

Magdalena Małecka-Łyszczek

Cracow University of Economics, Poland

maleckam@uek.krakow.pl

ORCID ID: <https://orcid.org/0000-0002-8361-5064>

Katarzyna Małysa-Sulińska

Jagiellonian University, Poland

k.malysa-sulinska@uj.edu.pl

ORCID ID: <https://orcid.org/0000-0002-6406-8851>

The Universal Right to File Petitions as a Contemporary Challenge for Legal Studies

Abstract: The universality of the right to petition, in terms of both the broad specification of its subject matter and the group of entities entitled to petition, as well as the specification of the accessible formal requirements for filing petitions, is a challenge at the level of both lawmaking and applying the law. The need arises not only to ensure that an extensive group of entities has the opportunity to file a petition, but also to provide a guarantee that the petition will be processed and considered properly. The subject matter of this article is the analysis of the Polish legal regulations on this, as well as a review of the established practices of filing petitions with the Sejm and the Senate, as well as their comparison with the solutions applied in other countries. The findings indicate that this is a tool of a civil society commonly used in the European Union Member States. It should also be noted that the Polish solutions, as well as the practice of their application, are seen to be particularly targeted at increasing social activity and enabling the use of the potential that is inherent in the citizens, groups of citizens and all forms in which they can interact with each other.

Keywords: civil society, entities with the capacity to file petitions, formal requirements of petitions, participatory democracy, subject matter of the petition, the right to petition

Introduction

Legal studies is confronted with many challenges generated, among other things, by the pace of civilisational, social and legal changes and, bearing in mind the right

to petition, these generate a vast field of research. This article addresses the matter of the universality of the right to file petitions, whereby this analysis is based on the regulations addressing the right to file petitions to the individual chambers of the Polish parliament. This is justified by the research being conducted since January 2020 as part of the academic and research internship of the authors at the Polish parliament.

In justifying the title of this article, it should be pointed out that any instrument that reinforces the democratic rights of citizens – and petitions should be perceived as such – is always a challenge for legal studies, which has to search for mechanisms enabling the pursuit of these rights.

Petitions should be viewed as a tool of a civil society, increasing its activity and enabling the use of the potential of the citizens. They are also a way of specifying the change expected by the petitioners. There is no doubt that petitions build a culture of civil engagement. The assurance of universality of the ability to file a petition, in terms of both the broad specification of its subject matter and the group of entities entitled to petition, as well as the specification of the accessible formal requirements for filing petitions, is a challenge at the level of lawmaking as well as applying the law. This is not only related to the assurance of the ability to file petitions,¹ but also the guarantee that they will be dealt with and examined reliably. This is because the mere ability to file a petition does not satisfy the petitioner and, furthermore, does not reflect the objective of establishing this institution. The notion of the right to petition in the broad sense should therefore be construed as the right to file the petition, to have it properly processed, and also to have it resolved.

Therefore, whether the use of the term ‘everyone’ in the regulation justifies the assertion that a petition may be filed by any person or group of such persons needs to be analysed. The matter of the admissibility of territorial self-government units filing a petition should be given as an example, as the legal doctrine indicates that they are deprived of such a possibility. Furthermore, consideration should be given to whether the formal requirements for a submission that could be classified as a petition limit the ability to take advantage of this institution. In order to determine the above, the legal regulations in force in this area should be analysed and the established judicial practices need to be reviewed and compared with the solutions that are applicable in other countries. The dogmatic law method, the empirical method, the analysis of the literature and – to a justified extent – the comparative law method need to be used with respect to the subject matter of the research defined in this way.

1 M. Florczak-Wątor, Tryb rozpatrywania petycji przez Senat w świetle regulaminu izby i dotychczasowej praktyki, (in:) M. Grzybowski, P. Mikuli, G. Kuca (eds.), *Ustroje. Historia i współczesność. Polska – Europa – Ameryka Łacińska. Księga Jubileuszowa dedykowana Profesorowi Jackowi Czajowskiemu*, Cracow 2013, pp. 521–522.

1. A petition as a Tool of Participatory Democracy

Petitions constitute a form of direct participation of citizens in the process of governance; they are one of the fundamental human² and civil rights.³ No doubt, petitions are also an important tool of democracy. Democracy is a system which has been the starting point for the aggregation of civil interests in political life since ancient times and has assumed increasingly complex forms, representing a modification of the same approach to this aggregation every time – enabling the citizens to have a greater or lesser influence on political, social and economic life.⁴ Democracy is today a near-universal validating principle of the political system.⁵ Petitions are certainly a tool of participatory democracy.⁶ As scholars of participatory democracy point out, appropriately designed and promoted opportunities for meaningful and effective political participation can create stronger citizens.⁷ It can also be argued that petitions are related to the concept of deliberative democracy.⁸ This is because petitions increase civil involvement and constitute a voice of the citizens in deliberations – especially when deliberation is viewed in the sense of

- 2 E. Wójcicka, *Prawo petycji w Rzeczypospolitej Polskiej*, Warsaw 2015, LEX/el.
- 3 *Prawo petycji w wybranych krajach członkowskich UE i w Rosji*, Kancelaria Senatu. Biuro Informacji i Dokumentacji dział Analiz i Opracowań Tematycznych, Warsaw 2008, pp. 6–76.
- 4 R. Mieńkowska-Norkiene, *Demokracja partycypacyjna na poziomie lokalnym jako jeden z aspektów realizacji zasady subsydiarności na przykładzie aglomeracji warszawskiej*, p. 166, http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-440a3d48-cf89-4adc-a8e3-e00f74e7f4ad/c/Mienkowska-Norkiene-Demokracja_partycypacyjna_na_poziomie_lokalnym_jako_jeden_z_aspektow_realizacji_zasady_subsydiarnosci_na_przykladzie_aglomeracji_warszawskiej.pdf (26.10.2021).
- 5 J.S. Dryzek, *Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia*, “Political Theory” 2005, vol. 33, no. 2, pp. 218–242.
- 6 Participatory democracy is a process of collective decision-making that combines elements from both direct and representative democracy: citizens have the power to decide on policy proposals and politicians assume the role of policy implementation. E. Aragonés, S. Sánchez-Pagés, *A theory of participatory democracy based on the real case of Porto Alegre*, “European Economic Review” 2009, vol. 53, no. 1, pp. 56–72.
- 7 W.R. Nylen, *Participatory Democracy versus Elitist Democracy: Lessons from Brazil*, New York 2003, p. 28.
- 8 It should be pointed out that it is desirable and coherent to simultaneously strive towards ‘participatory and deliberative democracy’, in which citizens participate in collective decision-making through deliberation. More: S. Elstub, *Deliberative and Participatory Democracy*, (in:) *The Oxford Handbook of Deliberative Democracy*, <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198747369.001.0001/oxfordhb-9780198747369-e-5> (9.05.2021). Simultaneously, both participatory and deliberative democracy criticise the current democratic system and seek to reform it by strengthening it. See: L. Carson, S. Elstub, *Comparing participatory and deliberative democracy*, Newcastle University 2019, p. 1, <https://www.newdemocracy.com.au/wp-content/uploads/2019/04/RD-Note-Comparing-Participatory-and-Deliberative-Democracy.pdf> (9.05.2021).

a public discussion,⁹ or relates deliberative democracy to the concept of democratic government that secures a central place for a reasoned discussion in political life,¹⁰ which has moved beyond the ‘theoretical statement’ stage into the ‘working theory’ stage.¹¹ According to the authors of this article, a petition can be seen as an instrument by which citizens can influence political life, and it is an instrument that strengthens citizens within the structures of a civil society, creating opportunities for citizens to articulate their expectations and to initiate appropriate legislative changes in line with these expectations. Furthermore, the more widespread the ability to file petitions, the greater the participation of the citizens. Additionally, when positioning the issue of petitions in the context of participatory democracy, it should be remembered that a fundamental element of participatory democracy is communication between the citizen and the authorities, as democracy in this model is based precisely on decision-making with the involvement of the citizens. In this context, it should be pointed out that it is precisely the right to petition that remains closely connected with the principle of a social dialogue as the basis of rights in a state, as mentioned in the introduction to the Constitution of the Republic of Poland of 2 April 1997,¹² a dialogue between the public and the authorities that can be used to form the civil society.¹³ The notion of a social dialogue should be treated as a reference to the relations between the public authorities and the public based on constant dialogue, especially including the broadly understood involvement of society in making decisions on public matters. Such an approach to the social dialogue assumes that there is active communication between the public authorities and the civil society,

9 Y. Sintomer, *Random Selection, Republican Self-Government and Deliberative Democracy*, p. 475, <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-8675.2010.00607.x> (9.05.2009).

10 M. Cooke, *Five Arguments for Deliberative Democracy*, “*Political Studies*” 2000, vol. 48, no. 5, pp. 947–969.

11 S. Chambers, *Deliberative Democratic Theory*, “*Annual Review of Political Science*” 2003, pp. 307–326. Deliberation is also described in a narrow sense, i.e. as a discussion (a structured conversation with a difference of opinions) with the prospect of preference change among its participants (unlike in a debate) that is not conditioned by benefits; the said preference change may be the result of learning from others about their reasons, self-interests, emotions, etc. See: M. Zabdyr-Jamróz, *Preventing the Atrophy of the Deliberative Stance: Considering Non-Decisional Participation as a Prerequisite to Political Freedom*, “*AVANT*” 2019, vol. X, no. 1, p. 92. Interestingly, with regard to the concept of deliberative democracy see also: J. Bohman, *The Coming of Age of Deliberative Democracy*, “*The Journal of Political Philosophy*” 1998, vol. 6, no. 4, pp. 400–425.

12 *Journal of Laws*, No. 78, item 483, as amended (hereinafter referred to as the Constitution).

13 R. Piotrowski, *Konstytucyjne uwarunkowania prawa petycji oraz pożądanych kierunków zmian legislacyjnych w tym zakresie*, (in:) Kancelaria Senatu. Biuro Informacji i Dokumentacji. *Dział Analiz i Opracowań tematycznych, Prawo petycji w ustawodawstwie polskim*, Warsaw 2008, p. 24 and 29.

including with the help of the right to petition.¹⁴ Petitions can also be seen as a way of ensuring that the communication channels between the civil society and all agencies of public authority are unblocked, as well as being an additional guarantee of respect of human and civil freedoms and rights by those authorities.¹⁵ Petitions also have their axiological basis, as participation is related to the involvement of a member of the community in the political process of exercising public authority and performing public tasks, which is axiologically based, among other things, on respect for human dignity, solidarity and ensuring the common good.¹⁶

2. The Right to Petition in the Legal Orders of European States

Every political system essentially has the right to file petitions, as the authorities are willing to obtain information from the population demonstrating the state of public sentiment, which translates into the ability to correct shortcomings in the activity of the state apparatus.¹⁷ In analysing the solutions in force in the countries of the European Union, it is worth mentioning the regulations in Germany and Spain, where the right to petition has a particularly long tradition. The current German Basic Law of 1949 guarantees everyone the right to file written requests and complaints (*‘Jedermann hat das Recht, sich einzeln oder in Gemeinschaft mit anderen schriftlich mit Bitten oder Beschwerden an die zuständigen Stellen und an die Volksvertretung zu wenden’*), as well as granting a constitutional status to the body that considers such submissions addressed to the parliament, the Petitions Committee.¹⁸ The German Basic Law refers explicitly to this right to petition (*‘Das Petitionsrecht’*).¹⁹ However, in Spain, the right to petition only received its constitutional status in 1978 (*‘Todos los españoles tendrán el derecho de petición individual y colectiva, por escrito, en la forma y con los efectos que determine la ley’*).²⁰

14 E. Wójcicka, *Prawo petycji w Rzeczypospolitej Polskiej*, Warsaw 2015, LEX/el, Chapter IV and the literature cited therein.

15 W. Sokolewicz, K. Wojtyczek, (in:) L. Garlicki, M. Zubik (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz. Tom II*, Warsaw 2016, LEX/el., Article 63.

16 For these values see: M. Małecka-Łyszczek, R. Mędrzycki, *Axiological paradigm of social inclusion intensification – selected remarks*, “Review of European and Comparative Law” 2019, vol. 38, no. 3, pp. 82–94.

17 A. Ławniczak, (in:) M. Haczowska (ed.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2014, LEX/el., Article 63.

18 See Article 45c Grundgesetz für die Bundesrepublik Deutschland: Der Bundestag bestellt einen Petitionsausschuß, dem die Behandlung der nach Artikel 17 an den Bundestag gerichteten Bitten und Beschwerden obliegt. Die Befugnisse des Ausschusses zur Überprüfung von Beschwerden regelt ein Bundesgesetz.

19 Article 17a Grundgesetz für die Bundesrepublik Deutschland.

20 Article 29 Constitución Española.

It should also be pointed out that, in the regulations in force in the European Union Member States, the right to petition is quite frequently distinguished from the institution of complaints and motions. The constitutions of Bulgaria, Croatia or Portugal can be mentioned as examples of this. However, the constitutional regulations in most European countries use a collective category of presentations most frequently referred to as petitions.²¹ In the Polish legal order, this issue is a subject of discussion, whereby, according to the authors of this article, the position that petitions constitute a separate right is justified, and therefore – despite being jointly regulated in Article 63 of the Constitution²² – they should be distinguished from the institution of complaints and motions.²³

It should also be pointed out that the solutions adopted in Europe are also not uniform in terms of the importance of the act in which the issues covered by this article are regulated. Solutions according to which the normalisation of the right to petition is limited to the constitutional level (e.g. Belgium), as well as those in which solutions in this area are included in the Basic Law and the Law on Petitions (e.g. Spain²⁴ and Lithuania²⁵) can be distinguished. Furthermore, a solution is possible where petitions are only addressed in statutes (e.g. Czech Republic²⁶).

The European Union Member States have a diverse range of entities which have the right to file petitions. In some countries the right to petition can only be exercised by citizens (e.g. Italy, Spain, Portugal, Lithuania, Romania, Slovenia and Bulgaria), whereas in others it is guaranteed for everyone (e.g. Germany, Slovakia, Greece, the Netherlands, Latvia, Croatia, Cyprus and Luxembourg). There may also be exceptions to petitioning, for example in Germany, where people serving in the armed forces and in alternative service may not file petitions, whereby this restriction only applies to the period of their service. In addition to filing individual petitions, the legal orders of individual countries may also provide for collective petitioning (e.g.

21 M. Florczak-Wątor, (in:) M. Safjan, L. Bosek (eds.), *Konstytucja RP. Tom I. Komentarz do art. 1–86*, Warsaw 2016, *Legalis*, Article 63.

22 Article 63 of the Constitution, which indicates that everyone has the right to file petitions, motions and complaints in the public, in their own or another person's interest, with that person's consent, to the bodies of public authority, as well as to social organisations and institutions in connection with their performance of tasks commissioned in the area of public administration.

23 K. Działocha, *Prawo petycji w obowiązującym ustawodawstwie i proponowane kierunki zmian*, (in:) Kancelaria Senatu. Biuro Informacji i Dokumentacji. Dział Analiz i Opracowań tematycznych, *Prawo petycji w ustawodawstwie polskim, Opinie i ekspertyzy OE – 85*, Warsaw 2008, pp. 1–2; H. Izdebski (in cooperation with I. Zachariasz), *Petycja jako instrument sprawnego rozwiązywania problemów społecznych w jednostkach samorządu terytorialnego – istotne różnice między wnioskiem i skargą, Opinie i ekspertyzy OE- 233*, Warsaw 2015, pp. 3–9.

24 *Ley Orgánica 4/2001, de 12 Noviembre, regulación del Derecho de Petición*.

25 *Law on petitions*, 7 July 1999, No. VIII–1313.

26 *Zákon č. 85/1990 Zb. o petičnompráve*.

Belgium,²⁷ Germany, Slovakia, Spain, Portugal and Greece²⁸), although restrictions are also possible in this area (e.g. members of the armed forces in Spain can only file petitions individually²⁹).

Petitions in Poland are regulated both by the Constitution and by the Act on Petitions of 11 July 2014,³⁰ which is dedicated to them, although regulations in this area may also be included in other acts, such as the Act on Municipal Self-Government of 8 March 1990,³¹ as well as in other normative acts, in particular – bearing in mind the subject of this article – in the resolution of the Sejm of the Republic of Poland of 30 July 1992 on the Standing Orders of the Sejm of the Republic of Poland³² and the resolution of the Senate of the Republic of Poland of 23 November 1990 on the Standing Orders of the Senate of the Republic of Poland.³³ It should similarly be noted that regulations on petitions are also included outside the domestic normative order.³⁴

3. Right to Petition in the Constitution

According to Article 63 of the Constitution, everyone has the right to file petitions in the public, their own or another person's interest, with that person's

27 Article 28 De Belgische Grondwet: Ieder heeft het rechtverzoekschriften, door een of meer personen ondertekend, bij de openbare overheden in te dienen. Alleen de gestelde overheden hebben het rechtverzoekschriften in gemeenschappelijke naam in te dienen.

28 M. Florczak-Wątor, (in:) M. Safjan, L. Bosek (eds.), *Konstytucja ...*, *op.cit.*, Article 63.

29 Article 29 ust. 2 Constitución Española: Los miembros de las Fuerzas o Institutos armados o de los Cuerpos sometidos a disciplinamilitar podrán ejercer este derecho sólo individualmente y con arreglo a lo dispuesto en su legislación específica.

30 Journal of Laws of 2018, item 870, as amended (hereinafter referred to as the AoP).

31 Given the subject matter of this article, which is limited to petitions processed at parliamentary level, these regulations are not considered. For petitions processed at the level of self-government communities see: R. Cybulska (ed.), R. Marchaj, A. Wierzbica, Skargi, wnioski i petycje w jednostkach samorządu terytorialnego, Warsaw 2020.

32 Official Journal (Monitor Polski), item 1028, as amended (hereinafter referred to as the Standing Orders of the Sejm). For the normative nature of this act, see P. Radziejwicz, (in:) P. Tuleja (ed.), *Konstytucja Rzeczypospolitej Polskiej*, Warsaw 2021, LEX/el., Art. 112.

33 Official Journal (Monitor Polski), item 846, as amended (hereinafter referred to as the Standing Orders of the Senate). See P. Radziejwicz, (in:) P. Tuleja (ed.), *Konstytucja Rzeczypospolitej Polskiej*, Warsaw 2021, LEX/el., Article 124.

34 Article 227 of the Treaty on the Functioning of the European Union, Journal of Laws of 2004 No. 90, item 864/2 as amended, according to which any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly. However, according to Article 44 of the Charter of Fundamental Rights of the European Union, OJ EU 2007/C 303/01, p. 1 as amended, any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

consent, to the bodies of public authority, as well as to social organisations and institutions in connection with their performance of tasks commissioned in the area of public administration, whereby their review is subject to statutory regulation. It should also be noted that there can be no derogations from this right, as it cannot be restricted either in a period of martial law or a state of emergency,³⁵ or in a period of a natural disaster.³⁶ It is therefore subject to more intensive legal protection than other rights and freedoms guaranteed by the Constitution.³⁷ Simultaneously, despite such strong mechanisms of protection, the right to petition is not of an absolute nature and therefore it may be subject to limitations on the conditions arising from the provisions of the Constitution containing the so-called general limitation clauses. Of particular importance here is the regulation contained in Article 31, para. 3 of the Constitution, according to which restrictions of the right to petition can only be established by statute and only if they are necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons and simultaneously may not breach the essence of this right.

Given the position of Article 63 of the Constitution,³⁸ as quoted above, the systematics of the Constitution justify the inclusion of the right to petition in the group of political rights.³⁹ This right is also a supplement to other rights, by means of which it is possible for citizens to influence public authorities. It has a broad subjective scope, as it is enjoyed by every natural person, including those who are not Polish citizens, as well as legal persons, whereby – as indicated in the literature – this applies to legal persons who do not exercise public authority, as they are the subjects who are obliged, and not entitled, under the right to petition.⁴⁰ It is simultaneously pointed out that all collective entities, incorporated or not incorporated, have the

35 Article 233 ust. 1 of the Constitution.

36 Article 233 ust. 3 of the Constitution.

37 M. Florczak-Wątor, (in:) M. Safjan, L. Bosek (eds.), *Konstytucja ...*, *op. cit.*, Article 63.

38 The regulation of Article 63 of the Constitution has been included in Chapter II of the Constitution entitled 'Freedoms, rights and obligations of a person and a citizen', in the group of political freedoms and rights.

39 R. Stawicki, *Prawa i wolności obywatelskie w Polsce po 1918 r. w świetle rozwiązań konstytucyjnych – zarys historyczno-prawny*, Opracowania tematyczne OT-607, Warsaw 2011, p. 12.

40 P. Tuleja, (in:) P. Czarny, M. Florczak-Wątor, B. Naleziński, P. Radziejewicz, P. Tuleja (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2019, p. 213. See also M. Florczak-Wątor (in:) M. Safjan, L. Bosek (eds.), *Konstytucja ...*, *op. cit.*, Article 63. It is simultaneously pointed out that petitions of groups of councillors and other people holding public offices in territorial self-government units should be considered to be constitutionally admissible, whereby they should be treated as petitions of natural persons (cf. P. Czarny, *Opiniaprawna w sprawie dopuszczalności składania petycji przez jednostki samorządu terytorialnego*, "Zeszyty Prawnicze Biura Analiz Sejmowych Kancelarii Sejmu" 2017, no. 3, p. 67).

right to petition, as the constitutional guarantees of freedoms and rights do not only apply to those entities if this is in conflict with the essence of the given freedoms or rights, which means their lack of enforceability. It is therefore stated that the authors of petitions may be associations, including parties, trade unions, unions of employers, associations, national or ethnic minorities, neighbourhood communities, as well as companies, foundations, cooperatives and any other forms of collective entrepreneurship.⁴¹ Given that Article 63 of the Constitution is included in Chapter II entitled ‘Freedoms, rights and obligations of a person and a citizen’, it is pointed out that the entities of public authority, including territorial self-government units – not being the addressees of these rights – cannot effectively invoke the content of Article 63 of the Constitution.⁴² However, it is pointed out that a general prohibition of the lawmakers to grant the right to petition to other entities, such as territorial self-government units, cannot be argued from the fact that the Constitution guarantees such a right to an individual.⁴³ It should therefore be emphasised that, by guaranteeing the right to petition to a large group of entities, while simultaneously not making exclusions from the group of entities legitimised for this, the constitutional regulation creates the framework for the universality of this right.

4. The Right to Petition in the Act on Petitions

In accordance with Article 2, para. 1 of the Act on Petitions, a petition may be filed by a natural person, a legal person, an organisational unit that is not a legal person or a group of these entities. As a supplement of the above, it should be pointed out that commercial law partnerships, namely general partnerships, limited partnerships and limited joint-stock partnerships, are, in particular, organisational units that are not legal persons. Reference should also be made to the regulation contained in Article 33 of the Polish Civil Code, according to which organisational units to which the regulations grant legal personality are legal persons. These include territorial self-

41 W. Sokolewicz, K. Wojtyczek, (in:) L. Garlicki, M. Zubik (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*. Tom II, Warsaw 2016, LEX/el., Article 63.

42 A. Karczmarek, W sprawie możliwości składania petycji przez organ stanowiący jednostki samorządu terytorialnego, „Przegląd Sejmowy” 2019 no. 6, p. 155; A. Rytel-Warzocho, Instytucja petycji w Polsce oraz w krajach europejskich – stan obecny i perspektywy, (in:) Kancelaria Senatu. Biuro Analiz i Dokumentacji, *Instytucja petycji w Polsce oraz w krajach europejskich – stan obecny i perspektywy*, Warsaw 2015, p. 14.

43 A. Karczmarek, W sprawie możliwości składania petycji przez organ stanowiący jednostki samorządu terytorialnego, „Przegląd Sejmowy” 2019 no. 6, pp. 155–156. See also: J. Wilk, *Zasady składania i rozpatrywania petycji oraz sposób postępowania organów w sprawach dotyczących petycji*, LEX/el. 2015 quoted after: A. Wierzbica, *Podmioty wnoszące petycję; przedmiot petycji*, (in:) R. Cybulska (ed.) *Skargi, wnioski i petycje w jednostkach samorządu terytorialnego*, Warsaw 2020, LEX/el.

government units that have legal personality,⁴⁴ and this applies to units at all levels of the country's territorial division, namely municipalities, counties and voivodships. This means that territorial self-government units – which are legal persons – are included in the list in Article 2 AoP. There is simultaneously no provision that would rule out their capacity in this respect. Therefore, they may be the authors of petitions addressed, for example, to public authorities with the reservation that they cannot be in a relationship of organisational superiority or subordination with those authorities, or in other words they are not related through control, coordination, supervision or management, which means that they are in a relationship with them that is similar to that which the citizens have with those authorities.⁴⁵ In the light of the applicable regulations, there are therefore no objections to the award of the right for territorial self-government units to file petitions with the Sejm and the Senate.⁴⁶ Furthermore, this practice has been adopted by the Sejm,⁴⁷ as well as by the Senate, which considers petitions filed by the bodies of territorial self-government units, both legislative⁴⁸ and executive,⁴⁹ which was also the case before the entry into force of the provisions of the AoP.⁵⁰

Article 2, para. 3 AoP indicates that the subject of the petition may be a demand to amend the provisions of the law, make a decision, or take other action on issues that concern the petitioner, collective life, or values that require special protection of the common good, which lie within the tasks and responsibilities of the addressee of the petition. In view of the above, it should be pointed out that this statutory list is not exhaustive, which contributes to exercising the right to petition and prevents its restriction.⁵¹

Simultaneously, the lawmakers have established the manner of filing the petition and the formal requirements it should meet. In accordance with the statutory

44 Article 165 ust. 1 sentence 1 of the Constitution.

45 S. Gajewski, (in:) S. Gajewski, A. Jakubowski, *Petycje, skargi i wnioski. Dział VIII Kodeksu postępowania administracyjnego. Ustawa o petycjach. Komentarz*, Warsaw 2015, p. 145.

46 A. Karczmarek, *W sprawie możliwości składania petycji przez organ stanowiący jednostki samorządu terytorialnego*, „Przegląd Sejmowy” 2019 no. 6, p. 155 and next.

47 For instance, a petition filed by the Municipality of Mirsk BKSP-144-IX-249/20, <https://www.sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=PETYCJA&NrPetycji=BKSP-144-IX-249/20> (9.05.2021) or a petition filed by the County of Nowy Targ BKSP-145-IX-3/19, <https://www.sejm.gov.pl/Sejm9.nsf/agent.xsp?symbol=PETYCJA&NrPetycji=BKSP-145-IX-3/19> (9.05.2021).

48 For instance a petition filed by Cracow City Council P9-37/18, https://www.senat.gov.pl/gfx/senat/userfiles/_public/k9/petycje/p93718/material_p9_37_18.pdf (9.05.2021).

49 For instance a petition filed by the Mayor of the Kobylnica Municipality, the Mayor of the Michów Municipality or the Mayor of the Town and Municipality of Sztum PW9 – 06/16, [https://www.senat.gov.pl/prace/petycje/petycje-wielokrotne/petycja-wielokrotna-z-24102016-r-uzupelniona-12122016-r-dotyczy/\(9.05.2021\)](https://www.senat.gov.pl/prace/petycje/petycje-wielokrotne/petycja-wielokrotna-z-24102016-r-uzupelniona-12122016-r-dotyczy/(9.05.2021)).

50 For instance a petition filed by the Jastrzębie-Zdrój Town Council P-10/09, <https://www.senat.gov.pl/prace/petycje/wykaz-tematow-petycji/petycja,15.html> (9.05.2021).

51 J. Jaśkiewicz, *Ustawa o petycjach. Komentarz*, Warsaw 2015, LEX/el., Article 2.

regulations, the petition must be prepared in writing, and may be submitted in writing or by electronic means of communication.⁵² Similarly, the lawmakers ruled out the possibility of submitting the petition orally, although such a form of filing the petition is provided for in the provisions of the Administrative Procedures Code, which are applied accordingly to the extent not regulated by the AoP.⁵³ Furthermore, the lawmakers specified the elements that the petition should⁵⁴ contain, indicating that these are the identification of the petitioner,⁵⁵ the indication of the petitioner's domicile or seat, as well as correspondence address,⁵⁶ the identification of the addressee of the petition⁵⁷ and the indication of the subject matter of the petition.⁵⁸ It was also stipulated that the petition should be signed.⁵⁹ The lawmakers also indicated which of these elements may be supplemented or clarified and in which procedure, as well as the cases in which the petition's shortcomings justify leaving the petition unconsidered.⁶⁰

Given the above formal requirements that the petition needs to satisfy, it should be pointed out that it is the request contained in the submission and not its external form that determines whether the submission is a petition.⁶¹ This means that a submission may be qualified as a petition regardless of the name with which it is labelled. Meanwhile, the obligation in this respect rests with the addressee of the petition. In view of the aforementioned provisions of the AoP, it should be emphasised that the extensive range of the two entities entitled to file a petition and the issues that can constitute its subject matter undoubtedly supports the universal nature of exercising the right to petition.

52 Article 4 para. 1 AoP.

53 Article 63 § 1 k.p.a.

54 Meanwhile, according to Article 4, para. 3 AoP, the petition may contain consent for the disclosure of the personal data of the petitioner in whose interest the petition was filed on the website of the entity considering the petition, or the office handling the petition.

55 Article 4, para. 2, item 1 AoP, which indicates that if the petitioner is a group of entities, the petition should identify each of these entities, as well as the person representing the petitioner.

56 Article 4, para. 2, item 2 AoP, which indicates that if the petitioner is a group of entities, the petition should specify the domicile or seat of each of these entities.

57 Article 4 para. 2 item 3 AoP.

58 Article 4 para. 2 item 4 AoP.

59 Article 4, para. 4 AoP, according to which a petition submitted in writing should be signed by the petitioner and, if the petitioner is not a natural person or if the petition is submitted by a group of entities, by a person representing the petitioner. See also Article 4, para. 5 AoP, according to which a petition submitted by electronic means of communication may bear a qualified electronic signature and should also include the petitioner's email address.

60 Article 7 AoP.

61 Article 3 AoP.

5. The Right to Petition in the Regulations of the Sejm and Senate

Pursuant to Article 9, para. 1 AoP, a petition submitted to the Sejm or Senate is examined by those bodies, unless the Regulations of the Sejm or Senate indicate an internal body that has the responsibility for this.

Therefore, in accordance with the wording of the Regulations of the Sejm that have been in force since 8 July 2015, the Petitions Committee is one of the standing committees of the Sejm.⁶² The Marshal of the Sejm refers a petition to that Committee for consideration,⁶³ simultaneously setting it a deadline for its consideration.⁶⁴ It should be noted here that the Marshal of the Sejm may either order petitions to be considered jointly,⁶⁵ or to be left unconsidered.⁶⁶ The consideration of the petition by the Committee encompasses the presentation of the petition by a specified MP, a discussion, and a decision on how the petition is to be dealt with,⁶⁷ whereby the Petitions Committee may request other Sejm committees to express their opinions on the petition under consideration.⁶⁸ The manner in which the petition may be dealt with by the designated Sejm committee may include, in particular, the filing of a bill or resolution, the filing of an amendment or motion to a bill or resolution during its consideration by another Sejm committee or during its second reading, the presentation of an opinion to another Sejm committee on a bill or resolution that it is considering, the filing of an application for an audit by the Supreme Audit Office, or the lack of consideration of the request constituting the subject matter of the petition.⁶⁹ Regardless of the manner in which the petition is considered, the Petitions Committee informs the Marshal of the Sejm about how the petition was handled or on the appearance of circumstances justifying it being left unconsidered,⁷⁰ while the Marshal sends a notice on this to the petitioner.⁷¹

Moving on to discuss the respective provisions of the Standing Orders of the Senate on this, it should be pointed out that, in order to enable the citizens to exercise

62 Article 18, para. 1, item 1a of the Regulations of the Sejm (R. Sejm). According to the annex to these regulations, entitled Subject Matter of the Activities of Sejm Committees, this Committee is responsible for considering petitions submitted to the Sejm.

63 Article 126b para. 1 the Standing Orders of the Sejm.

64 Article 126b para. 4 the Standing Orders of the Sejm.

65 Article 126b para. 2 the Standing Orders of the Sejm.

66 Article 126b, para. 3 of the Standing Orders of the Sejm, according to which, if a petition fails to meet the requirements specified in the AoP, the Marshall of the Sejm leaves the petition unconsidered or calls upon the petitioner to supplement or clarify the content of the petition in the procedure and on the principles specified in this Act.

67 Article 126c para. 1 the Standing Orders of the Sejm.

68 Article 126c para. 2 the Standing Orders of the Sejm.

69 Article 126c para. 3 the Standing Orders of the Sejm.

70 Article 126d the Standing Orders of the Sejm.

71 Article 126e the Standing Orders of the Sejm.

their right to petition as fully as possible, the Senate amended its Regulations on 20 November 2008, which was almost six years before the Act was enacted and seven before the provisions of the AoP entered into force, providing an appropriate basis for the consideration of petitions addressed to that body.⁷² Therefore, as of 1 January 2009, the powers of the Senate Committee on Human Rights and the Rule of Law were extended by the addition of the consideration of petitions addressed to the Senate and its bodies to its activities and, simultaneously, a new Section Xa of the Standing Orders of the Senate entitled 'Consideration of petitions' entered into force, specifying the procedure in which the Committee on Human Rights, the Rule of Law and Petitions works in this area. According to the current wording of the Standing Orders of the Senate, the Committee on Human Rights, the Rule of Law and Petitions is one of the Senate's standing committees.⁷³ The Marshal of the Senate forwards the petition to the Committee immediately after receiving it,⁷⁴ while the Chairman of the Committee either presents it for consideration at a meeting of the Committee or, if he acknowledges that the subject matter of the petition does not fall within the Senate's responsibilities, forwards it to the appropriate public authority and informs the Marshal of the Senate and the Committee members of this.⁷⁵ Furthermore, the Chairman of the Committee on Human Rights, the Rule of Law and Petitions notifies the chairmen of the relevant Senate committees of the date of the meeting at which the petition will be considered.⁷⁶ Additionally, the Regulations of the Senate provide for the ability of the Committee on Human Rights, the Rule of Law and Petitions to request another committee to give its opinion on the petition under consideration.⁷⁷ After considering the petition, the committee in question may submit a motion to the Marshal of the Senate to take a legislative initiative (pass a resolution) together with a bill (resolution), or authorise one of the Committee's members to submit a specific motion of a legislative nature during the discussion on the given item of the Senate's agenda, or present an opinion to the Marshal of the Senate about the advisability of

72 H. Zięba-Załużka, *Prawo petycji jako forma społeczeństwa obywatelskiego*, "Samorząd Terytorialny" 2011, no. 4, p. 20.

73 Article 15, para. 1, item 6 of the Standing Orders of the Senate. According to the annex to these Regulations entitled Subject matter of the activities of the Senate's committees, the subject matter of the activities of this Committee are civil rights and liberties and their institutional guarantees, matters related to the functioning of the judiciary and public safety, the observance of the law, the observance of human rights, civil society institutions and non-governmental organisations, as well as the consideration of petitions addressed to the Senate and its bodies.

74 Article 90a the Standing Orders of the Senate.

75 Article 90b, para. 1 of the Standing Orders of the Senate. However, at the request of a member of the Committee – as referred to in Article 90b, para. 2 of the Standing Orders of the Senate – a petition that the Chairman has forwarded to the appropriate body of public authority is considered at a meeting of the Committee.

76 Article 90b para. 3 the Standing Orders of the Senate.

77 Article 90c the Standing Orders of the Senate.

the Senate or its body exercising the powers laid down in the Constitution, an act of law, or the Senate's Regulations,⁷⁸ or take no such action, informing the Marshal of the Senate of the reasons for doing so.⁷⁹ Regardless of the decision made by the Committee on Human Rights, the Rule of Law and Petitions, its Chairman notifies the petitioner of the action taken or the reasons for not taking any action.⁸⁰

The above Regulations have the same solutions on the continuation of proceedings on petitions at the end of the term of office of a parliamentary chamber. This is because, as indicated in the Regulations of the Sejm, if the proceedings on a petition are not completed before the end of the term of office of the Sejm, they are conducted by the Sejm Committee for Petitions during the next term of office.⁸¹ A similar solution on this is provided for in the Senate's Regulations, assuming that work continues after the end of the Senate's term of office. This is because petitions not considered before the end of the given term of office are considered by the Committee on Human Rights, the Rule of Law and Petitions of the Senate's following term of office.⁸² Furthermore, the committee may decide to resubmit the motion to pass a legislative initiative (resolution) if the proceedings on this legislative initiative (resolution) were not completed during the Senate's previous term of office.⁸³

6. Review of the Statistics on Petitions Filed with the Sejm and Senate

It follows from the above that, in the current legislative framework, the group of entities that have the capacity to file petitions to the Sejm or Senate is large. The subject of the petition has been defined just as broadly, while many of the formalities related to the procedures for considering the petition have been removed. Therefore, of key importance to the implementation of the postulate of universality of the right to petition is the acknowledgement by the Marshal of the Sejm or, in the case of petitions filed with the other chamber of the Parliament, by the Marshal of the Senate that the submission is a petition and therefore the notification of the initiation of proceedings on this.

The Sejm received 40 petitions from the moment the AoP entered into force, namely from 6 September 2015, until the end of 2015, of which the Marshal of the Sejm referred 26 to the Petitions Committee for consideration and left two unconsidered, whereas, in the case of 12 petitions, as of 31 December 2015, the

78 Article 90d para. 1 the Standing Orders of the Senate.

79 Article 90d para. 2 the Standing Orders of the Senate.

80 Article 90e the Standing Orders of the Senate.

81 Article 126g the Standing Orders of the Senate.

82 Article 90g para. 1 the Standing Orders of the Senate.

83 Article 90g para. 2 the Standing Orders of the Senate.

Marshal of the Sejm had not yet made a decision as to their further course.⁸⁴ The Sejm received 134 petitions in 2016, of which the Marshal of the Sejm referred 125 to the Petitions Committee for consideration and left two unconsidered, whereas, in the case of nine petitions, as of 31 December 2016, the Marshal of the Sejm had not yet made a decision as to their further course.⁸⁵ In 2017, the Petitions Committee reviewed 160 petitions filed with the Sejm, of which 155 were individual and five were multiple, while one petition was left unconsidered by the Marshal of the Sejm.⁸⁶ In 2018, the Petitions Committee considered 126 petitions, of which 121 were individual petitions and five were multiple petitions, while three were left unconsidered by the Marshal of the Sejm.⁸⁷ In 2019, the Petitions Committee considered 162 petitions, of which 161 were individual petitions and one was a multiple petition, while two were left unconsidered by the Marshal of the Sejm.⁸⁸ The Petitions Committee considered 129 petitions at 27 meetings between 1 January and 31 December 2020, of which 127 were individual petitions and two were multiple petitions.⁸⁹ These statistics show that a comparable number of petitions were considered by the Sejm in the individual years in which the provisions of the AoP have been in force.

A more extensive study of this is possible with respect to petitions filed with the Senate. Research conducted with respect to the years when the legal basis for filing petitions was limited to the Constitution and the Regulations of the Senate has demonstrated that a narrow understanding of the subject of such petitions can significantly restrict the right to petition. The justification for this argument is, as M. Florczak-Wątor points out, the practice of considering petitions by the bodies of the Senate, and in particular by the Marshal of the Senate, in the years 2009–2011, as statistical data from that period justifies the doubts that the narrowing of the understanding of petitions by the Second Chamber of the Parliament to submissions containing legislative motions restricts the right to petition to that chamber to an extent that breaches its essence.⁹⁰ Meanwhile, it transpires from

84 [http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2015/\\$file/informacja_roczna_2015.pdf](http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2015/$file/informacja_roczna_2015.pdf) (9.05.2021).

85 [http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2016/\\$file/informacja_roczna_2016.pdf](http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2016/$file/informacja_roczna_2016.pdf) (9.05.2021).

86 [http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2017/\\$file/informacja_roczna_2017.pdf](http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2017/$file/informacja_roczna_2017.pdf) (9.05.2021).

87 [http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2018/\\$file/informacja_roczna_2018.pdf](http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2018/$file/informacja_roczna_2018.pdf) (9.05.2021).

88 [http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2019/\\$file/informacja_roczna_2019.pdf](http://orka.sejm.gov.pl/petycje.nsf/nazwa/informacja_roczna_2019/$file/informacja_roczna_2019.pdf) (9.05.2021).

89 https://www.sejm.gov.pl/Sejm9.nsf/page.xsp/informacje_pet (9.05.2021).

90 It arises from the annual reports of the Committee on Human Rights, the Rule of Law and Petitions analysed by M. Florczak-Wątor that the vast majority of submissions sent to the Petitions and Correspondence Department of the Office of Social Communication of the Senate Chancellery were not processed further in the petition procedure, as they did not contain any legislative

the research conducted by the authors of this article that these statistics were also similar in subsequent years, while a change in this respect may be noticed since 2017, namely only after the third year of application of the provisions of the Act on Petitions. And so, in 2012, 151 submissions received the title of 'petition' or contained motions and proposals to amend provisions of the law, whereby following the analysis of these submissions, 18 were entered into the petition procedure.⁹¹ In the following year, 673 submissions filed with the Senate received the title of 'petition' or contained motions and proposals to amend the provisions of the law. Following their analysis, 18 petitions were prepared,⁹² whereby, of the correspondence bearing the title of 'petition', their number had more than quadrupled in 2013 compared to 2012. In 2014, 451 submissions received the title of 'petition' or contained motions and proposals to amend provisions of the law, whereby 24 petitions were processed on their basis.⁹³ In analysing the submissions registered in 2015 in the Petitions and Correspondence Department of the Office of Social Communication, it should be noted that 381 submissions received the title of 'petition' or contained motions and proposals to amend the provisions of the law, whereby 13 petitions were prepared after their analysis: nine in the eighth term of office of the Senate and four in the ninth term, including one multiple petition.⁹⁴ The analysis of submissions registered in 2016 in the Petitions and Correspondence Department of the Office of Social Communication showed that the petitioners gave 1,721 submissions the title of 'petition' or included motions and proposals of amendments to the provisions of the law in them. After their analysis, 69 petitions were prepared, of which six were multiple petitions. In analysing the impact of petitions in 2016, it should be emphasised that their number increased more than five-fold compared to the

motions, while their authors presented their individual cases before the judicial authorities or bodies, or expressed a discussion or dissatisfaction with rulings and decisions that had been made. As a result of the above, the majority of submissions addressed to the Senate bearing the word 'petition' were not considered in the procedure that is appropriate for such submissions, which – as the author pointed out – constituted a material limitation of the ability of the entitled entities to exercise their constitutionally guaranteed right to petition. For example, she pointed out that, in 2010, the Senate received 155 submissions bearing the word 'petition' or containing motions and proposals to amend provisions of the law, but following their analysis, 21 of them were processed further in the petition procedure, which constituted approximately 13% of those that had been filed as petitions. In 2011 – as mentioned by the author – the Senate received 183 petitions of this type, while the petition procedure was implemented with respect to just 17 of them, which constitutes approximately 9% (see M. Florczak-Wątor, Tryb..., *op. cit.*, pp. 514–523).

91 <https://www.senat.gov.pl/prace/petycje/sprawozdanie-komisji-praw-czlowieka-praworzadnosci-i-petycji-z-/> (9.05.2021).

92 <https://www.senat.gov.pl/prace/petycje/sprawozdanie-komisji-praw-czlowieka-praworzadnosci-i-petycji13/> (9.05.2021).

93 <https://www.senat.gov.pl/prace/petycje/sprawozdanie-komisji-praw-czlowieka-praworzadnosci2014/> (9.05.2021).

94 <https://www.senat.gov.pl/prace/petycje/sprawozdanie-2015/> (9.05.2021).

number of such submissions addressed to the Senate in 2015 and almost three-fold compared to 2014.⁹⁵ 2017 brought 54 petitions, of which one was a multiple petition supported by 1,101 individuals and collective entities, out of 144 submissions (excluding multiple petitions) filed with the Senate.⁹⁶ In analysing the submissions registered in 2018, it was found that the authors gave their submissions the title of 'petition' in 129 cases (excluding multiple petitions), whereas, following an analysis of the incoming petitions, 84 petitions were referred to the Commission, including two multiple petitions, of which PW9-01/18 was supported by 1,367 individuals and collective entities.⁹⁷ In 2019, 91 petitions out of 147 submissions filed as 'petitions' with the second chamber of parliament, including 77 individual and 14 collective petitions, were processed further. No multiple petitions were received in that year.⁹⁸ The Marshal of the Senate referred 134 petitions to the Committee on Human Rights, the Rule of Law and Petitions in 2020, of which 116 were individual petitions, 17 were collective petitions and one was a multiple petition.⁹⁹

The analysis of the petitions filed with both chambers of parliament showed that representatives of all entities with such capacity, including territorial self-government units, exercised this right, with a relatively large proportion of petitions filed by natural persons being noted. Furthermore, it arises from this analysis that the subject matter of the petitions applies to almost all aspects of activity of society, while the demands to introduce statutory changes submitted to date referred, among other things, to the problems of civil liberties and rights, public finance, the administration of justice, territorial self-government, the activities of state bodies, internal security and national defence, social insurance, healthcare, people with disabilities, social welfare, family matters, education and science, labour issues and unemployment, housing, industry, services, trade, culture and mass media, infrastructure, environmental protection, agriculture and forestry, sport and fitness, foreign and Polish community affairs, veterans' affairs and war benefits, as well as relations between the state and churches.

Conclusions

From the analysis of the petitions filed with the two chambers of parliament, both individual and collective petitions, submitted by natural persons, as well as legal persons and organisational units without legal personality, can be distinguished. It

95 <https://www.senat.gov.pl/prace/petycje/sprawozdanie-komisji-praw-czlowieka-praworzadnosci-i-2016-z/> (9.05.2021).

96 <https://www.senat.gov.pl/prace/petycje/sprawozdanie-komisji-praw-czlowieka-praworzadnosci-i-2017/> (9.05.2021).

97 <https://www.senat.gov.pl/download/gfx/senat/pl/senatdruki/10322/druk/1214.pdf> (26.10.2021).

98 <https://www.senat.gov.pl/prace/druki/?nr=159&kadencja=10> (9.05.2021).

99 <https://www.senat.gov.pl/prace/druki/record,11519.html> (26.10.2021).

should be emphasised that this institution is also used by territorial self-government units acting through their governing bodies, whereby petitions filed by these bodies account for a significant proportion of petitions filed in order to introduce changes in the applicable territorial self-government regulations.¹⁰⁰ However, this right is exercised most extensively by natural persons, while the scope of their demands to introduce statutory amendments applies to almost all aspects of life of society.

The above quantitative schedules of petitions filed with the two chambers of parliament, the manner in which the entities with the capacity to file petitions have been specified, the broad subject matter of the petitions, and the informal nature of this institution, justify the conclusion that the right to petition is universal in Poland's reality. This is because this institution is accessible to a greater extent than other tools, which can be used to indicate social expectations as to the shape of the law, such as the civil legislative initiative referred to in the Act on citizens exercising the legislative initiative of 24 June 1999.¹⁰¹ It should also be emphasised that petitions addressed to one of the chambers of the parliament can be an impulse for their addressee to undertake legislative activities, even in the situation when the petitioner has failed to propose specific normative solutions. Meanwhile, in addition to the accessibility of this institution, this makes petitions an attractive and relatively frequently used approach.¹⁰²

REFERENCES

- Aragonés E., Sánchez-Pagés S., A theory of participatory democracy based on the real case of Porto Alegre, "European Economic Review" 2009, vol. 53, no. 1.
- Bohman J., The Coming of Age of Deliberative Democracy, "The Journal of Political Philosophy" 1998, vol. 6, no. 4.
- Carson L., Elstub S., Comparing participatory and deliberative democracy, Newcastle University 2019, p. 1, <https://www.newdemocracy.com.au/wp-content/uploads/2019/04/RD-Note-Comparing-Participatory-and-Deliberative-Democracy.pdf>.

100 See: M. Małecka-Lyszczek, K. Małysa-Sulińska, Petycja do Senatu RP jako instrument urzeczywistniania prawa do dobrego samorządu, (in:) M. Stec, K. Małysa-Sulińska (eds.), *Prawo do dobrego samorządu – perspektywa obywatela i mieszkańca*, Warsaw 2021.

101 Act on citizens exercising the legislative initiative of 24 June 1999, Journal of Laws of 2018, item 2120, as amended.

102 See the legislative initiative of the Senate of the Republic of Poland of the 10th term of office (form 310) submitted in connection with the desire to prevent situations in which the petitioner in a given matter simultaneously addresses the petition to multiple entities with the powers to consider it. A petition is frequently simultaneously submitted on the same issue to the Senate and to the Sejm, as well as to individual ministries. This results in the unreasonable need to involve several institutions in the consideration of the same matter and the duplication of the work on the examination of the petition. That is why the introduction of a regulation is proposed in order to limit the ability of the same person simultaneously submitting a petition on the same problem to several addressees.

- Chambers S., *Deliberative Democratic Theory*, "Annual Review of Political Science" 2003.
- Cooke M., *Five Arguments for Deliberative Democracy*, "Political Studies" 2000, vol. 48, no. 5.
- Cybulska R. (ed.), R. Marchaj, A. Wierzbica, Skargi, wnioski i petycje w jednostkach samorządu terytorialnego, Warsaw 2020.
- Czarny P., *Opinia prawna w sprawie dopuszczalności składania petycji przez jednostki samorządu terytorialnego*, „Zeszyty Prawnicze Biura Analiz Sejmowych Kancelarii Sejmu” 2017, no. 3.
- Czarny P., Florczak-Wątor M., Naleziński B., Radzewicz P., Tuleja P. (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2019.
- Dryzek J.S., *Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia*, "Political Theory" 2005, vol. 33, no. 2.
- Działocha K., *Prawo petycji w obowiązującym ustawodawstwie i proponowane kierunki zmian*, (in:) Kancelaria Senatu. Biuro Informacji i Dokumentacji. Dział Analiz i Opracowań tematycznych, *Prawo petycji w ustawodawstwie polskim, Opinie i ekspertyzy OE – 85*, Warsaw 2008.
- Elstub S., *Deliberative and Participatory Democracy*, (in:) *The Oxford Handbook of Deliberative Democracy*, <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198747369.001.0001/oxfordhb-9780198747369-e-5>.
- Florczak-Wątor M., *Tryb rozpatrywania petycji przez Senat w świetle regulaminu izby i dotychczasowej praktyki*, (in:) M. Grzybowski, P. Mikuli, G. Kuca (eds.), *Ustroje. Historia i współczesność. Polska – Europa – Ameryka Łacińska. Księga Jubileuszowa dedykowana Profesorowi Jackowi Czajowskiemu*, Cracow 2013.
- Florczak-Wątor M., (in:) M. Safjan, L. Bosek (eds.), *Konstytucja. Tom I. Komentarz do art. 1–86*, Warsaw 2016, *Legalis/art. 63*.
- Gajewski S., Jakubowski A., *Petycje, skargi i wnioski. Dział VIII Kodeksu postępowania administracyjnego. Ustawa o petycjach. Komentarz*, Warsaw 2015.
- Garlicki L., Zubik M. (eds.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz. Tom II*, Warsaw 2016, *LEX/el*.
- Haczkowska M. (ed.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warsaw 2014.
- Izdebski H. (in cooperation with I. Zachariasz), *Petycja jako instrument sprawnego rozwiązywania problemów społecznych w jednostkach samorządu terytorialnego – istotne różnice między wnioskiem i skargą*, *Opinie i ekspertyzy OE- 233*, Warsaw 2015.
- Karczmarek A., *W sprawie możliwości składania petycji przez organ stanowiący jednostki samorządu terytorialnego*, „Przegląd Sejmowy” 2019, no. 6.
- Małecka-Łyszczek M., Mędrzycki R., *Axiological paradigm of social inclusion intensification – selected remarks*, "Review of European and Comparative Law" 2019, no. 38(3).
- Mieñkowska-Norkiene R., *Demokracja partycypacyjna na poziomie lokalnym jako jeden z aspektów realizacji zasady subsydiarności na przykładzie aglomeracji warszawskiej*, http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-440a3d48-cf89-4adc-a8e3-e00f74e7f4ad/c/Mienkowska-Norkiene-Demokracja_partycypacyjna_na_poziomie_lokalnym_jako_jeden_z_aspektow_realizacji_zasady_subsydiarnosci_na_przykladzie_aglomeracji_warszawskiej.pdf.
- Nylen W.R., *Participatory Democracy versus Elitist Democracy: Lessons from Brazil*, New York 2003.

- Piotrowski R., Konstytucyjne uwarunkowania prawa petycji oraz pożądaných kierunków zmian legislacyjnych w tym zakresie, (in:) Kancelaria Senatu. Biuro Informacji i Dokumentacji. Dział Analiz i Opracowań tematycznych, Prawo petycji w ustawodawstwie polskim, Warsaw 2008.
- Prawo petycji w wybranych krajach członkowskich UE i w Rosji, Kancelaria Senatu. Biuro Informacji i Dokumentacji dział Analiz i Opracowań Tematycznych, Warsaw 2008.
- Rytel-Warzocha A., Instytucja petycji w Polsce oraz w krajach europejskich – stan obecny i perspektywy, (in:) Kancelaria Senatu. Biuro Analiz i Dokumentacji, Instytucja petycji w Polsce oraz w krajach europejskich – stan obecny i perspektywy, Warsaw 2015.
- Sintomer Y., Random Selection, Republican Self-Government and Deliberative Democracy, <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-8675.2010.00607.x>.
- Stawicki R., Prawa i wolności obywatelskie w Polsce po 1918 r. w świetle rozwiązań konstytucyjnych – zarys historyczno -prawny, Opracowania tematyczne OT-607, Warsaw 2011.
- Stec M., K. Małysa-Sulińska (eds.), Prawo do dobrego samorządu – perspektywa obywatela i mieszkańca, Warsaw 2021.
- Tuleja P. (ed.), Czarny P., Florczak-Wątor M., Naleziński B., Radziejewicz P., Konstytucja Rzeczypospolitej Polskiej, Warsaw 2021, LEX/el.
- Wilk J., Zasady składania i rozpatrywania petycji oraz sposób postępowania organów w sprawach dotyczących petycji, LEX/el. 2015.
- Wójcicka E., Prawo petycji w Rzeczypospolitej Polskiej, Warsaw 2015.
- Zabdyr-Jamróż M., Preventing the Atrophy of the Deliberative Stance: Considering Non-Decisional Participation as a Prerequisite to Political Freedom, "AVANT" 2019, vol. X, no. 1.
- Zięba-Zalucka H., Prawo petycji jako forma społeczeństwa obywatelskiego, „Samorząd Terytorialny” 2011 no. 4.