

*The Concept of Cataphatic Code of law, its theoretic significance and utility for the rules of legislative technique. Towards the conclusions on measurement of the comprehensibility of law*

The main aim of the project is to make research on a comprehensibility of the language of legal acts more scientific. Scientification will be held thanks to treating comprehensibility as a measurable feature. Engaging a methodology connected with theory of the cataphatic code of law (by A. Nowak-Far) to research will be used to achieve this aim. Opportunities given by this theory regarding ways of measuring and evaluating a degree of comprehensibility of legal act by applying scientific tools will be widely presented and described. Execution of the project will allow to make a methodology of assessment more detailed. The significance of meaning of context (subjective and situational) for measuring the level of comprehensibility of legal rules will be shown. During analysis of a subjective context, a special emphasis will be put on lingual competences of recipients of legal regulations. A large emphasis will be put on the explanation the phenomenon of measurability of these competences.

Creation the catalogue of lingual features in legal acts, which cause problems with their comprehensibility is one of tasks during execution of this project. The “anti-model” of a comprehensible law will be described. Lexical and syntactic layers will be treated separately. The crucial measuring scales for this theory (the threshold and the level of cataphacity) will be widely described and analysed during a description of the subjective theory. An interdisciplinary package of tools essential to use this methodology in research on legal texts will be integrated.

The presentation of working mentioned measuring scales in practice is the last significant aim of research. Two acts connected with themselves – Tax Ordinance and Value Added Tax Act will undergo research, which will use repetitive and measurable proceedings connected with measuring scales. A choice of the sets of variables to research proceedings will be held, based on assessment of an informative value of researched lexical units, phrases and sentences.

A need of undertaking this research is justified by a pioneering character of it on the Polish ground. There is a significant lack of studies on any related theories. There are not any works on the subject of the comprehensibility of the language of law. Moreover, works about comprehensibility of language as its measurable and gradable feature do not exist. Carrying out research may result in an intellectual ferment and a loud debate on this issue, what is especially important for a formation of new alternative theories and for voices in favour of an improvement of researched theory. An undertaken issue is worth researching because of a multitude of threats connected to an inappropriate comprehensibility of law. This work can prevent from some of these risks in a long-term perspective.