obtaining information on rights by people residing outside large cities in Poland. It is because in big cities, as already noted, access to free legal aid is facilitated by the existence of a number of entities and organizations engaged in the providing (legal corporations, arranging days of free legal assistance, advocates of consumer, patient advocates, student legal clinics).

The fact that free legal assistance is a task assigned to government administration will unify the rules of granting it. Funds for the implementation of tasks will come from the state

³ Big family in Poland it is family with 3 and more children

budget, which guarantees a permanent source of funding. Free legal assistance will be granted at the points specified by the local government units.

An important element of the system will be NGOs. Because of their experience and achievements, there is a possibility of entrusting them to keep 50% of the free legal aid points. On a national scale the rise in total of more than 1,500 such points is envisaged.

Free legal aid will be provided by advocates and legal advisers as well as, in particularly justified cases, applicants authorized respectively – by the legal adviser or advocate providing free legal aid. However, in the points run by non-governmental organizations legal advices can also be provided by tax advisers and legal studies graduates (with at least three years experience).

Free legal assistance will be provided at points in the average rate of 5 days per week for at least 4 hours a day. Information about a specific location and opening hours of the points to be found in the Public Information Bulletin county authorities.

Legal aid will consist of:

- release of information about the current state of the law, vested rights or incumbent obligations
- presentation of proposals on how to resolve the legal problem;
- assistance in preparing a draft letter to the extent necessary to grant legal aid (not include the pleadings in the proceedings or prosecutions and letters in the judicial-administrative proceedings - then the person entitled may request the establishment of ex-officio legal aid);
- drafting pleading for exemption from court fees or to appoint a representative from the office.

D) Lawyers corporations actions

Corporations Law, unable to advertise, take different actions, aimed at promoting their services. They organize days of granting free legal aid, carried out various forms of legal education in schools in order to familiarize the participants of their rights and possibilities of using them in certain situations.

As already mentioned, these actions are carried out mostly in the cities, which are the seats of these corporations, and thus in large and medium cities. Residents of small towns and villages, away from larger centers, have limited access to free legal aid and professional lawyers.

e) Student legal clinics

In addition, multiple legal clinics at law faculties of universities are run, where also free information about law may be obtained, but essentially it is used only by the inhabitants of the cities, where the departments of law are located. Keeping these centers is beneficial for students who learn in their profession as well as for the people who can benefit from the assistance of experienced lawyers who approve projects writings and tips provided by the students.

f) Administrative tax organs duties

Right to be informed on meaning of provision of Polish tax law could be realised by asking Polish tax administration for „individual tax law interpretation” (article 14 b of the Polish Tax Ordinance). This interpretation is binding both for administration tax organ and tax- payer as long, as Administrative court will not eliminate it by issuing the sentence. Unfortunately, also administrative tax organ could change it by sending its second one own interpretation, so tax- payer could not be sure how long exactly the validity of this individual interpretation will last.

V. Information about law provisions available for court’s proceeding parties

a) Information about law made available by court

First, one should note the obligation of the courts, adjudicating in civil matters, providing the parties with instructions about the proceedings. In accordance with art. 5 Polish Civil Procedure Code (PCPC) it is possible should it prove necessary, but the party must appear on without a lawyer, patent attorney or counsel Attorney-General of the Treasury. A similar obligation has been imposed in art. 212 § 2 (PCPC) under which, in case of a justified need, the judge may give the parties the necessary instruction and according to the circumstances draws attention to the desirability of establishing a legal representative.

In accordance with art. 6 Adimistrative Court Proceeding Code (ACPC) the administrative court, in the event of justified need, gives the parties occurring in the court

without a lawyer, tax advisor or patent adviser, the relevant instructions necessary for legal proceedings as well as teachings on consequences of their negligence.

The cited provisions are intended to level the chances of the parties acting without a lawyer (solicitor).

Suggestions and instructions concerning the procedural steps that should be taken on; how and in what timeframe the court should determine the defects in these proceedings as well as what are the legal consequences of failure to remedy these deficiencies within the time limit.

The court instructions must be given in such a way that the party who does not benefit from the assistance of professional attorney has not been deprived of opportunities to influence the ongoing court case and thus realize their own rights. The regulations do not require the court to instruct the party on action to be taken in case of negligence in order to reduce their impact.

The principle of information in criminal proceedings is governed by article 16 Polish Criminal Procedure Code (CPC) According to its § 1, if the authority conducting the proceedings is obliged to instruct the parties on the obligations incumbent and about their rights, the lack of such instruction or erroneous instruction may not cause negative effects on the process for the defendant or other person to whom it applies.

Pursuant to art.16 § 2 CPC, the authority conducting the proceedings should also, where necessary, provide participants with information about the procedure responsibilities and about their rights also in the cases where the law clearly does not constitute such an obligation. In the absence of such instruction when, in the light of the circumstances of the case it was indispensable, or erroneous instruction, § 1. shall be applied accordingly.

The provision of art. 16 § 2 CPC does not oblige the authorities of the process to ensure the wider interests of the parties, and only a duty to inform them of these rights and duties that are directly connected to the content of published rulings, decisions, actions⁴.

⁴ Judgement of District (second instance) Court in Warsaw - II Penal Department June 7th, 2013 r. number II AKa 163/13

In terms of proceedings in criminal matters, pursuant to art. 386 § 2 CPC, after questioning the accused the judge instructs him of his right to ask questions to the examined persons and to be given explanations for any evidence.

The provisions of art. 386 CPC are repeating the rights of the accused, referred to in the general provision of article 175 § 1 and 2 CPC, in relation to proceedings at the trial. Immediately after the reading of the indictment the judge instructs the accused of the right to provide explanations, the right to refuse to be heard, as well as refusing to answer the questions asked him, and asks him if he admits to the act, and if he wants to make, and what explanations.

In case of need, depending on whether the accused is assisted by counsel and on his personal characteristics, in particular its level of mental development, level of intelligence, and sometimes also other circumstances related to the hearing, that information can and should be more detailed. In particular, often it could be justified to instruct the accused that he has the right and not an obligation to provide explanations and answer the questions. It means that he may: 1) reduce his explanations to some circumstances only and refuse their submission in the rest of ; 2) refuse to answer only some questions; 3) refuse to answer questions of the court or of the individual designated by himself, but to answer the questions of others, or 4) to respond only to questions of specific person designated by the party- eg. his defender⁵.

This right already exists in the course of the investigation. In accordance with art. 175 § 1 CPC. The accused should be advised of the right to provide explanations and the right to refuse to answer particular questions or refuse to answer questions without giving reasons.

In the literature highlights the Article 175 § 1 of the CPC imposed on the judicial body the duty to instruct the accused of his rights concerning providing of explanations. This obligation is specified in a number of subsequent provisions of the Code, according to the stage of the proceedings.

In the preparatory proceedings the suspect should be instructed on his rights, including the right to provide an explanation, to refuse their submission or to answer the questions, before the first questioning (Art. 300 CPC).

⁵ R. Ponikowski in: Skorupka, Commentary to art. 386 k.p.k., Legalis 2015

That instruction should be in writing, and its transfer to the suspect should be recorded by submitting his signature. Also on the stage of criminal proceedings Art. 386 § 1 of the CPC obliges the presiding judge to instruct the accused after reading the indictment on his right to provide explanations and the possibility of refusal of their submission.

The accused (suspect) should be instructed not only about the right to refuse to answer or answers to each question and that he can do so without giving reasons for the refusal, but also the fact that this his attitude will have no negative effects on the process for him⁶.

However, there is no obstacle to draw defendant's attention that providing explanations may contribute not only to make findings favorable to him, but also to accelerate the completion of criminal proceedings with art. 16 of the CPC.

In the above circumstances the judicial body noticing this failure should instruct the accused of his rights while before questioning it should explain to him that the explanations previously provided by the accused do not constitute evidence and only then re-interrogate the accused.

VI. Interpretation of the law provisions for professionals:

a) Introduction

The Polish law system is based on Constitution, acts, codes and others legal acts. There is a general opinion about the poor quality of Polish law, arising from a number of questionable, vague provisions. In November, the Polish Constitutional Court ruled on partial illegality of the act, which has been created (among others) by three judges of this Court. The example given illustrates the complexity of the Polish legislation and the degree of uncertainty as to the correct understanding of the rules by operators applying the law.

This problem is not a problem only for the Polish judiciary. In the judgment of the European Court of Human Rights of 22 December 2015⁷ it was underlined, that the possibility of conflicting judgments is an inherent trait of any judicial system that is based on the principle of adversarial appeal. This feature cannot be regarded as a manifestation of violation of the Convention. Justifications for a national court decisions

⁶ judgement of the Polish Supreme Court of 4.2.2008 r., III KK 363/07, BPK 2008, No 5, p. 27

⁷ Stanković and Trajković against Serbia, No. 37194/08 and 37260/08

cannot be considered arbitrary if only because the use of (unclear) law sometimes requires the interpretation and the possibility of decisions being moved under the means of appeal.

Despite the existence of specific acts and regulations contained in them there is uncertainty as to their significance what results in the fragmentation of the case-law of the Polish courts. This situation is assessed very critically especially when we consider that this diversity is also reflected in the jurisprudence of the highest instance courts, i.e. The Polish Supreme Court and the Polish Supreme Administrative Court.

Justification for the discrepancies judgments of Polish courts is constitutionally guaranteed independence of judges, which is a normative basis for jurisdiction in similar cases regardless of already issued judgments. The more it is not surprising the existing divergence in the case law of authorities, adjudicating eg. in tax matters.

The problem is the interpretation not only of individual provisions, but also their relationships. In addition, problems of interpretation have not only ordinary citizens, professional lawyers, but also the most prominent judges adjudicating in the Supreme Court and the Supreme Administrative Court.

b) Legal questions

A very high degree of complexity of the legislation makes it possible for the courts of a particular civil case to request for a binding interpretation of the law by the Supreme Court when the court of second instance recognizes the appeal (art.390 PCPC). According to this article, if while recognizing the appeal there is a legal issue rising serious doubts, the court may submit the issue to be resolved by the Supreme Court, delaying the case.

The Supreme Court is competent to take the case for its recognition or to pass the issue to be resolved in extended composition of the Court. The resolution of the Supreme Court concerning the specific legal issue is binding in the case. Also, the three judges of the Supreme Court may refer the question to the enlarged composition of that court.

According to article 193 of the Polish Constitution, each court may submit to the Constitutional Court a question of law as to the conformity of a normative act to the Constitution, ratified international agreements or statute, if the answer to that question of law will determine an issue currently before the court.

The quoted provision is an example that doubts about the law, not only are the domain of non-professionals, but also the courts of all instances. Provided for in art.193 of Polish Constitution legal question can ask any court or tribunal not only common, but also the Supreme Court and the Supreme Administrative Court.

c) Legal issues arising in courts recognizing remedies (other instance- art.390 PCPC and 441 CPC)

As the first one of those rules one should indicate the provisions of art. 390 PCPC and art. 441 CPC allowing the courts of second instance, to present to the Supreme Court the legal issue raising serious doubts that arose in recognition of the appeal. In both types of proceedings, the Supreme Court may refer the legal issue to be resolved in extended composition of this Court (art.390 § 1 sentence 2 of the PCPC and art. 441 § CPC), the Supreme Court may take the case for recognition (art. 390 § 1 PCPC and art.441 § 5 CPC).

Accomplishing interpretation is used until it is changed by other committee of The Polish Supreme Court.

d) Legal issues arising in the courts of the highest court - art. 398¹⁷ PCPC and art.18ACPC

Highest Instances Courts- the Supreme Court and the Supreme Administrative Court may also submit legal issue to be resolved in extended composition of the Courts, if this issue emerges when recognizing cassation (Art. 398¹⁷ § 1 PCPC and art. 187 § 1 ACPC). The resolution of the Supreme Court in extended composition is binding for the case. (Art. 398¹⁷ § 2 PCPC and Art. 187 § 2 ACPC). The Supreme Court or the Supreme Administrative Court in extended composition may take the matter for their recognition (Art. 398 § 3 PCPC 17 and Art. 187 § 2 ACPC).

A similar solution lies in art. 60 of the Law on the Supreme Court. If in the case law of common courts, military courts or the Supreme Court reveal discrepancies in interpretation of the law, the First Chairman of the Supreme Court may submit a request for their decision to the Supreme Court composed of seven judges or other suitable composition (§ 1).

According to § 2, the application referred to in § 1, may also be submitted by Ombudsman and the Attorney General and, within its jurisdiction, the Ombudsman for Children, the Chairman of the Social Dialogue, Chairman of the Financial Supervision Commission and the Ombudsman Financial.

e) Application of art. 79 of the Constitution

According to art. 79.1 of Polish Constitution, anyone whose constitutional freedoms or rights have been violated has the right, under the terms of the Act, to submit the complaint to the Constitutional Court on the constitutionality of a law or other normative act under which a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution

Summary

In the above circumstances the issue of ways of information about rights and their impact on the protection of rights in Poland is a very important practical question.

Since the statutory law is understood in divergent uneven manner, which is expressed by divergent court rulings so how the entities should take knowledge of the law? How they should shape their goals and plans for a legal sense, since they are not sure about what rights they enjoy and that those granted to them by one law will not be picked up by another law?

In the Polish context one of the major problems for citizens is therefore obtaining information about the law, which affects the possibility of realization of the rights of every citizen. Of course, people with high material status may hire professional lawyers and allocate sufficient money to to assert their rights before the court, however, people with lower financial status must obtain information on the law in a different way.

There is a especially high correlation in Poland between the financial standing of individuals and their possibility of defending their rights. The right to information on law can be fully used only by the people with good financial status. The actions of the government and various non-governmental organizations must aim at creation of such conditions and methods of informing the people on their civil and private rights that enable everyone whose rights have been violated to obtain legal protection regardless whether or not it has sufficient financial resources to initiate proceedings and to take a lawyer.

Information on law also requires the use of language and vocabulary adapted to education and intellectual abilities of the recipient. This is particularly important in Poland, where the process of formulating standards and regulations is very complicated and difficult, causing a problem of interpretation, not only among the addressees of legal norms, but even among professional lawyers.

