



Applying the Constitution of the Republic of Poland in Horizontal Relations

Monika Florczak-Wator

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This book tackles the issue of individual rights within the Polish constitutional system. It begins by asking why the horizontal effect of individual rights was not contemplated in Polish jurisprudence until the 1980s, and why it is not expressly addressed in the Polish Constitution despite the proposal of a relevant clause during the drafting process. Through extensive research, the author finds that the decision to abandon this clause was done on purpose, therefore nothing stands in the way of incorporating the horizontal application of constitutional rights into the framework of the Polish Constitution.

The author then analyzes the regulation of individual rights and freedoms in Poland's constitution to determine whether the document covers rights or freedoms that may have a horizontal dimension. Further chapters then seek to determine what practical form the direct application of the constitution may take when examining the horizontal dimension of constitutional rights; the scope of the horizontal application of constitutional rights and the related issue of the collision of constitutional rights; and the three basic models for the horizontal operation of individual rights to determine their applicability within the Polish constitutional system. In different countries, these models are applied in a parallel and complementary manner. This book makes available to English-speaking readers the inner workings of Polish jurisprudence and their effect on individual rights legislation beyond the boundaries of Poland.

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