

Article

Constitutional regime in the Republic of Poland: Democracy and authoritarian tendencies

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Abstract: The purpose of the article is the analysis of the constitutional regime in the Republic of Poland, the study of democratic and authoritarian tendencies. The article is devoted to the coverage of one of the most pressing issues, namely the constitutional principles of Polish democracy, which play an important role in determining the political system and functioning of the State. They establish the basic principles of a democratic system, protect the rights and freedoms of citizens, and determine the relationship between the Government and the people. Poland, as a democratic republic, has its own constitutional principles, ensuring the stability of the political system and the development of democracy in the country. The article analyzes the constitutional principles in the doctrine of constitutional law and constitutional practice of Poland, examines their nature and significance for the supremacy of the Constitution and the development of the legal system. Authoritarian tendencies are covered as well. It is determined that nowadays there is a tense interaction between democratic principles and tendencies towards authoritarianism in the Republic of Poland. This situation is reflected in political actions, legislative changes and Government actions that can contribute to the undermining of democratic institutions and values.

Keywords: democracy; authoritarianism; constitutional principles; authoritarian tendencies; Prawo i Sprawiedliwość (PiS); Civic Coalition

1. Introduction

At present, there are various options for meaningful characteristics of democracy, which directly concern the State, world views and society. However, substantiation of value content covering the power of the people in various forms, the priorities of the law, universal human merits, and other specific features extending to democracy as value, process and form, is almost common to all these approaches.

Democracy is a state system based on the principle of people's rule, ensured by the formation of the Government through elections and its responsibility to the people. In order for such governance to be possible, the relevant rights of citizens must be ensured by law—first of all, the right to vote and freedom of speech.

In modern political science, the value aspects of democracy have not lost their importance. In particular, the prominent American economist J. Schumpeter in his work “Capitalism, Socialism and Democracy” (1976) calls democracy a method of institutional coordination of interests when making decisions for the common good.

According to the French scientist Vincent Boudreau, when considering the concept of the origin of the State and the methods of formation of elite power, democracy appears as a certain philosophy, way of life, religion, while the form of Government is only a derivative phenomenon.

The source base for modern democracy is considered to be the work by Robert Dahl “On Democracy” (1998), in which he considers polyarchy as a genetically sustainable form of political institutions and processes development. The concepts of “polyarchy” and “democracy” are related according to his views as the realm of existence and the sphere due. Democracy is understood by the American scientist as a regulatory idea of polyarchy, which is a real process of implementing democratic values. It appears as an unattainable ideal, and polyarchic political systems—as its embodiment in reality.

At the same time, authoritarianism is a type of political regime characterized by the restriction of the political rights and freedoms of the people, their participation in state management, and the concentration of power in the hands of one person. In political science, it is considered as a phenomenon opposite to democracy. Authoritarianism contributes to the passivity of the masses and their exclusion from political processes; it particularly monitors information processes.

There are many reasons why countries may move from democracy to authoritarianism. Some of them include:

- Economic Crisis: when country is experiencing an economic crisis, people may be more inclined towards authoritarian leaders who promise order and stability.
- War: war can weaken democratic institutions and strengthen authoritarian tendencies.
- Terrorism: Terrorism can lead to increased Government control and restrictions on freedom of speech and assembly.
- Inequality: inequality can cause growing discontent among the population and strengthen authoritarian tendencies.

There are also many things that can be done to prevent countries from moving from democracy to authoritarianism. Some of them include:

- Supporting economic growth: economic growth can help create a stable and prosperous society that is less prone to authoritarianism.
- Promotion of education: Education can help people to understand their rights and responsibilities and make them more critical of authoritarian leaders.
- Protection of freedom of speech and assembly: they are vital to “healthy” democracy.
- Building strong democratic institutions: such institutions as independent judiciary and press can help prevent countries from moving from democracy to authoritarianism.

2. Literature review and methodology

The constitutional regime in the Republic of Poland has been the subject of research by many scientists both from Poland and abroad. Here are some notable researchers who studied some aspects of democracy and authoritarian tendencies in Poland.

A well-known Ukrainian scientist and expert in the field of political science Hladii (2015) researched tools that effectively ensure the participation of citizens in the process of exercising power both at the State and local levels, their formation and role in the Republic of Poland.

The research by Zelenko (2003) is related to political transformation, reforms and development of Poland in the context of post-communist transformations. She investigated the events of that time and analyzes the interaction of political, social and economic processes.

Makarenko (2017) explored the notion of information democracy in the strategies of external and internal policy of the Republic of Poland.

The research by Ash (2013) and his analysis of democracy and political processes in Eastern Europe, including Poland, is highly influential.

These scholars focused their efforts on democratic and authoritarian tendencies in the Republic of Poland, and their works are important contribution to the development of political science and understanding of political processes in this region.

The article also uses the scientific works by domestic scientists, as well as a number of international and domestic legal instruments regulating social relations in this area. In particular, the works by such scientists as Marchuk (2020), Turner (2021), Waters (2022) and others are devoted to this topic.

The methodology of the article is based on general and special methods of scientific knowledge, the use of which is determined by the goal, object and subject of the research. The methodological basis of the study is the method of hermeneutics, which is grounded on a set of principles and methods of interpretation of legal texts in form of both regulatory and other legal documents, was used in the process of studying legal instruments (as well as their drafts) enshrining democratic and authoritarian tendencies in the Polish society (Constitution of the Republic of Poland, Law on Access to Public Information, Broadcasting Act, Act On combating unfair competition, Constitutional Tribunal Act, etc.). This approach in combination with dogmatic method was also applied for examining scientific works by Ukrainian and foreign scientists, who studied the history of the State's development, its regime, the establishment of democracy and its values, as well as some issues of authoritarian nature negatively affecting their further progress.

Historical and legal method allowed to trace the historical development of the country under study, the aspects influencing the choice of political regime, economic and institutional transformations, some aspects of civil society formation and so on.

Logical approach along with analytical method helped to reveal the components and characteristics of each of the concepts, to explore their main features and differences; to study the principles of democracy: the voice of the people, equality, civil liberties, separation of powers; analyze different types of democracy: direct, representative, Parliamentary, etc.; to study the main signs of authoritarianism; to analyze the factors contributing to the development of authoritarian tendencies.

3. Results and discussion

3.1. Polish constitutional principles of democracy

The Constitution Day on 3 May is one of the most important days in the calendar of Poles. The memory of the event that happened in 1791 inspired Poles with hope for a decent future in their country and symbolized opposition to Russian rule. Its adoption at the end of the 18th century shocked Catherine II – the Russian tsarina started a war against Poland, and later, along with Prussia and Austria, agreed to divide the occupied State.

The first full-fledged constitution in Europe and the second in the world after the US Constitution was adopted by the Poles. It was a collection of laws that brought consensus between rival clans of the Polish nobility, gave more rights to the wealthy bourgeoisie and regulated the State system in the Polish-Lithuanian Commonwealth.

The Constitution of 1791 introduced a constitutional monarchy in Poland, abolished the principle of “*liberum veto*”, enshrined personal freedoms and equal rights for all citizens. It divided power into legislative, executive and judicial.

After the fall of the Polish-Lithuanian Commonwealth, this Act became a symbol of great achievements and proof that it is possible to create a strong, efficient and modern State. Its text encouraged the fight for the revival of the country throughout the period of divisions. Thanks to the adoption of the Constitution on 3 May, Poles regained their dignity and respect for their political heritage. During the years of captivity, these were important factors to fight for the restoration of the statehood.

Constitution Day on 3 May, was banned by the Nazis and Soviet authorities during the occupation of Poland during World War II. When, after it, Poles fell under the communist regime, the latter also tried to erase this day from history. After the change of the political system Constitution Day is one of the most celebrated Polish holidays (TPA, 2023).

Indeed, the collapse of the system of socialist countries in Europe, dating back to 1989, was the beginning of deep transformations in their system, which was based on the concept of a democratic legal State. The political regime of consolidated democracy was the result of Poland’s democratic transition. The implementation of this notion in the country was strengthened by such factors as the perception of a market economy of moderate liberalism, cooperation with the EU States and acceptance of the axiology of human rights. In the processes of political transformation, priority was given to democratic mechanisms, the rule of law and social justice, while the ideological component took a back seat (Wroczyński, 1994).

The implementation of economic and institutional transformations in Poland of those times was accompanied by simultaneous civil society formation, the main features of which are:

(1) Historical and cultural traditions of the Polish people, which led to the perception by the citizens of Poland of the socio-economic ideals of socialism as artificial and imposed by the USSR.

(2) The religious monolithic nature of Polish society, which contradicted the ideals of establishing atheistic communist society in the country.

(3) Peculiarities of the Polish society social structure. After the collapse of the communist system in Poland, there were favorable conditions for the formation of stable middle class, which has become social and ideological basis for the civil society formation.

(4) Diversity of political forces represented in the system of State power in Poland, which contributed to establishing and consolidation of democratic political and legal culture in Polish society. In particular, in the 1990s, hundreds of completely autonomous public and socio-political organizations emerged in the State: human rights organizations, environmental associations, independent mass media, etc. There are more than 6000 public associations in this country as of the beginning of the 21st century.

(5) Developed local (territorial) self-Government. Effective administrative reforms of 1990–1998 contributed to expanding the powers of local self-government and strengthening financial potential of local communities. As a result, the effectiveness of political and economic rights protection increased and clear separation of powers between the central and local authorities was established.

(6) Assistance of the Western Europe States in the establishment of democratic institutions in Poland. Western liberal democracies actively contributed to the spread and consolidation of young Polish democracy during the 1990s. First of all, this was expressed in the support of leading international organizations for the European self-identification of Poles, the development of scientific, educational and public cooperation between Poland and the EU countries (Marchuk, 2021a).

The Republic of Poland successfully completed the consolidation of democracy in the 1990s and 2000s. This is evidenced, in particular, by growing indicators in the economy, the State's membership in the EU, trends in the civil society functioning, etc. With the accession to NATO in 1999 and to the EU in 2004, the main geostrategic goals of Poland were achieved. Over time, Poland declared its own position within the EU, which is based on the principle of equal rights of all EU Member States to determine and shape the Union's development trends.

Modern legal science recognizes democratic State based on the power of people by the method of ensuring the rights of citizens, as well as their equal participation in the construction of State power and control over their activities. A certain number of such features should also be attributed to the constitutional principles of democracy with Government-oriented characteristics on a permanent basis (Marchuk, 2020).

On the Polish basis, these include, inter alia:

Firstly, the principle of the supreme power (sovereignty) of the Polish people. This provision is reflected in detail in Clause 1, Art. 4 of the Constitution of the Republic of Poland (1997), which states that supreme power in the Republic of Poland belongs to the People. It was with the help of this method that one of the most important features of Poland as democratic State—the recognition of national sovereignty, namely the power of the people of Poland as the supreme bearer and source of state power—was established. The Preamble to the Constitution states that the people of Poland, recognizing God as the source of truth, justice, goodness and beauty, as well as those who derive these universal values from other sources, unite in caring for the existence and future of their Motherland. In 1989, they found the possibility of a sovereign and democratic solution to the fate of Poland and adopted the Constitution of the Republic of Poland as the basic document of the country.

Secondly, the principles of political freedom and equality of citizens. The supremacy of people's power can only exist if there is equal political freedom for everyone. Article 32 of the Constitution of the Republic of Poland provides that all

persons shall be equal before the law and have the right to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever. This Law also establishes the rules for holding Parliamentary elections, guarantees citizens the right to vote and elect their representatives and defines the rights and freedoms of citizens, including the right to education, to housing, to health care, etc.

Thirdly, the principle of the election of power. Citizens cannot directly exercise power on a permanent basis; that is why representative bodies are elected and the process of delegating power is established.

Fourthly, the principles of accountability and control. In a democracy, State authorities are subject to mutual monitoring and control by civil society institutions and are also required to report to the population on their activities.

Fifthly, the principle of transparency requires openness of public life, sources of information, access to its free retrieval, as well as receipt and dissemination respectively. Transparency is an important principle that imposes the obligation on the state bodies of the Republic of Poland to regularly inform the population about events of importance to the State and society, decisions made by these bodies, as well as the progress of their discussion and implementation. This principle provides for the prohibition of censorship, the development of freedom of speech and the press, the consideration of public opinion when making decisions, and other necessary prerequisites.

The Constitution of the Republic of Poland establishes the principles of freedom of speech and information, prohibiting censorship and restrictions on media freedom. In particular, Article 54 guarantees freedom of thought and speech; Article 61 enshrines the right to information. The Press Law Act contains provisions regulating media activities in Poland, including requirements for registration of media companies and adherence to journalistic standards (Garczewska, 2017). The Law on Access to Public Information (Poland, 2001) regulates access to information held by State and public institutions. It ensures the right of citizens and journalists to receive information from state bodies. The Broadcasting Act (Poland, 1992) regulates the activities of public and private broadcasters in the field of radio and television and enshrines the principle of independence of broadcasters from the authorities. The Act On combating unfair competition (Poland, 1993) includes requirements for the regulation of media advertising and ensures fair and competitive advertising environment.

These laws and other normative acts create legal foundation for the protection of freedom of the press and other mass media in Poland. It is important to note that any restrictions on media freedom must be justified, necessary, proportionate and cannot contradict constitutional principles.

The transparency of State bodies is the basis for citizens' trust in the authorities; it stimulates public control and promotes the development of democratic processes in the country. It guarantees public access to information on the State's activity, which is an important element of the principles of democracy and transparency.

Sixthly, important is the principle of separation of powers. In a democratic, legal State, power is divided into three branches: executive, legislative, and judicial. Constitutional Tribunal Act (Poland, 1997) regulates the work of this body, which is responsible for resolving constitutional cases and observing basic principles. The

Polish Constitution establishes the rules for electing members of the Sejm and the Senate, constituting legislative power. Act on a Local Self-Government (Sejm, 1998) defines local self-Government bodies and their powers. The Act on the Elections to the Municipal Councils (Sejm, 1990) establishes the rules for the election of local self-Government bodies at various levels. The Law on Political Parties (Sejm, 1997) regulates the status and functioning of political parties in Poland. These and other laws jointly create the legal foundation for the functioning of the principle of separation of powers in Poland and ensure balance and control between the various branches of Government in the country's democratic system.

Seventhly, there is the principle of diversity (it is also called the principle of pluralism). Public life in Poland is based on the principles of economic, ideological and political diversity. In the economic sphere, this principle is manifested in the existence and equality of the forms of ownership.

Eighthly, the principle of decision-making by the majority taking into account the rights of the minority, which is an essential means of legitimizing and legalizing acts of power in a democratic society.

Transparency of State activities, legality, non-interference of the State in private life of citizens, etc., also belong to the principles of Polish democracy.

3.2. Display of democracy at the municipal level

The key principles for Polish local democracy are public control and political equality, as well as the readiness of self-governing bodies to implement their own policies taking into account public opinion. For example, in Poland, public consultations in local decision-making, in particular at the initiative of public organizations, is enshrined. This helps to use available resources more rationally, avoid local conflicts, and increases residents' satisfaction with local authorities.

Another effective mechanism of direct democracy at the municipal level in the Republic of Poland is Self-Organization Bodies (LCOs) at the local community level.

The analysis of the functioning of subsidiary bodies, the procedure and prerequisites for their creation indicate their derivation from the executive. The specificity of these formations is to provide feedback in the interaction of self-governing structures with the population, which is their main value as the democracy institutions (Zelenko, 2003).

The examples of such LCOs are neighborhood committees (stowarzyszenia sąsiedzkie) – these are the most common CSOs in Poland. They are created to solve issues related to specific neighborhood, such as maintaining green areas, repairing roads, lighting, etc. Local communities (społeczności lokalne) are broader OSNs uniting residents of the entire local community. They can deal with the issues affecting the entire community, such as infrastructure development, culture, education, etc. Community councils (rady osiedli) are self-governing organizations established in cities and municipal districts. They have consultative functions and can participate in the development and implementation of local programs and projects.

Non-Governmental organizations act as a tool that effectively ensures the participation of citizens in the process of exercising power both at the State and local level. Their formation is conditioned by the improvement of social services quality,

the efficiency and promptness of their provision. Performing the role of “public innovators, decision-making institutions and critics of design traditions”, these structures can form and implement alternative directions of community development (Hladii, 2015). Such organizations include: Ogólnopolska Federacja Organizacji Pozarządowych; Transparency International Polska; Fundacja “Dzieci Niczyje”.

At the local level it is the NGO “Stowarzyszenie Mieszkańców Osiedla Słowackiego”, the foundation “Fundacja Ekologiczna Arka”, the NGO “Fundacja Pomocy Dzieciom im. Księdza Romana Stempnowskiego”.

3.3. Mass media as the component of democracy

The study of the course of democratic processes in the Republic of Poland would be incomplete without considering the mass media component, since it is modern information and communication technologies that open new perspectives for foreign and domestic policy interacting with civil society, in particular through the mass media, the Internet, social media platforms, interactive communication, etc.

As Makarenko (2017) correctly notes, the freedom of the mass media has become a key element of the democratization of Polish society in the direction of European integration. It is a fundamental principle of democracy, as it allows journalists to freely express opinion, consider issues of public interest and provide citizens with information for informed decision-making. Mass media act as the fourth power controlling the activities of the Government and other authorities. They investigate corruption, expose human rights violations and other flaws in the system. Mass media provide information about political events, elections, programs of political parties and candidates, helping citizens to make informed choices. Expressing opinion that the freedom of the mass media has become a key element of democracy in Poland in view of European integration, it can be noted that transparent and independent information space is an important prerequisite for the development of democratic society and implementation of European standards in all spheres of life. Thus, the mass media act as catalysts of democratic changes and create a link between the authorities and citizens.

3.4. To the issue of authoritarian tendencies in Poland

However, in recent years there has been a tendency to strengthen authoritarian tendencies in Poland. This relates to the activities of the ruling party “Law and Justice”, which seeks to reinforce its position in the country.

The “Law and Justice” Party (PiS) was founded in 2001 as a center-right conservative party. It is the heir to the Polish United Workers’ Party (PORP), which ruled Poland from 1945 to 1989. PiS stands for traditional Christian values, Polish sovereignty and a strong State. The party also criticizes European integration and globalization. PiS has been in power in Poland since 2015. During this time, it implemented a number of reforms that were perceived as authoritarian ones.

After the “Law and Justice” party came to power in 2015, there has been a tendency to strengthen authoritarian tendencies in Poland. This tendency is manifested in the party’s attempts to subjugate the judicial system, limit freedom of speech and increase control over the media.

Thus, the issue of control over the state media caused a significant response both in Poland and abroad. The first notice was caused by the so-called “small law on media”, signed in January 2016, which essentially represented amendments to the law on radio broadcasting and television. It started the reform of the public broadcasters of Poland – TVP channel, public radio and PAP information agency. From “public” they turned into “national” ones, and the change in status entailed increased control over the media (Chapman, 2017).

In summer of 2016, the Polish Government created the Media Council, which was empowered to appoint and dismiss employees of the national media and implement control over their activities (Sejm, 2016c). This approach naturally has a negative effect on the fact that the real application of this reform was and remains the desire to make the mass media a spokesperson for the regime. International media organizations reacted sharply to the changes in public media – in their opinion, this rule destroys existing guarantees of pluralism and independence of public media management in Poland.

Along with the “small law on media”, the authorities developed a new law that changed the procedure for monitoring citizens. It regulated the access of special services to the telecommunication data of citizens. Now, with the permission of the court, law enforcement officers have been given the right to monitor, eavesdrop, study correspondence, have access to mail and receive data from any media; the term of monitoring is 18 months. The law entered into force in February 2016 (Sejm, 2016b).

In June of the same year, another law related to special services, the so-called “anti-terrorist law”, came into force. For example, the document allowed people to be detained for 14 days (instead of 48 h) with the consent of the court. Special services can present charges even on the 14th day.

The rules for law enforcement in the zone where the terrorist threat is recognized have changed—they were allowed to conduct round-the-clock searches and detain suspicious persons, search their residence, clothes, personal belongings and the territory where the person is detained (just the prosecutor’s order is needed for this). Previously, the security forces could do this from 6 a.m. till 7 p.m. Foreigners who, in the opinion of law enforcement officers, threaten the security of Poland or its citizens may be immediately deported from the country (Sejm, 2016d).

The PiS initiative to ban abortions caused a significant response in Polish society. Poland has already had the strictest laws in the EU on this issue, but the complete ban faced mass protests from the population, which acquired both established active forms, such as rallies and demonstrations, and innovative ones—through the Internet. In this regard, one Polish researcher claims that the fight over abortion is not about this procedure, but about the role of the Church in politics (Grzymala-Busse, 2016). It is worth noting that due to mass protests, this project was never fully implemented.

Another initiative, proposed in November 2016 in the form of a draft law providing the Government and the Church with the primary right to demonstrate, was also resonant and caused a new wave of protests. If the President, the Government or the Church decide to hold actions in the same place and at the same time as other organizations, then the latter must transfer their demonstrations to another location or change the time, even if the Government or the Church informs about their

demonstrations after the organizations'. The Sejm adopted the changes at the beginning of December 2016 (Sejm, 2016a).

The situation was also heated up by the authorities' initiative to change the rules of journalists' work in the Sejm. In particular, it was proposed to limit the time of video and photo shooting, to grant the right to work in the Parliament to only 5 mass media, and to prohibit the replacement of journalists during the session. As a sign of protest against this, the "Civic Platform" blocked the podium of the Sejm, so the members of the PiS had to gather in another room. However, due to the protests at the beginning of January, PiS refused to make changes to the media regulations (Marchuk, 2021b).

One of the manifestations of authoritarian tendencies is also the attempt of the ruling party to subjugate the judicial system. In 2017, a law permitting the President of Poland to appoint judges without the Senate's approval was passed (European Commission for democracy through law (Venice Commission, 2017).

Let's consider in detail how the ruling party continues to apply this law, despite its unconstitutionality.

Polish President Andrzej Duda, who is a member of the PiS party, continues to appoint judges based on this law. The Supreme Court of Poland, which is the country's highest judicial body, also continues to apply it. The decisions of the Constitutional Court on the unconstitutionality of this law were challenged in the European Court of Human Rights. The latter has not yet issued a decision on this complaint. However, if it finds the law unconstitutional, it could lead to the EU sanctions against Poland. Despite these risks, Poland's ruling party continues to seek to subjugate the judicial system. This is a serious threat to democracy and the rule of law in the country.

The European Commission stated in December 2017 that over the previous two years, the Polish Parliament had adopted "13 laws affecting the entire structure of the justice system in Poland" with "the general scheme that the executive and legislative branches have been systematically empowered to intervene politically in the composition, powers, management and functioning of the judicial branch" (European Commission, 2017).

The attempts by the ruling party to strengthen its position in the country have drawn criticism from the opposition, the public, and international organizations. However, the PiS continues to defend its actions, stating that it is only trying to protect Poland's national interests.

The changes in the electoral legislation also caused outrage, in particular, by the method of calculation of votes in electoral districts. In 2011, proportional representation with open lists was introduced in Poland. This method assumes that the votes cast for a particular party are distributed among its candidates according to the number of votes received by each candidate. In 2017, PiS passed the law that changed the method of counting votes in constituencies. According to the new legal act, the votes cast for a certain party are distributed among its candidates according to the number of votes received by the party as a whole (Rakowska-Trela, 2018).

This amend was perceived as an attempt by the ruling party to increase its chances to win the elections.

The procedure for counting votes in electoral districts according to the new law lies in the following: firstly, the total votes cast for each party in each constituency are

counted. These votes are then distributed among the candidates from each party according to the number of votes received by the party as a whole. The candidates who received the most votes enter the Parliament.

It is worth noting that the new law is unfair because it favors big parties. Under this legal act, large parties can win more seats in the Parliament even if they get fewer votes than smaller parties. In addition, it undermines citizens' confidence in the election process. Under the new law, election results can be predetermined because major parties tend to get more votes overall.

Besides, there were last-minute changes to the Election Code before the Presidential elections of 2020 allowing postal voting for senior citizens and those in quarantine or self-isolating. This was made without considering the rule by the Constitutional Court prohibiting any changes 6 months prior the elections. This act was also completely against the Constitution and electoral law (Charlish, 2020).

On 26 January 2023, PiS pushed through several amendments to the Election Code once more—and again less than 6 months prior the elections. This time the changes concerned the increase the number of voting commissions in small population districts, which are composed of PiS' most faithful electorate: small towns populated by older, less educated voters. The new law lowered the minimum number of residents necessary to set up a district from 500 to 200, allegedly to help them vote. Yet, more voting facilities in villages will also have the side-effect of increasing turnout amongst PiS core electorate (Sadurski, 2023).

Other amendment deals with the process of counting votes after polling stations closing. Instead distributing the ballots among the calculating groups, the head of the commission has to examine the content of each ballot and make it known to other members. Moreover – he (she) has to perform this procedure within 24 hours—the papers delivered after that time must be disregarded.

Taking into account that it is very restricted period for calculating the ballots, the commissions will be unable to carry out this task; consequently, some votes will not be counted, which is the breach of the peoples' right to vote (and accordingly, democracy principles).

It is worth agreeing with Turner (2021) that the 2020 Polish elections and the overhaul of the judicial system in 2017 have become the most visible attacks on Poland's former strong democracy. President Andrzej Duda played a major role in both events, amending the Constitution and using State media to his advantage as acting President.

As Waters (2022) correctly points out, the current ruling party in Poland is actively engaged in anti-democratic actions to consolidate its power over the Polish people, while simultaneously attacking dissenting political opponents. The PiS tries and hopes to expand its power and influence by manipulating the judicial system, media platforms and electoral systems. The Polish people must fight this if they hope to preserve the freedoms to which they are accustomed.

On 15 October 2023 another Parliamentary election was held in Poland. The first place went to the party "Law and Justice" (Prawo i Sprawiedliwość (PiS)) led by Yaroslav Kaczyński (the co-founder and leader of the party)—it scored 35.38% (**Figure 1**). For a long time, this political power has held the majority in the Sejm, maintaining exclusive control over Government policy and state media. The party is

sometimes characterized by moderate Euroscepticism; its representatives are at odds with the official EU structures regarding the implementation of internal judicial reform in Poland, the distribution of funds within the European Union, the migration and climate policy of the Union, its response to crises, the common security and defence policy of the EU, etc. “Law and Justice” relies on the electorate represented by conservative sections of the population, in particular, the elderly, residents of rural areas, and farmers. Considering the requests of its voters, the party conducts an active social policy.

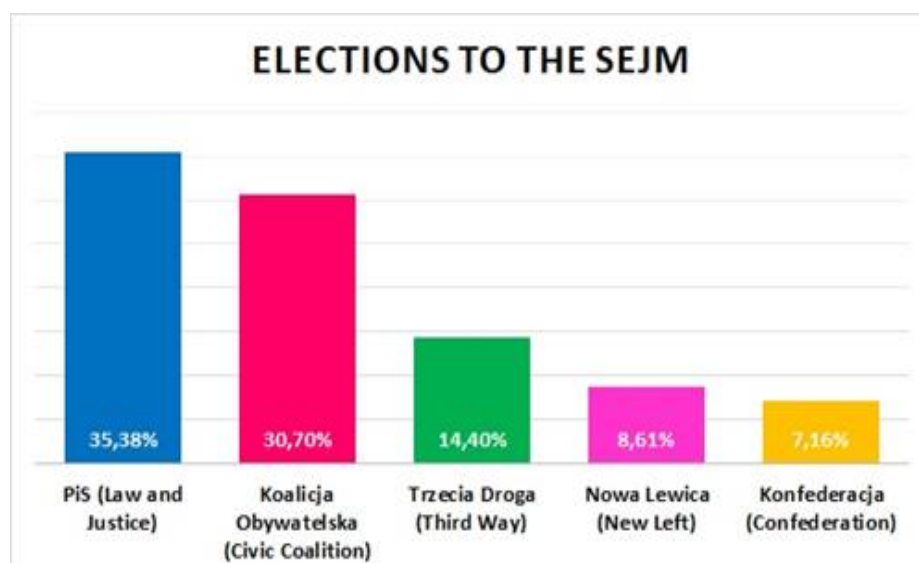


Figure 1. Election results to the Sejm 2023.

At the same time, “Civic Coalition” (Koalicja Obywatelska), which won more than 30% of the votes, is an alliance of pro-European left and center-right parties in opposition to “Prawo i Sprawiedliwość” (“Civic Platform”, “Nowoczesna”, “Polish Initiative” and “Greens”) led by the former Prime Minister of Poland and the former Head of the European Council Donald Tusk. The coalition declares its support and protection of liberal democratic values in Poland, focusing its foreign policy on maintaining and improving dialogue with European institutions. During the 2019 Parliamentary elections, liberal and leftist parties gained more popularity in large cities in the west and in the center of the country (National Electoral Commission, 2023).

In fact, the demonstration of will has testified: almost nine-year rule of conservatives comes to its end, because a small gap between the conservative party “Law and Justice” (PiS) and the opposition, liberally-minded “Civic Coalition” (Koalicja Obywatelska) (30.70%) indicates the polarization of political preferences and growing demand for renewal of the internal and foreign policy in Polish society.

At the same time, exactly the length of stay of “Law and Justice” in power with concentration of instruments of state influence on most spheres of social and political life could impact on the demand of certain segments of the population for changes in the Polish political environment. First of all, we are talking about the representatives of the progressive part of the Polish population (women, youth/students), who speak out in favor of liberalization of certain spheres of public life, in particular education and health care. Several precedents on the eve of elections could have influenced the

downgrade of conservatives, for example, investigation into the illegal issuance of visas to foreigners from India, Pakistan and Africa, as a result of which the deputy head of the Ministry of Foreign Affairs, Piotr Vavzyk, was dismissed (Lepiazh, 2023).

These elections were seen as key to Poland's future. The choice was between two visions of development: the first—conservative, Catholic and Eurosceptic, the second—pro-European, progressive and secular. Due to the majority fatigue from the government by PiS and record turnout of citizens (74.38%), the second vision almost won. Besides, although “Law and Justice” (PiS) got the largest number of votes (35.4%), it lost its majority in the Senate. It is wonderful news for Poland, good—for the European Union and bad for populist parties. Now the question arises about the potential cooperation between Duda and the Tusk Government because they belong to hostile political forces, and the President can block all legislation passed by the new Parliament, except for the country's budget.

“Victory of democracy”—this is how Western commentators described the results of the Polish elections. It is worth noting that Brussels was really optimistic about the victory of the coalition of liberal forces. The reasons are clear: real battles have been going on between European institutions and Polish conservatives from PiS for years. The European bureaucracy is not satisfied with the path chosen by Kaczynski and his associates. Establishing control over the Polish courts, limiting the work of the mass media, anti-abortion policy, suppressing the rights of minorities—this is what Brussels reproached the Polish authorities.

Thus, since coming to power in 2015, PiS has systematically undermined the rule of law and the independence of the judiciary, fired judges, treated the Constitutional Court badly and interfered in the process of the prosecutors' appointment.

But not just all that—the longer it was in power, the more “Law and Justice” interfered in the management of state enterprises, which led to the spread of corruption. The media was influenced, if not controlled, by the ruling party as well.

As for women's rights, especially the right to abortion, they were severely limited as the Government and the Catholic Church moved Poland in a direction of extreme conservatism.

But it was precisely the way PiS tried to restrain the judiciary that put it on a collision course with the EU. Independent lawyers, civil society activists and the unorganized opposition have warned the EU about the gradual erosion of democracy in Poland for several years.

Brussels was slow to take action, which only emboldened PiS to continue pushing a political agenda undermining the rule of law. In their view, the point was that the EU should not interfere with their national sovereignty; in fact, intention was to reduce accountability in order to increase its authority.

Although PiS conceded defeat in the elections, one should not expect smooth transition of power to “Civic Coalition” and its allies or a prompt return to the rule of law. President Andrzej Duda, who is supposed to be independent, has held a position with the support of PiS and has two more years in office. The President probably understood that PiS would not hold power in the country, that's why he tried to ensure that his party colleagues continued to control the country. To some extent, it was done: several activists and associates of PiS were placed in “soft spots” (for example, in the National Bank of Poland); additional funding to the institutions controlled by the party

were allocated. The new Head of the Prime Minister's Office Yan Grabets, said that he found disconnected computers and a non-working network in the office. 3 million zlotys were missing on the account of the main Government agency to pay the December salary—the costs were spent on the three-month exit assistance to ministers and other employees of the Moravetskyi's office. Moreover, the President scheduled the first meeting of the newly elected Sejm on the last day of the term set aside by the Constitution—one month after the elections, although the consultations with the Parliamentary factions indicated that the leaders of the “Civic Coalition”, “Third Way” and “New Left” have agreed on every point, formed a stable Parliamentary majority and have no intention of dealing with PiS. In addition, a few days before the first meeting of the new composition of the Sejm, the democratic factions publicly signed a coalition agreement and announced a single candidate for the position of Prime Minister—Donald Tusk, the leader of the “Civic Coalition”.

Even the extreme right-wing Confederation declared their union with PiS impossible. With all that, Duda used his constitutional right and political tradition and entrusted the formation of a new Government to Tadeusz Moravetskyi—a representative of PiS—the formal winner of the elections. The legislation gives the new Prime Minister two weeks to form a Government plus two weeks to prepare for the approval of the Government in Parliament; and Moravetskyi was in no hurry; he used every opportunity to be in the Prime Minister's chair until the last moment (Radchenko, 2023).

Formally, PiS is the largest faction; communications of Kaczynskyi and his associates are now based on this, as well as on the threat to Poland's independence, which allegedly comes from Brussels and Berlin. Even in the Parliament Hall, he shouted at Tusk: “German agent!” which did not prevent Donald Tusk from becoming the head of the Polish Government again (Radchenko, 2023).

In any case, once more the Government will have to face a number of challenges within the State (judicial reform, media freedom, social and tariff policy, etc.), which will depend on socio-political stability and the ratings of political forces. The current situation requires the search for compromise solutions, taking into account possible internal ideological differences in the coalition, the significant political weight of “Law and Justice” (the party receives 194 seats in the Sejm), as well as the opinion of the current President Andrzej Duda (representative of this party), who has the right to dissolve Parliament and veto laws in certain cases.

To sum up, we can say that nowadays, after almost 9 years of rule by the “Law and Justice” (PiS) party, Poland is a stronghold of conservative ideology in this part of the world. It is a country with the strictest abortion laws in Europe, with a huge role of the Catholic Church in society and politics. This is a country in which, according to external observers, democracy is under threat, as evidenced by numerous resolutions of human rights organizations. It is a State that is at the lowest point in its relations with European Union (Khomenko, 2023).

It is difficult to say whether strengthening of authoritarian tendencies in Poland will lead to the transition of the country to this type of political regime. However, such a possibility exists, and it is a serious threat to democracy in Poland.

4. Conclusion

As a conclusion, it should be noted that the experience of Poland indicates that democratic system should be established on the basis of general theoretical criteria and principles of democracy, which are shaped by the development of human civilization, reflected through the lens of national culture and are a logical consequence of national population characteristics.

Democracy is not possible without a certain culture supporting its values and principles, which should be based on the ideas of freedom, equality, rule of law and pluralism. The State's history also plays an important role in establishing democracy: the countries with a long history of democratic traditions are more likely to successfully develop it than ones without such a history. Economic stability is one more important factor for successful democracy.

Democracies need economic growth to ensure a sufficient level of well-being for their citizens. They also require certain social conditions, such as high levels of education and literacy, and low levels of inequality.

Clearly, there is no single formula for establishing democracy—each country has its own characteristics that should be considered when creating democratic system. However, by respecting the general principles of democracy, countries can improve their chances of success.

Democracy is not a perfect system, but it is the best one that has been invented so far. Democracies are more just, efficient and stable than other ones, that is why it is important to fight for it and protect it from those who try to destroy it.

The democracy structure must be scientifically based, consistent with national characteristics and reflect changes in society. It is the process that requires constant improvement and adaptation, and Poland's experience can serve as a lesson for other countries to develop towards stronger, more sustainable and adaptive democracy.

However, there is a tense interaction between democratic principles and tendencies towards authoritarianism. According to the experts, authoritarian tendencies are growing in Europe in general. Indeed, such tendencies are always tempting, even in democracies. The role of presidents in European countries has changed a lot over the last 35–45 years, i.e. after the Second World War, when democracy was defined by parliamentary life and free communication of various state institutions. And the countries whose democratic development has been hampered by the communist regime are most vulnerable due to the lack of developed democratic institutions. Thus, Poland was a communist country where the democratic opposition was a small minority, which, however, had the moral support of society. This led to the creation in 1980 of “Solidarity”—an independent trade union of workers, which later grew into a broad socio-political movement and made a significant contribution to the struggle of the Polish people against the communist regime. The creation of “Solidarity” was determined and supported by general trends in the attitudes of Poles towards power, political system and models of population participation in political processes (Rotar, 2011).

Currently, Polish society is very pro-European in the sense that more than 80% of the population supports the European Union and its values. But at the same time, Polish society chooses anti-European leaders. The logic is that people in post-

communist countries are disappointed by the experience of transformation and inequality. Clearly, the situation is much better than in communist times, but still, the difference between the material condition of ordinary Poles and the political elite is very significant, and people understand this clearly.

To overcome negative trends, a constant dialogue between the Government and civil society, coordinated work of democratic institutions with their systems of checks and balances, and a political culture developed over decades are needed. However, it is too early to claim that changes in the type of political culture of Poland have finally occurred, since this process takes on a complete form only after the formation of a new integral system of norms, values, rules, symbols, and beliefs, encoded in the new tradition transmitted to the next generation. However, the results of the last Parliamentary elections showed that Poland is on the right track, therefore we believe that democracy will be established in all spheres of Polish society.

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