

Author: Paweł Grzegorzczak

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The Constitutionalization of Civil Procedural Law

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Abstract:

The subject of this article is the impact of the Constitution of the Republic of Poland on the interpretation and applying the Civil Procedural Law. The relationship between constitutional matter and civil proceedings is very strong and manifests itself in several ways. In the initial part of the article author deliberates the procedural dimension of the provisions of the Constitution. In this context, the attention was given to the constitutional principles concerning the status of a individual, the structure of the law courts and the constitutional status of a judge, as well as laid down in the Constitution, constitutional legal rights, which are being realized before the court in the civil proceedings. Secondly the article discuss the mechanisms of spreading a constitutional contents though civil procedure law, including the direct application of the Constitution, taking into account the provisions of the Constitution during the process of the interpretation of civil procedural law and also the adaptation of the Code of Civil Procedure to the Constitution of the Republic of Poland by the intervention of the Constitutional Tribunal. As a conclusion, the author presents the advantages and disadvantages of the process of constitutionalization of a civil procedural law in Poland and delimits the most critical elements of this significant fact.