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## The constitutional status of the Sejm in the political system of the Republic of Poland

STUDIA I ANALIZY

**Keywords:** *The Constitution, the Sejm of the Republic of Poland, principles of the political system, parliament and the executive*

**Abstract:** *The purpose of this article is to evaluate or to determine the constitutional status of the Sejm of the Republic of Poland in the light of the basic principles of the political system. The position of the lower chamber of the Polish parliament is presented in turn against the backdrop of four principles: the sovereignty of the Nation, political representation, political pluralism, and the separation and balancing of powers. In the context of the latter principle, the relationship between the Sejm and the executive is also presented.*

### Introduction

Studies dealing with the place of the Sejm in the political system of the Republic of Poland are usually limited to the presentation of the constitutional regulations contained in chapter four of the Constitution of 1997, which is entitled, “The Sejm and the Senate”<sup>1</sup>. In contrast, any attempt to determine the political position of parliament, first of all,

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<sup>1</sup> See S. Bożyk, *The Sejm in the System of Organs of Power in the Republic of Poland*, [in:] *The Polish Sejm. An Overview*, Warsaw 2011, pp. 72–134.

should pay attention to the basic constitutional principles of the political system adopted by a specific system of government. Undoubtedly, three systemic principles are crucial factors in this situation: the principle of political representation, political pluralism, and the principle of the separation and the balancing of powers. The starting point for determining the nature of a parliament must always be the principle of the sovereignty of the Nation. This principle indicates not only which body has the supreme authority in a country, but also provides the form of exercising that power takes in a particular nation<sup>2</sup>. It is only when these political principles are taken into account jointly that the constitutional status of the Sejm of the Republic of Poland can be determined, which is the basic aim of this short study.

## **The principle of the sovereignty of the Nation**

The adoption by modern constitutional systems of the principle of sovereignty of the Nation affects various elements of the constitutional regulations of political system<sup>3</sup>. These are primarily related to the organizational structure of the entire state apparatus and the interactions between various state bodies.

According to the principle of sovereignty a Nation can only be regarded as a sovereign nation when it acquires the role of being the exclusive and the highest body of authority (or sovereign) which is set by the constitution in a certain country. Consequently, the Nation as a body of supreme authority, is entitled to exercise superior authority by: a) the appointment by direct and universal suffrage constitutionally defined state bodies, b) co-decision with the representative bodies on issues of great importance for the entire state or units of territorial division (using the institutions of direct democracy), c) expressing an opinion as to the forms and methods of exercising political power. Sovereign powers in this area are primarily guaranteed in a constitutionally specified set of political rights of all citizens.

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<sup>2</sup> E. Zwierzchowski, *Wprowadzenie do nauki prawa konstytucyjnego państw demokratycznych*, Katowice 1992, p. 10 and the following pages.

<sup>3</sup> To the importance of this principle contributes the fact that in the doctrine of constitutional law, it is treated in the category of "principle of principles" in other words a rule determining the content of other constitutional principles. Compare K. Działocha, *Artykuł 4*, [in:] L. Garlicki, M. Zubik (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Tom 1, Warszawa 2016, pp. 176 and the following pages.

The principle of sovereignty of the Nation is proclaimed in Article 4 paragraph 1 of the Constitution of 1997, which states that: "Sovereign power in the Republic of Poland belongs to the Nation". In this case, by the term "Nation", we should understand all Polish citizens irrespective of their race, nationality, religion, membership in certain political parties and other characteristics, so as the only criterion for membership to the Republic of Poland was understood in the category of, "common good of all citizens" (Article 1 of the Constitution), may be considered the fact of possessing Polish citizenship<sup>4</sup>. The result of accepting in the Republic of Poland the principle of the sovereignty of the Nation is the necessity of shaping the political system in practice; such legal regulations would allow citizens to participate as far as possible in the exercising of state power, and would ensure the compliance of any decisions that are undertaken with the intent, will and public authorities.

The result of the introduction of the principle of sovereignty of the Nation to the set of the main principles of the Republic of Poland's political systems is to adopt the general assumption that the highest authority in a country is in the hands of the Nation as a specific legal community formed by all citizens<sup>5</sup>. In modern constitutionalism the people is not treated as an entity that actually exercises the political power in a country, or at least administering a part of this power. In fact, the Nation within the meaning of all of citizens of a country or as an organized community would not be able to exercise power directly, and in today's political realities it is not possible. Thus a decisive factor in systemic practice has, nevertheless, a representative (indirect) exercising of power through elected representatives of the nation elected by universal suffrage<sup>6</sup>.

## The principle of political representation

The significance of representative democracy, and, therefore, the exercise of sovereign authority by the Nation in the way of political rep-

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<sup>4</sup> Such understanding of the concept of "Nation" results undoubtedly from the Preamble to the Constitution of the Republic of Poland, with a written declaration: "we, the Polish Nation – all citizens of the Republic of Poland".

<sup>5</sup> Compare M. Kudej, *Problematyka konstytucyjnej zasady suwerenności narodu*, [in:] E. Zwierchowski (ed.) *Podstawowe pojęcia pierwszego rozdziału Konstytucji RP*, Katowice 2000, pp. 56 and the following pages.

<sup>6</sup> Compare M. Granat, *Konstytucyjne zasady ustroju*, [in:] W. Skrzydło (ed.), *Polskie prawo konstytucyjne*, Lublin 2008, p. 116.

resentation, mostly refers to the fact that decisions of major importance to a state are being taken on behalf of the sovereign (Nation) by the highest representative body (parliament) that is made up of representatives elected in accordance with the will of the Nation in democratic elections. This particular structure of the principle of political representation is reflected in Article 4 paragraph 2 of the Polish Constitution, which stipulates that, “The Nation shall exercise such power directly or through their representatives ...”. From the above wording it is clear that the sovereign (Nation) in this case, resigns from the direct form of exercising state power, while providing its representatives the mandate to represent it before the parliament and to take important decisions on its behalf.

With regard to the principle of political representation the doctrine of constitutional law is of the opinion that so widely adopted in the constitutional solutions (including the Article 4 paragraph 2 of the Constitution of the Republic of Poland of 1997) formula for the exercise of sovereign power of the Nation, by hand of appointed by the voters representatives of the sovereign, is actually called the legal fiction of representation<sup>7</sup>. Its significance lies in the fact that voters give a mandate to the selected deputies to represent their will, and the will of representatives is expressed by them in the parliament and is assigned to the Nation. The consequence of the structure of representation outlined here is that the decisions taken by the deputies are always binding for the sovereign (Nation), and therefore cannot be questioned by it during a parliamentary term.

To implement the principle of political representation it is necessary to consistently apply democratic electoral procedures during the selection of members of the parliament, which must be based on constitutional principles of universality, equality, directness and confidential voting (Article 96 and 97 of the Constitution of the Republic of Poland). What is particularly noteworthy here is, undoubtedly, the principle of universality, because it determines the category of persons eligible for active and passive right to vote in direct elections to certain state bodies. The importance of this principle results from the fact that its adoption and adherence in constitutional practice has become obviously the most visible manifestation of the implementation of the constitutional principle of the sovereignty of the Nation, where the Nation is an entity able to

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<sup>7</sup> Widely explained in J. Szymanek, *Theory of Political Representation*, Peter Lang 2015.

launch activities and express its sovereign will through its representatives elected by the citizens through the electoral act<sup>8</sup>.

In today's political system is impossible to imagine the structure of political representation without a significant share of the political parties<sup>9</sup>. Their role is clear in various stages of the electoral process, starting from their mode of nomination to be candidates to the Sejm and Senate. The provision of Article 100 paragraph 1 of the Polish Constitution emphasises this fact by stating that: "Candidates for Deputies and Senators may be nominated by political parties and voters". Granting political parties this power is fully justified, since in any electoral system the political parties are the, 'driving force' of the election campaign. They play a decisive role in it, developing election programs, which then are presented by candidates to voters, and which they try to popularize among the general public<sup>10</sup>. Even after the election, political parties fulfil an important role, by establishing and maintaining a parliamentary majority, and then actively participating in the functioning of the parliament.

An important guarantee of the implementation of the constitutional principle of political representation is the fact that the parliament as a body representing the Nation enjoys a strong position in the system of the supreme organs of a state<sup>11</sup>. According to the content of the Article 4 paragraph 2 of the Polish Constitution that the Nation exercises power through their representatives, it means that this power, "should be characterized by some important features, and the bodies performing it must have relevant competences"<sup>12</sup>. Undoubtedly, such requirements correspond to the nature of a state power guaranteed by the constitution to both chambers of parliament, which are selected by the Nation in the elections based on the principle of universality and must be treated in the same category, as the most important exponents of the will of the sovereign.

The Sejm and Senate have been classified in accordance with the constitutional principle of the separation and balancing of powers to the

<sup>8</sup> Compare K. Skotnicki, *Zasada powszechności w prawie wyborczym. Zagadnienia teorii i praktyki*, Łódź 2000, pp. 9 and the following pages; A. Żukowski, *System wyborczy do Sejmu i Senatu RP*, Warszawa 2004, pp. 58 and the following pages.

<sup>9</sup> See A. Gajda, K. Grajewski, P. Uziębło, A. Rytel-Warzocho, M.M. Wiszowaty, *Partie polityczne w Polsce. Wybrane zagadnienia*, Gdańsk 2017, pp. 39 and the following pages.

<sup>10</sup> Ibidem, p. 44.

<sup>11</sup> See Z. Witkowski, *Wybrane zasady naczelne ustroju politycznego i gospodarczego Rzeczypospolitej Polskiej*, [in:] R. Mojak (ed.), *Ustrój konstytucyjny Rzeczypospolitej Polskiej*, Lublin 2000, p. 80.

<sup>12</sup> M. Kudej, *Problematyka...*, p. 63.

organs of legislative power, which to some extent, determine that the parliament was granted a very broad range of competences. Of particular importance in this case are those functions of the parliament which can be implemented jointly by both chambers, as a systemic and legislative function. Of significant importance are the powers given to the Sejm that result from its function of parliamentary control, which focuses essentially on the its day to day control of the executive<sup>13</sup>. Thus, we can therefore assume that the exercising by the parliament of its basic functions allows it (and thus on the principle of political representation the sovereign) to have real permanent impact on the main directions of state policy.

## **The principle of political pluralism**

It is impossible to consider the contemporary political reality without the significant participation of political parties, as the effective participation of these groups in the complex process of representation is only possible in a political system, which is based on the principle of political pluralism. This principle, which is one of the fundamental constitutional principles, refers largely to the fact that legal regulation establishment in a certain state ensure the furthest possible discretion on the formation and functioning of political parties<sup>14</sup>.

The 1997 Constitution of the Republic of Poland establishes the principle of political pluralism in Article 11 paragraph 1, which states that: "The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means"<sup>15</sup>. The presented formulation of the principle of political pluralism in the Polish constitution does not depart from the extent of the constitutional status of the regulation of political parties in other constitutional systems<sup>16</sup>. Adopting this form of the

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<sup>13</sup> Compare M. Kruk, *Funkcja kontrolna Sejmu RP*, Warszawa 2009, pp. 21 and the following pages.

<sup>14</sup> See M. Granat, *Zasada pluralizmu politycznego*, [in:] W. Skrzydło (ed.), *Polskie prawo konstytucyjne...*, pp. 130 and the following pages.

<sup>15</sup> The Journal of Laws (Dz.U.) No. 78, item 483.

<sup>16</sup> Compare W. Sokolewicz, M. Zubik, *Artykuł 11*, [in:] L. Garlicki, M. Zubik (ed.), *Konstytucja Rzeczypospolitej...*, pp. 355 and the following pages.

principle of political pluralism is entirely understandable, because the aspiration to shape the legal framework in such a form, would be able to guarantee, without exception, all active political parties an equal chance of gaining power, thus, declaring the complete freedom to form a party, at present characterizes each democratic state. One also cannot deny that in conditions of genuine diversity, such as the existing political scene, based on the constitutional principle of political pluralism, it is possible to shape a real competition between the governing and opposition parties. A real political pluralism guarantees a current control over the ruling persons performed by opposition group and it also provides alternative personnel and programs, allowing for a flexible way of changing governments by the use of coalition agreements, or the election of a different party at the next election<sup>17</sup>.

The constitutional definition of political parties is important for determining the political position of the Sejm. Provision is made for Article 11 paragraph 1 sentence 2, which provides: "Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means". This constitutional formula was extended by the law of 27 June 1997 on political parties<sup>18</sup>, where the objective of the functioning of a party was considered "participation in public life through democratic means to exert influence on the shaping of state policy or the exercise of public authority" (Article 1 paragraph 1). It seems that both of these objectives should be considered inseparable, because the exercising of public power, undoubtedly, is set within the frames of the development of a state's policy<sup>19</sup>. However, it is more difficult to determine what the Constitution and the law on political parties means exactly by, "democratic methods". The usage by the legislator of this inaccurate definition when describing the concrete actions of political parties, in practice, poses serious difficulties of interpretation. Hence, it would be more appropriate here to use the term, "method in accordance with the law". In this case, however, we can appeal to the Constitutional Tribunal, and mainly to the content of the decision of 26 January 1993, therefore, issued before the enactment of the current Constitution of the Republic of Poland. In its decision, the Tribunal held

<sup>17</sup> Compare M. Gulczyński, *Zasada pluralizmu politycznego*, [in:] W. Sokolewicz (ed.), *Zasady podstawowe polskiej konstytucji*, Warszawa 1998, p. 175.

<sup>18</sup> The Journal of Laws (Dz.U.) No. 79, item 859.

<sup>19</sup> See M. Granat, A. Gorgol, J. Sobczak, *Ustawa o partiach politycznych. Komentarz*, Warszawa 2000, p. 20.

that the need of state policy requires democratic means forcing inter alia, ensuring political parties legal conditions that enable them to freely carry out their function, in particular through specific, “parliamentary mechanisms”<sup>20</sup>. This means that the main form of employing democratic methods of operation by political parties were considered all forms of parliamentary activity, so participating in both the existing organizational structures and functioning, as well as the implementation of the core functions of the parliament<sup>21</sup>.

The above observations lead to the conclusion that the principle of political pluralism is essential not only for determining the status and role of political parties, but also for the relationship between political parties and parliament. As guaranteed within its framework is the freedom to establish and run political parties, and the consequent principle of the equality of the parties before the law, which means that the law must contain the same possibilities for implementing the core functions of parliament for both parties forming a government coalition as well as the political parties and groups who form the opposition to the parliamentary majority<sup>22</sup>. It also should be noted that the adoption of the constitutional principle of political pluralism, includes that the rights of the opposition are ensured and recognised. This is an important condition for the realizing of the principle of the division and balancing of powers that underlie the definition of the Sejm in the structure of the state’s supreme bodies of the Republic of Poland.

## **The principle of the separation and balancing of powers**

The position of the parliament among the main public authorities has traditionally been dependent on the system of state organs in a country, which consists of the general rules governing the structure of the state apparatus, the organizational form of the state authorities and the relationship between them<sup>23</sup>. The system model of these bodies depends mainly on the constitutional principles on which a political system of a country is based. There is no doubt that the entire system of state bodies is influenced by different systemic rules, including such fundamental

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<sup>20</sup> U. 10/92.

<sup>21</sup> See W. Sokolewicz, M. Zubik, *Artykuł 11...*, pp. 391 and the following pages.

<sup>22</sup> Compare S. Bożyk, *Partie polityczne...*, p. 33.

<sup>23</sup> The rules of relations between the system of state bodies can be very diverse. Compare E. Zwierzchowski, *Wprowadzenie do nauki...*, p. 42.



principles of the political system as the principle of the sovereignty of the Nation and the democratic rule of law. Critical to the organizational structure of the state apparatus, as well as the basic rules of its operation are two opposing principles that have collided with each other for at least the last two centuries: the principle of the unity of state power and the principle of the separation of powers<sup>24</sup>.

The principle of the separation of power is widely used in contemporary political systems<sup>25</sup>. In order to be able to realise the concept of the separation of powers it is particularly important to determine the relationship between the legislature, the executive, and the judiciary. Their relationship should be characterized by having a balance between them, so to exclude the possibility of the domination of any authority over the other authorities of a certain country. Therefore, it is vital that each authority is equipped with such competencies that they could exert influence on the functioning of the other authorities, without at the same time infringing on the competences that are conferred on them, thereby ensuring the efficient operation of the entire state apparatus<sup>26</sup>. An essential component of this organization rule of the state apparatus is, therefore, a system of mutual inhibition and the balancing of power between the different branches of government.

In Poland, the principle of separation of powers was adopted by the Constitution of May 3, 1791, and then by the March Constitution of 1921. The rejection of this constitutional principle was seen in the Constitution of April 1935, which – like the Constitution of the People's Republic of Poland – stood on the basis of the unity of state power. The restoration in the Polish system of the separation of powers principle, albeit at a reduced form, was described only in Article 1 of the Small Constitution of 1992<sup>27</sup>. This provision states that: “The organs of the State within the scope of legislative power are – the Sejm and Senate of the Republic of Poland, and within the executive power – the President of the Republic of Poland and the Council of Ministers, within the scope of the judiciary power – independent courts”. This structure of the separation of powers principle, that was adopted in the Small Constitution

<sup>24</sup> Compare S. Bożyk, *System organów państwowych*, [in:] S. Bożyk (ed.), *Prawo konstytucyjne*, Białystok 2020, pp. 142 and the following pages.

<sup>25</sup> The principle of separation of powers went through constitutionalisation process in the first constitutional act – the U.S. Constitution of 1787.

<sup>26</sup> See B. Banaszak, *Porównawcze prawo konstytucyjne współczesnych państw demokratycznych*, Warszawa 2012, p. 280.

<sup>27</sup> Compare W. Sokolewicz, *Rozdzielone, lecz czy równe? Legislatywa i egzekutywa w Małej konstytucji 1992 roku*, «Przegląd Sejmowy» 1993, no 1, pp. 22 and the following pages.

of 17 October 1992, seems rather ambiguous about the consequences the way the principle had been formulated for the functioning of the supreme state bodies, and especially whether the way the division was outlined should be regarded as a far-reaching separation between the different branches of government, or as the balancing and interaction between them.

The Constitution of the Republic of Poland of 1997 formulates the principle of separation and balancing of powers in Article 10. First, in Article 10 paragraph 1 the basis for the demarcation of the authorities was indicated, which was reflected in the wording that: "The system of the Republic of Poland is based on the separation and balance between the legislative, executive and judicial powers". Then, in Article 10 paragraph 2 a subjective approach to the principle of the separation of powers was described since the legislator pointed out here that the constitutional authorities of the state are entrusted with the implementation of the various categories of state power<sup>28</sup>. Thus, both chambers of the parliament (Sejm and Senate) were specified and described in terms of the legislature protectors of legislative power, the President of the Republic of Poland and the Council of Ministers were to exercise the functions of the executive power, and courts and tribunals were given as the organs of judicial power<sup>29</sup>.

Article 10 of the Constitution of the Republic of Poland adopts the concept of the separation of powers requires both the dissociation of the legislative, executive and judiciary, as well as shapes the relationship between the various authorities under a system of mutual restraint. The purpose of this solution is undoubtedly to ensure the relative stability of the three separated constitutionally supreme state authorities. However, the party systems that is functioning in the Republic of Poland, seems to have been affected by a far-reaching modification of the constitutional principle of the separation of powers. As a result, the functioning of the supreme organs of state has seen significant cooperation and interaction between parliamentary majority and the resultant majority government, rather than a consistent application of the approved construction of the separation of powers between the legislative and executive<sup>30</sup>.

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<sup>28</sup> P. Sarnecki, *Artykuł 10*, [in:] L. Garlicki, M. Zubik (ed.), *Konstytucja Rzeczypospolitej...*, pp. 331 and the following pages.

<sup>29</sup> See G. Kuca, *Zasada podziału władzy w Konstytucji RP z 1997 roku*, Warszawa 2014.

<sup>30</sup> Compare W. Skrzydło, *Ustrój polityczny RP w świetle Konstytucji z 1997 roku*, Kraków 2004, p. 67.

This situation has a significant impact on attempts to implement in practice the constitutional principle of the separation of power between the three branches of the state, which in turn increases the importance of the nature of the relationship between the parliamentary majority and the parliamentary opposition<sup>31</sup>. That is why the mutual relations between the government majority and the parliamentary opposition are increasingly important. This comment applies to a large extent to Polish parliamentary practices, since the trend displayed here is also increasingly evident in the functioning of the Sejm of the Republic of Poland.

The principle of the separation and balancing of powers in the Polish constitution has been laid down in a traditional formula. A definition which was adopted in Article 10 of the Constitution of the Republic of Poland on the balance of legislative, executive and judiciary powers should not be interpreted as an absolute requirement to maintain a full and unwavering balance between the three main branches in a country. The main intention of the constitutional legislator, in declaring on the nature of the relationship between them on the principle of the balancing of powers, was merely that the provision of Article 10 to exclude that the provision of Article 10 to exclude the possibility of the dominance of one over the other powers to that extent that the remaining powers would deprive *de facto* the independence in carrying out their constitutional duties. Even a brief analysis of the regulations which are included in the current constitution, relating to the system and the competences of the supreme state bodies of the Republic of Poland and the relationships between them, does not allow for the conclusion that these provisions treat all powers on the principle of mutual balance<sup>32</sup>. In fact, the content of these constitutional norms shows that the relationships between these three branches (particularly in the relationship between the legislative and executive power) envisage a far stronger position to organs of the legislative power (the parliament), and in particular – the Sejm<sup>33</sup>.

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<sup>31</sup> S. Bożyk, *Opozycja parlamentarna w Sejmie RP*, Warszawa 2005, pp. 31–32.

<sup>32</sup> M. Grzybowski, *System rządów (Sejm – Prezydent – Rada Ministrów)*, [in:] M. Grzybowski (ed.), *System rządów Rzeczypospolitej Polskiej. Założenia konstytucyjne a praktyka ustrojowa*, Warszawa 2006, pp. 11 and the following pages.

<sup>33</sup> Compare S. Bożyk, *Sejm w systemie organów państwowych RP*, Warszawa 2009, pp. 59 and the following pages.

## **The Sejm and the Executive**

The above systemic solution, whose aim was the supremacy of the legislature (the Sejm), mainly towards the executive branch of government<sup>34</sup>, shows without doubt a certain specificity in its construction regarding the separation and the balancing of powers. This is a consequence of establishing the relationship between the legislative and executive power on the basis of a rationalised system of parliamentary government<sup>35</sup>. The supremacy of parliament in this system among the chief organs of state should not be thought of as being a completely new solution. In fact, the highly visible position of the legislature and the importance of its role are clearly connected to Polish parliamentary traditions, which in the past preferred such a model of separation of powers. This is evident in the content of the Constitution of March of 1921, which guaranteed parliament a special position in the structure of supreme state authorities of the Second Republic of Poland.

As can be seen in the Constitution of the Republic of Poland of 2 April 1997, the supremacy of the Sejm with respect to executive power is reflected in the broadly elaborated competences of this chamber of the parliament, which guarantee it a decisive role in shaping the content of legislation, in exercising control over the executive, in enforcing the parliamentary responsibility of ministers and the prime minister, and in being a significant participant in the process of appointment of a government<sup>36</sup>. Most significantly here is the control function of the Sejm, which boils down to exercising parliamentary control over the activity of the government and the public administration that it supervises. With this function, the Sejm has a guaranteed impact upon the appointment of the government, the main thrusts of its policy as well as the ability to dismiss the cabinet whenever the latter loses the confidence of a majority of members of the Sejm. The basis of this control function can be found in the Constitution of the Republic of Poland, as it creates the foundations for fulfilling the function of parliamentary control over the activities of executive power in Article 95 paragraph 2: "The Sejm shall exercise control over the activities of the Council of ministers within the scope specified by the provisions of the Constitution and statutes". In practice

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<sup>34</sup> See R. Mojak, *Parlament a rząd w ustroju III Rzeczypospolitej Polskiej*, Lublin 2007, pp. 113 and the following pages.

<sup>35</sup> See M. Grzybowski, *System rządów...*, p. 14.

<sup>36</sup> Compare A. Bałaban, *Pozycja ustrojowa i funkcje Sejmu RP*, Warszawa 2005, pp. 99 and the following pages.

forms of this control are extensive, since the Sejm may control the activity of the government and its particular members both at the plenary sittings of the chamber and through the intermediary of its own parliamentary committees, as well as via interpellations and deputies questions<sup>37</sup>.

We should also remember that the adopted constitutional solutions also provide the executive branch with powers to influence the functioning of the parliament. First of all, two executive bodies have the right to initiate legislation, in addition the President of the Republic of Poland has the right to legislative veto, and may (but only in specific situations described in the constitution) shorten the term of the parliament and order early parliamentary elections.

Ensuring to the legislative bodies in the norm of the Constitution of the Republic of Poland of 1997 clearly exposed position under the principle of separation and balance of powers, finds its justification in the specific character of these bodies – the authority of Sejm and the Senate originates from universal and direct suffrage, so they are representative bodies. Both chambers of parliament were appointed to represent the sovereign (the Nation) and, above all, by this principle a significant (and even decisive) legislative power must be guaranteed to the organs of legislative power in the process of exercising the highest power in the country. The existing situation in this field cannot be changed by the fact that the President of the Republic of Poland is also appointed by direct and universal suffrage, because in a pluralistic society a single authority may not be representative of the Nation, due to the fact that this authority does not reflect the various viewpoints or differing policies options which occur in it. This means that the institution of the president does not actually reflect the constitutional principle of political pluralism. This principle is in fact only reflected in the composition of the legislative power, as only parliament, because of it is elected by democratic elections, can guarantee the unfettered competition of various political parties and programs, and so be able to provide an authentic representation of a pluralistic society.

## Conclusion

When trying to determine the constitutional status of the Sejm, it is necessary to take into account such principles of the political system of the Republic of Poland as: the principle of sovereignty of the Nation, the

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<sup>37</sup> See S. Bożyk, *Sejm w systemie...*, pp. 90–122; M. Kruk, *Funkcja kontrolna...*, pp. 21–112.

principle of political representation, the principle of political pluralism, and the principle of the separation and balancing of powers between the branches of the state. In this case, the last of these principles is particularly important, because it allows the Sejm to be placed in its relations with other state organs. An analysis of the relationship between the legislative and executive organs show that the provisions of the Constitution give a stronger position to the legislative authority (parliament), and within it – to the Sejm. The Sejm's dominance over the executive is expressed in its powers, which guarantee this House of Parliament a decisive role in shaping the content of legislation, the ability to control the governmental activity, and enforcing the parliamentary responsibility of the Prime Minister and ministers.

## **Bibliography**

- A. Bałaban, *Pozycja ustrojowa i funkcje Sejmu RP*, Warszawa 2005.
- B. Banaszak, *Porównawcze prawo konstytucyjne współczesnych państw demokratycznych*, Warszawa 2012.
- S. Bożyk, *Partie polityczne a Sejm RP*, Warszawa 2006.
- S. Bożyk, *Sejm w systemie organów państwowych RP*, Warszawa 2009.
- S. Bożyk, *The Sejm in the System of Organs of Power in the Republic of Poland*, [in:] *The Polish Sejm. An Overview*, Warsaw 2011.
- S. Bożyk (ed.), *Prawo konstytucyjne*, Białystok 2020.
- L. Garlicki, M. Zubik (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warszawa 2016.
- M. Grzybowski (ed.), *System rządów Rzeczypospolitej Polskiej. Założenia konstytucyjne a praktyka ustrojowa*, Warszawa 2006.
- M. Kruk, *Funkcja kontrolna Sejmu RP*, Warszawa 2009.
- G. Kuca, *Zasada podziału władzy w Konstytucji RP z 1997 roku*, Warszawa 2014.
- R. Mojak, *Parlament a rząd w ustroju III Rzeczypospolitej Polskiej*, Lublin 2007.
- R. Mojak (ed.), *Ustrój konstytucyjny Rzeczypospolitej Polskiej*, Lublin 2000.
- W. Skrzydło, *Ustrój polityczny RP w świetle Konstytucji z 1997 roku*, Kraków 2004.
- W. Skrzydło (ed.), *Polskie prawo konstytucyjne*, Lublin 2008.
- W. Sokolewicz (ed.), *Zasady podstawowe polskiej konstytucji*, Warszawa 1998.
- J. Szymanek, *Theory of Political Representation*, Peter Lang 2015.
- J. Szymanek (ed.), *Wielki słownik parlamentarny*, Warszawa 2018.
- E. Zwierzchowski, *Wprowadzenie do nauki prawa konstytucyjnego państw demokratycznych*, Katowice 1992.
- E. Zwierzchowski (ed.), *Podstawowe pojęcia pierwszego rozdziału Konstytucji RP*, Katowice 2000.
- A. Żukowski, *System wyborczy do Sejmu i Senatu RP*, Warszawa 2004.