

1. The purpose of the project:

The objective of the research is to obtain scientific knowledge about the phenomenon known as “special legislation” (in Polish ‘*specustawy*’) and to discuss it from the perspective of legal theory and philosophy of law. This is aimed at expanding the discussion about special legislation on the international level. The project will establish the methodological and conceptual foundations for future comparative research. In particular, the following questions should be answered:

- 1) What statutes are referred to as "special legislation"?
- 2) What is “special” about those statutes?
- 3) Does the application of special legislation by courts differ from the application of ordinary statutes?
- 4) What are the benefits and risks of enacting special legislation?
- 5) How similar challenges are dealt with in other Western legal systems?

2. Planned research:

The project will consist of six main stages:

- 1) the study of the use of the term “special legislation” (“*specustawa*”) and related terms;
- 2) the analysis of legislative acts considered as special legislation;
- 3) the attempt to formulate a definition of the concept of special legislation and delineate its scope from other related phenomena;
- 4) the analysis of the application of special legislation by courts;
- 5) the critical analysis of special legislation in light of legal-theoretical, constitutional and legal-philosophical concepts and values;
- 6) the comparison between Polish special legislation (“*specustawy*”) and similar concepts known in other legal systems.

3. Justification for the selection of the research topic:

Special legislation (also: “exceptional legislation”, “incidental legislation”, etc.) has been a permanent element of the Polish legal order since the beginning of the 21st century, although the rules for its creation have not been specified in any legal act, and the regulations contained therein often raise fundamental reservations on the part of legal theorists and legal practitioners. It has been playing an increasingly important role in recent years. As indicated in the literature, in some areas of law, incidental legislation has become the rule, and ordinary legislation has become the exception. At the same time, so far the research on the phenomenon of special legislation has been conducted mainly within the specific disciplines of jurisprudence (administrative law, constitutional law, etc.). There are no general or comparative studies, and in particular, there is no legal-theoretical and legal-philosophical reflection about incidental legislation. A legal definition of the concept of special legislation has not been developed. There is the lack of more extensive research into its application and interpretation. No recommendations were formulated regarding its creation, both in terms of the political process and legislative technique. In this state of affair, the proposed research fills a very important gap in Polish and global jurisprudence, and its results may, in the longer term, inspire changes in the creation and application of law.