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Abstract:

The article discusses case-law of the Constitutional Tribunal of Poland concerning provisions of civil law, in particular, general provisions and obligation law of the Civil Code. Constitutional case law under the Polish Constitution of 2 April 1997 r. serves as the reference point.

At the outset, the nature of judicial review of the civil law as the standards governing horizontal relationships is discussed. It has been shown that the specificity of civil law provisions affects the methodology of adjudication and the effects of judgments itself. Moreover, it was pointed out that while there are public entities in the legal relationships under civil law, there are no grounds for applying constitutional guarantees of freedom and rights to such entities.

Then the most important rulings and constitutional problems were discussed, i.e. incapacitation, protection of personal rights, freedom of contract, legislative interference in the ongoing contractual relationship, as well as liability for damages.