

określają organizację wewnętrzną biura i sposób jego funkcjonowania. Niektóre regulaminy obejmują swoim zakresem przedmiotowym także organizację i funkcjonowanie biur poselskich i senatorskich w terenie.

Uwagi końcowe

Regulaminy klubów i kół parlamentarnych stanowią akty szczególnego rodzaju. Mimo wieloletniej tradycji ich uchwalania, niezależnie od aktualnego systemu polityczno-ustrojowego, droga do jurydyzacji aktów wewnętrznych frakcji, podobnie jak w przypadku samych klubów i kół, była długa, złożona i ostatecznie zakończyła się unormowaniem tych aktów jedynie na poziomie regulaminów parlamentarnych. Tym samym akty wewnętrzne tak istotnych podmiotów demokracji parlamentarnej, jakimi są kluby i koła, regulujące organizację wewnętrzną frakcji, zasady członkostwa, prawa i obowiązki członków, mimo istnienia przez pewien okres umocowania ustawowego, pozostały poza obszarem zainteresowania ustawodawcy. W związku z tym należałoby rozważyć postulat ponownego objęcia obowiązku uchwalania przez kluby i koła parlamentarne własnych regulaminów materią ustawową. Wydaje się, iż uwzględnienie szczególnej roli klubów i kół w systemie parlamentarnym mogłoby uzasadnić rozważenie takiego rozwiązania.

Bogumił Jakubek

NATURE, PROPERTIES AND THE LEGAL CHARACTER OF THE REGULATIONS OF PARLIAMENTARY CLUBS AND CIRCLES IN POLAND

The legal regulations of parliamentary clubs and circles haven't been subject to a comprehensive scientific analysis. The long-standing tradition of adopting own internal regulations by parliamentary fractions has not led to their definition or defining their features, functions and scope. For this purpose it was necessary to analyze the legal and dogmatic content of regulations enacted after 1918 by parliamentary clubs and circles in the Polish parliament. It was also important to examine the legal basis for these specific legislative acts.

The regulations of parliamentary clubs and circles are the normative acts of parliamentary fractions, which regulate their internal organization and functioning. They have permanent character, so their effects are not limited to one parliamentary term of office. The regulations are autonomous and diversified acts adopted by each parliamentary club and circle.

In the current legal order the regulations are adopted by parliamentary fractions under the provisions of the Standing Orders of the Sejm and the Senate. They are currently the

only normative acts containing a reference to the club regulations. In addition, parliamentary clubs and circles derive the right to establish their own internal acts from the well-established parliamentary practice, the principle of autonomy of parliamentary Standing Orders (resulting from the freedom to establish parliamentary associations), and to some extent from the provisions of the statutes of political parties.

The regulations of parliamentary fractions serve several important functions - organizational (they define the internal organization of the fraction and procedures to be followed in the fraction forum), increasing efficiency (they increase the effectiveness of the fraction), activating (they inspire the activity of the fraction members), disciplinary (they guarantee to obtain the desired attitude of fraction members), unifying (they increase uniformity of decisions), integrating (they intensify the bond between the members of the fraction), identifying (they distinguish clubs and circles from each other), notifying (they bring out the fact of the creation and functioning of the fraction) and political (they promote the objectives of the political party).

The analysis of the content of the regulations of parliamentary clubs and circles allows to point out the basic catalog of issues regulated there. The objective scope of these acts includes in particular: general issues, participation and proceedings in the club or the circle, the rights and obligations of the members, the internal organization of club or circle authorities, relations of the club (circle) with the political party and their relations with other fractions in the Chamber, funding and organizational service of the club (circle), and finally way of passing and amending the regulation. The specific role of parliamentary clubs and circles in the parliamentary system justifies the demand to introduce statutory obligation to adopt the above mentioned regulations.