

**Author:** Sławomir Cieślak

**Title:** Ewolucja formalizmu procesowego w okresie 50 lat obowiązywania polskiego kodeksu postępowania cywilnego / How has judicial formalism evolved over the 50 years since the entry into force of the Polish Code of Civil Procedure?

**Source:** Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

**Year:** 2015, vol: XXIV, number 4, pages: 911-932

**Keywords:** procedural formalism, civil proceedings

**Discipline:** Law (Civil Procedure Law)

**Language:** Polish

**Document type:** Article

**Publication order reference:** University of Łódź, Faculty of Law and Administration

**Abstract:**

On 1-st of January 2015 we celebrate 50-th anniversary of the entry into force of the Polish Code of Civil Procedure Act adopted on 17-th of November 1964. This anniversary is an excellent opportunity to analyze changes to the nature of the civil proceedings in terms of its inherent characteristics, which is a procedural formalism and, more precisely - changes in the degree of formalization of civil procedure.

The examination leads to the conclusion that during last 50 years we can distinguish three stages in the evolution of formalism of Polish civil procedure. The first stage falls for the years 1965-1996. This stage is characterized by a reduced degree of formalization of the procedure (moderate procedural formalism), which was connected with then existed the social model of civil procedure. The second stage (1996-2009) was a period of significant increase of degree of procedural formalism, which was related to the reconstruction of the model of civil procedure in a liberal direction. The end of this stage was mainly caused by the Constitutional Court, which in the case law of the years 2007-2009 contested the legislative solutions and the practice of the Supreme Court and common courts in the field of procedural formalism. The last stage (2009 - nowadays) is characterized by reduction of the degree of procedural formalism, both by the legislature, as well as legal practitioners.