

## **THE CONCEPT AND LEGAL EFFECTS OF PREVENTIVE CONSTITUTIONAL CONTROL OF A STATUTE**

1. Undertaking the topic of preventive constitutional control is aimed at a comprehensive and exhausting elaboration of this problem as an issue falling within the scope of the theory and dogmatics of constitutional law. It is intended to make conceptual findings and formulate a model of the legal concept, as well as indicated its systemic conditions and justification in the light of constitutional principles and values. The discussion and recapitulation of the current position of the constitutional law doctrine, the reconstruction of the ruling practice of the Constitutional Tribunal, or the analysis of the applicable legal framework will underlie argumentation and exemplify the research hypotheses. The descriptive value of the project will be, however, of an ancillary and subservient nature; the research will be primarily aimed at revealing general regularities, putting the concept in a broader context of requirements of a democratic constitutional state, as well as bringing preventive constitutional control conceptually closer. For this reason, legal comparative and historical analyses will also be treated as ancillary to the attainment of the primary research objective.

The discussion of preventive constitutional control of legislation will be focused around three basic thematic blocs, which will collectively form a comprehensive picture of the concept. Therefore, the project will include studies devoted to:

- a. notional and conceptual findings, including a presentation of the systemic function, constitutional context and *ratio legis* of this form of constitutional control,
- b. discussing the characteristics of judgments passed by the constitutional court,
- c. legal consequences of preventive control, their typology and scope of impact, with special emphasis on the problems of implementation of the constitutional court judgment by the parliament and executive authorities.

2. The problems of preventive constitutional control of legislation has not been submitted to a comprehensive analysis in the Polish constitutional law literature. In particular, the thesis as to the correctness of separation and systematization of the concept itself as an autonomous subject of study have not been verified. All the more so, its rich normative structure, the context of constitutional principles and numerous coincidences that institution gives rise to in the lawmaking area (legislative process) and jurisprudential practice of the constitutional court have never been presented in a monographic study. The entire body of preventive control problems not only has not been described yet, but even has not been properly formulated.

The idea of this project is underlain by a conviction that control of the constitutionality of law is one of the key and still debatable problems of contemporary constitutional law and the working practice of the constitutional authorities of the state. This is one of those research areas the potential of which is practically inexhaustible and requires systematic studies and analyses to supplement and verify the inherited knowledge on the system of state as well as the lawmaking principles and quality control.

3. Undertaking this topic is also dictated by its significance for the theory of constitutional law from the viewpoint of which the object of the project and research methodology have been constructed. Preventive control refers to the relationships between the constitutional state authorities and reflects the structure of systemic equilibrium, which on one hand is delimited by the constitutional framework, and on the other is co-determined by the practice of cooperation between state institutions. It focuses the fundamental issues of organization of the legislative process, sources of law, systemic position of constitutional public authorities, supremacy of the Constitution and human rights. The above issues make up the core of modern constitutionalism.