

## THE STATE OF LAW OR THE LAW OF THE STATE?

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**Abstract:** Rule of law is a collection of institutions that each society fulfills differently. The rule of law is a wider and more complex phenomenon than the courts and judges themselves. The rule of law cannot be based solely on the heroism of an individual or group of one or another category of persons. The rule of law must be a natural component of the legal order. The concept of the primacy of the role of the Constitution – requires the reliable cooperation of at least three authorities – legislative, executive and judicial authorities. Occasional and opportunistic legislation, not much in common with the rule of law. The law is not what we imagine, but what the responsible legislator has established. "There is no more cruel tyranny than that practiced in the shadow of laws and in the colors of justice." What are the rule of law? Can state power influence courts? Whether parliamentary majority equals omnipotence is the main theme of the proposed presentation. The author's assumption is to indicate the essence of the issue in an interdisciplinary approach, to pay attention to its multidimensionality and social importance, leaving the field to undertake own research.

**Keywords:** individual, commonality, equality, justness, law.

### 1. Introduction

Despite the existence of many studies devoted to models of statehood and the rule of law, it has not been possible to develop a universal definition, a permanent catalogue of democratic values, a universe of the rule of law, prescriptions of the rule of law and that which has social respect, but no written legal basis. In the world of science, politics, culture and economy, there is no doubt that law and the rule of law are important elements without which the proper functioning of social and private life would not be possible. Without the law, legal norms, the rule of law would make no sense, because it would not be based on anything – but is it true? It seemed obvious for many centuries, but can such a thesis be defended today? Maybe it is true, or maybe it is just an illusory idea, one of many dependencies that people often reach for when they need it, as a rule, because it is convenient or “because it should be done like that”? Perhaps ancient patterns and political ideas are a relic that the current citizen does not need to

use? In the era of IT and cyberspace development, the spread of artificial intelligence, constant changes – will the existing patterns be replaced by the opportunism caused by the need of the moment, a new order, because what matters is only here and now? Perhaps the applicable law is the law of the majority, the rule of law – the power of seats, and the state – the sovereign's legitimacy, contrary to Winston Churchill's thesis: "Where there is a majority, there is no wisdom, and where there is wisdom, there is no majority".

## **2. The rule of law**

In the world of science, politics, culture and economy, there is no doubt that law and the rule of law are important elements without which the proper functioning of social and private life would not be possible. Without the law – the rule of law would make no sense because it would have nothing to rely on. Were it not for the rule of law, no legal provisions would be feasible. There could be law without the rule of law, but what law would it be?

Despite the fact that science does not place an equality mark between law and the rule of law, these concepts depend on each other, together they lead to a dignified, peaceful, safe life in a society. They are closely related, complementing each other, they form the basis for proper, appropriate everyday life in a narrow and broad sense. More or less conscious – they are strongly connected with everyday life of every citizen.

In general, the rule of law means observing the law by state authorities and citizens. In the formal sense – the factual state in which the state organs act on the basis and within the limits of applicable law. In the material sense – a state in which the requirements of the rule of law are met in a formal sense, the applicable law is consistent in its content with the postulates of axiology of statute law and morality, of the "good" law, equal for all, respecting the fundamental freedoms and rights of man and citizen.

The rule of law is closely related to the doctrine of legal positivism, the law of nature and morality. The degree to which the state abides by the law, and the state of the rule of law in the state, depend on the quality of law, the state of official staff, and the state of political democracy in the state. The law-abiding state of law is a state in which institutions operate that enable monitoring of compliance with the law by state organs and institutions, and correcting its decisions in case of violation of law. Far from lawful proceedings is a state in which guarantees of the rule of law do not exist or do not work – judicial independence, instability of proceedings before state authorities and courts, where the defendant's right to defense is not guaranteed. Thanks to these mechanisms, the safety of life in society is guaranteed to every citizen of the state. In a situation where there is no control, you can enter everything in the enacted normative act. When there is no limit of control, with a parliamentary majority, it is possible to pass any bill, including socially harmful one – but can such a state be called the rule of law?

The rule of law is compliance with the law in the sphere of its adoption and application. The rule of law is the equivalent of active responses and any actions that are lawful. This is an obligation for all state bodies, ordinary citizens and legal entities. It is a set of rights and obligations observed and applied by all units in the state.

The ancient Greeks considered the rule of law to be cooperative justice that redistributed the common good (Woroniecki, 2013, pp. 290-291). The virtue of the rule of law, developed in the Platonic-Aristotelian tradition, is to this day the deepest reflection of axiological and legal thought. Plato discussed the ideal state and the just state, the rule of law, protected by good laws (Witwicki, 1998, p. 188 et seq). Aristotle analyses school's ethical attributes of the rule of law in school letters (Gromska, 2007, p. 121; Polityka, 2006, p. 88). Marek Cicerone: the basic rule of law is the "primacy of the rule of law"; "Officials are law servants, translators of laws – judges, we are all slaves, so that we can be free" (Mowy..., 1870, p. 87). Rights and the rule of law are a pledge of dignity, freedom and justice (Hayek, 2006, p. 435).

Confucius believed that the most important virtues were: humanism, rule of law, correctness, wisdom and loyalty. The rule of law is a duty, an obligation, fulfilment of the right things due to its moral good. Life is really simple, but we try to make it complicated (Clements, 2007, p. 148 et seq). In Kant's concept of the rule of law, the will of one man can be combined with the will of another man. Acting in accordance with the law is a moral imperative, so the categorical imperative receives the formula: "act externally in such a way that the free act of your will can coexist with the freedom of everyone else in accordance with common norms" (Kant, 2006, pp. 42-43). Kant wrote: "human rights must be considered sacred, even if the ruling power cost a great deal of sacrifice (Szyszkowska, 2004, p. 52 et seq).

The rule of law in a positivist spirit, i.e. a sign of equality between law and statute, was denied in 1946 by G. Radbruch with the idea of justice in the hearing of *Statutory lawlessness and supra-statute law* (Radbruch, 2000, p. 256-266). The right and obligation arising from the Act determine the action that occurs between legal entities for the common good. It is similar with the value understood as a being which by its objective and qualitative properties is desired by man as a two-value rule of law. In the naturalistic concept, which now seems closest to humanity, it is impossible to separate the formal and material aspect of law, because they are, just like *ius* and *lex*, two sides of the same phenomenon (Kowalczyk, 2006, p. 133).

The rule of law must result from belief, without it, it is difficult to talk about axiology and superior and subordinate values. Man must have a sense of the meaning of life, which can be found in the very durability of his conditions and which does not have to be worse than others. The belief that it is "poorer, always less intense and always less creative in the results than the feeling of the experienced sense as permanently temporary, constantly exposed to criticism from new values, constantly available negation – does not serve stability". The meaning of life and the purpose of life always mean the same thing (Kołakowski, 1957, p. 76).

In Lenin's ideology, every state is based on bare power, power is brought down to a repressive function, and law is not a key element of statehood, because in communism, people will learn to work "without legal norms". Along with the victory of communism, the law will disappear, people will coexist not based on coercion resulting from law, but on the basis of full freedom – that is what the lawyer, Aleksander Grigoriewicz Gojchbarg, wrote in 1919 (Gojchbarg, 1919, p. 6). After the death of the state and the law, there will be rules of communist coexistence and communist morality (Paszukanis, 1985, p. 137; Kołakowski, p. 830; Bosiacki, p. 185 et seq.).

Leszek Kołakowski admits that a sense of the meaning of life can also be found in the very durability of its conditions and does not have to be worse than others, but he believes that it is "poorer, always less intense and always less creative in results than the feeling of sense experienced as permanently temporary, constantly exposed to criticism from new values, constantly available negation". Józef Tischner wrote that freedom, sovereignty and the rule of law are values and vital conditions without which an independent state cannot function (Tischner, 1982 p. 48).

The rule of law is also or above all a philosophy of security that is one of the highest values of humanity. Without security, there can be no sovereign state, autonomous law and the rule of law. The literature on the subject contains the statement: security is the foundation of everything we do. Security is a state and process of duration, survival and development in conditions ensuring self-fulfilment of the entity (Szmyd, 2000, p. 46). The question: what place is occupied by the security of the rule of law among universal values, can be answered unambiguously and affirmatively: central (Tatarkiewicz, 2003, p. 15).

Aleksandra Szadok-Bratuń (Szadok-Bratuń, 2018, p. 242 et seq) lists eight requirements making up the rule of law: generality – the law should exist, act impersonally on the basis of universal norms; promulgation – legal acts should be made public, their publication guarantees their knowledge; non-retroactivity – the law should not be retroactive, it is a prospective regulator focused on future rather than past behaviour; clarity – the law should be logical and internally consistent; the possibility of enforcement – the law should not require the recipient to do the impossible; durability – the law should not change too often; rational stability; compliance – the law applicable to official activities should be consistent with the announced one (Diogenes Laertios, 1982, p. 643 et seq). These rules are a repetition of the classics contained in the *Morality, thanks to which the law is possible* (Fuller, 2004, p. XV; Fuller, 38-80, 172-194; Nowacki, 33-37).

The rule of law is to protect freedom and legal certainty, without the authority the law cannot be heard. Each citizen is guaranteed legal protection and the inviolability of personal rights due to the rule of law. The rule of law is characteristic for all rules of law, which respect the established law and respect their citizens. The rule of law is also a political system that offers and guarantees certain law. Legal guarantees are primarily: the system, legislation, procedure and hierarchy of legal acts adopted in healthy conditions and without haste. As stated in

art. 2 of the Polish Constitution of 1997, “The Republic of Poland is a democratic legal state that implements the principles...”. Is it so in reality, in which the amount of created law does not correspond to its quality? Faster does not mean better and more does not mean more accurately.

There is a dispute between supporters of the concept of formal and material rule of law; the first emphasize the separation of the issue of the rule of law and “good law”, recognizing that regardless of the content of the law, its observance by the state is a recognized value; others emphasize that compliance by the state with “bad law” can be a frequent source of injustice. Proponents of the materialistic approach to the rule of law emphasize that it is not enough to just comply with the law, it should be noted whether it is good. They cite cases of strict fulfilment of the letter of the law in totalitarian states, where this law repeatedly violated the basic human rights, did not fall within any norms of a democratic state of law, moral norms recognized in the world, and yet it was in force.

Whatever we say about the law and the rule of law in Poland, we reduce these issues too often to the occasional and emotional manifestation. Few references to the tradition of good law and the rule of law have no clout or are not taken into account by those who are particularly concerned about good law and the rule of law.

The centuries-old tradition of patterns and principles does not mean much today. Today, a new history is being created, solutions are called standards of duty and righteous conduct, which differ far from their predecessors. Where is the cause and how to solve it do not seem to be simple. It is easier to change the law, more difficult – human habits and awareness. Some solutions must be changed and improved, although the approach to this should not be weakening the authority state organs. It is difficult to talk about the rule of law and the state of the rule of law in the event of concerns about the politicization of the judiciary, common courts and the highest state organs. It is hard to consider a situation as the rule of law, in which the basic law becomes an act detached from ordinary legislation, and only an ideological declaration; when the Constitutional Tribunal seems independent in action and the president of the country approves almost everything that is given to him for approval.

Regardless of the orientation, worldview and religion, one must remember that no system, including the rule of law, is given to anyone forever. The Greek philosophy, Roman law and Christian religion are the cradle of civilization. Wise things are written by smart people, and smart people make wise decisions.

### 3. Material truth or court truth?

The prolonged proceedings, unsuccessful judgments, adverse consequences of unnecessary detention in many cases – all this reached alarming proportions in Poland, which was reflected in the resolution of the Council of Ministers' Committee of the Council of Europe (Rezolucja...). Each change of law is worth as much as its justification. It is much easier to issue a judgment, and it is more difficult later to reliably and logically justify it.

Everyone has the right to a fair and public hearing of his case within a reasonable time by an independent and objective ordinary court within the limits of his civil and other rights and obligations. It results directly from art. 6 par. 1 of the European Convention for the protection of human rights and fundamental freedoms of November 4, 1950, ratified by Poland on January 19, 1993 (Konwencja...). Therefore, each criminal law and criminal procedural law should implement the standards of the above convention in relations to all persons involved in criminal proceedings as a guarantor of a democratic state of law and its stability.

Material truth is the hearth of every conduct, especially criminal, constituting its essence, which should lead to an objective decision. Replacing the inquisition or mixed process with an adversarial model does not mean that the rank of material truth disappears or decreases, in fact only the way of its investigation changes, in which some difficulties may arise.

Material truth opposes the truth of the formal compliance of factual findings with the rules of criminal procedure. The assumption of formal truth is that the process itself creates standards of factual findings, what is consistent with the judicial procedure is considered true. According to Tadeusz Studnicki, "The truth of the court does not apply to the way in which evidence is presented before the court, but to the inefficiency of court proceedings related to the taking of evidence and conducting the f evidence, where their inaccuracy confirms the inevitability of factual findings (Gibert-Studnicki, 2009, p. 16; Stopka, 2013, p. 112).

According to Andrzej Murzynowski, it is the rules that determine the main features of the process and its character, creating one coherent process system (Murzynowski, 1984, p. 85 et seq). Marian Cieślak creates a two-stage system of procedural rules of the first and second degree, dividing them into political and functional principles (Cieślak, 1973, p. 286 et seq). Stanisław Waltoś emphasizes the influence of principles on the trial model as the main idea of the criminal trial (Waltoś, 1978, p. 206). Tomasz Grzegorzczuk and Janusz Tylman express a similar position (Grzegorzczuk, 2005, p. 80 et seq). Despite the slight differences between them, everyone advocates the hierarchy of the rule of law process and the principle of material truth.

In the law-abiding system, the purpose of judicial proceedings is to reach the objective and material truth; this, in turn, sets the basis for all decisions arising from factual findings consistent with reality. The problem is what we mean by truth for the purposes of a given proceeding and what role it is to play in it. What is true for some may be half-true or untrue for

others. The truth of science and existential truth, common and common sense truth, positivist, logical, and ethical – these are some of the forms of truth.

The classic definition of truth (Aristotle, scholastics) is the truth of thought consistent with reality. Saying that something that does not exist exists is to say the false thing. To speak about something that exists that it exist, and about something that does not – that it does not exist is to say the truth. The correspondence definition of the truth means that a given sentence A is true if and only if the facts described by sentence A are consistent with reality.

According to the criterion of the Cartesian truth, what is truly obvious is what is directly obvious, given completely, undoubtedly and necessary. The pragmatic truth of J. James – the true theorem is a useful theorem. Galileo says: the truth of the scientific theorem is to correspond to phenomena. In turn, Friedrich Nietzsche – the truth is the will to control the variety of impressions, the mechanism of self-denying truths (yes and no). According to Karl Popper, truth only makes sense if it is refuted. So what is the correct definition of truth, what does it express, and what is its meaning? This is a fundamental question in the discourse on material truth and the rule of law.

The notion of truth seems close to everyone and has been the subject of human reflection for many centuries, and we are still not sure that we get to the bottom, we constantly raise doubts as to whether we can know the truth at all. Only Lenin and his successors considered the concept of reflecting reality to be true. So the truth is what we consider truth reflexively, spontaneously. Probability is different and truth is different, but philosophers generally agree that one cannot do without truth.

As Leszek Kołakowski wrote – there is a horizon of truth that we strive for, but we never reach it. If so, then one should defend the pursuit of truth against the invasion of primitive truth, that is, the reflection of reality. One should not strive for truth without knowing its definition, which resembles acting blindly and, as a consequence, leads to a situation: the number of interpretations and subjective truths is equal.

Despite the common nature, material truth is fundamentally different from the truth of the court, although both contain a factor of justice, they fulfil the purpose and task of justice, albeit in a slightly different dimension. The material truth and truth established in the process do not have to coincide, but in each process the formal truth is the established truth (Kardas, 2007, p. 190-191).

It should not be that the court *ex officio* acts against the party, the court is to conduct and assess the facts, issue a fair ruling, which guarantees a fair and objective trial. The guarantee of a reliable and comprehensive trial is the basic task of each democratic state ruled by law. The public prosecutor, according to the principle of legalism, represents the state, not the interests of the party. No matter what area of law the trial concerns, one should not experiment – court proceedings are not a theatre stage or an agora. It is a room in which the relevant state organs defend the rule of law with determination.

For a correct court decision, there must be adequate instruments to establish the material truth that is the basis for a fair and equitable decision. There must be determination on the side of the court for the acts to which it has been called. On the other hand, the court should not be required to reach material truth, limiting its impact on the evidence. The truth as the source of the court's conviction does not stem from the mutual relations of the parties to the trial, but from the factual findings of the court adjudicating in the case, therefore, the role of the court in the trial cannot be indirect. The court not only can, but should, strive for material truth, because this is its purpose and its role in administering justice in the spirit of the rule of law.

#### 4. Summary

Complex and increasingly complex decisions must be made for the proper functioning of the state. For this, one needs specialized experts, politicians, professionals and managers, one needs good law and its application in the spirit of the rule of law. The model of indirect democracy works better today. Through elections, society decides which people are to represent them – to direct the fate of the state<sup>1</sup>. One should not forget the ever-present risk of over-professionalization and politicization, which contributes to the exclusion of citizens from real responsibility and to the reign of demagogy on the political stage (Grabowska, 1998, p. 39-79).

In the state organism, the key issue is the relationship between the subject of political action and the authority that governs the state, the independence of the courts and respect for the preferred separation of powers, in line with the concept of Montesquieu, who wrote:

*When the legislative power is combined with the executive power in one and the same person or in one and the same body, there is no freedom, because you can be afraid that the same monarch or the same senate would not pass tyrannical laws that will be exercised despotically. There is also no freedom if the judicial power is not separated from the legislative and executive powers. If it were combined with the legislature, power over the life and freedom of citizens would be arbitrary, for a judge would be a legislator. If it were combined with the executive power, the judge could have the strength of the oppressor.*

It is important to distinguish between the political and social system that organizes the features of a democratic state of law. The quality of the legal order and the rule of law is determined by the functionality of the consensus at the procedural and political level. In political practice, many procedural aspects differentiate forms of democracy for the benefit of citizens or the other way round (Sartori, 1994, p. 449-469). “The democratic system is based on the values that are accepted by a given society. It exists thanks to the principles of freedom, equality, proportionality, solidarity and justice (...). People need to learn tolerance, recognize

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<sup>1</sup> The most famous representative of the diverse trend of understanding democracy is Welzer, 1983. Por. Grabowska, 1998, p. 39-79.



differences in the interests of the state and the achievements of individuals as natural and desirable” (Hook, 1983, p. 31). It is not about the abstract freedom and freedom of the individual, but about the freedom and liberty of many individuals. As much freedom of an individual – as possible, as much intervention of the state – as necessary. The freedom of one man ends where the freedom of another person begins. Under the rule of law, the state should not take away natural rights or obstruct the tasks of individual people. The assessment should also take into account the so-called Bockenford’s paradox: “a secularized state gas a basis in something that it cannot guarantee by itself” (Bockenforde, 1994, p. 120).

The question about the rule of law or state law seems to be a rhetorical question. This is one of the many paradoxes of a democratic rule of law, because the rule of law does not have to be a democratic state, and a democratic state does not have to mean: a rule of law state. Why is there a conjunction “and” in the compilation of “law and justice”? Because the law does not have to mean the same thing as justice, and justice – the same as law. The same applies to the content of “democratic rule of law”. If something is not democratic by definition, it may be law and have the characteristics of the rule of law, and the rule of law that is not democratic and law-abiding is the rule of law.

A law-abiding and democratic state of law must be based on the mutually “defending” institutions, preventing situations in which one body constitutes undemocratic rights and the second one exercises them. Material truth and the principle of legalism are one of many mechanisms “guaranteeing” the predictability of power – supported by the aforementioned principle of the separation of powers, constitutional law-making procedures, and a system of bodies protecting the rights of individuals (...). Such a state is difficult to achieve, which does not mean impossible; under the conditions of political and bureaucratic monopolization by one decision-making centre that sets the conditions of the game, it is more difficult.

The crisis of law and rule of law is not only a Polish phenomenon, it also more clearly affects the more mature democracies, including the European Union legislation. There is a lack of authorities and personalities, role models worthy of following. In return, there is hitherto unknown standardization. Everyone sets their own standardization of law, the rule of law, democracy and parliamentarism, so they cannot determine what the rule of law can and cannot be.

In the absence of a standardized pattern, law is more frequently becoming a political, rather than a substantive, argument. Because of “overproduction” and legislative inefficiency, language deficiency, incomprehensibility of syntax, susceptibility to interpretation, the law is not something certain – what decides and organizes, and becomes something that raises doubts, differs, and sometimes conflicts.

Every authority, apart from the honesty of intentions and actions, promises transparency and predictability of public authority, just governance and the general good according to the scenario of a new, rational arrangement of everything – which often remains an illusion, a vision of a scheme detached from a complex and misunderstood reality.

The low legal awareness of the society, the lack of substantive involvement of the society in common matters means that the society is politically subordinated, becomes hostage to the policy of the given party, and not substantive reasoning of the matter of law and the rule of law.

In a democratic state of law, it is not enough to feel dissatisfied, to complain about the poor quality of law and the lack of the rule of law, even when justified. Ignorance of the law combined with passivity allows to predict practical consequences and the shape of future decisions.

The degree of democratization and the maturity of the rule of law determine whether we are dealing with a rule of law or the state law. The citizens are like the state, their knowledge and their activity are like the law and the rule of law. Currently, the rule of law and the state law are not something permanent – it all depends on the maturity and commitment of its citizens to the common affairs.

In a democratic state of law, no one will look after someone else's interests. Citizens themselves must be involved in public life. Participate in the creation of good law, watch out for its application in a material and formal sense. Guard the rule of law and prevent the creation of a model – state law.

The issue of democratization and the rule of law in the spirit of the value of law is not only a Polish problem at the moment, it is a problem of modernity, globalization and an uncontrollable momentum for a better tomorrow, the hegemony of primacy over one another at all costs and under all conditions. The question whether such a solution serves the democratic system of the law state and the rule of law should be answered by everyone on their own, which is sincerely encouraged by the author.

## References

1. Bockenforde, E.W. (1994). *Wolność – państwo – Kościół*. Kraków, 120.
2. Bosiacki, A. *Utopia – władza – prawo...*, 185 et seq.
3. Cieślak, M. (1973). *Polska procedura karna*. Warszawa, 286 et seq.
4. Clements, J. (2007). *Konfucjusz*. Warszawa: Instytut Wydawniczy Erica, 148 et seq.
5. Diogenes Laertios (1982). *Żywoty i poglądy słynnych filozofów*. Warszawa, 643 et seq.
6. *Etyka nikomachejska* (2007). Warszawa, 121 et seq.
7. Fuller, L.L. (2004). *Moralność prawa*. Warszawa.
8. Gibert-Studnicki, T. (2009). Prawda sądowa w postępowaniu cywilnym. *Państwo i Prawo*, 7, 16.
9. *Główne nurty marksizmu*, 830.
10. Gojchbarg, A.G. (1919). Пролетарская революция и гражданское право. In: A.G. Gojchbarg, *Пролетариат и право (Сборник статей)*, 6.

11. Grabowska, M. (1998). Demokracja – teorie i społeczne nastawienia. *Civitas*, 2, 39-79.
12. Grzegorzczak, T., Tylman, J. (2005). *Polskie postępowanie karne*. Warszawa, 80 et seq.
13. Hayek, F.A. (2006). *Konstytucja wolności*. Warszawa: PWN, 435.
14. Hook, S. (1983). Rządy za zgodą rządzonych. In: J. Ostraszewski (ed.), *Demokracja a ideał społeczności* (p. 31). Kraków.
15. Kant, I. (2006). *Metafizyczne podstawy nauki prawa*. Kęty.
16. Kardas, P. (2007). *Zasada prawdy materialnej*. P. Wiliński (ed.). Warszawa, 190-191.
17. Kołakowski, L. (1957). *Światopogląd i życie codzienne*. Warszawa: PIW, 76.
18. Konwencja o ochronie praw człowieka i podstawowych wolności sporządzona w Rzymie dnia 4 listopada 1950 r., zmieniona Protokołami no. 3, 5 i 8 oraz uzupełniona Protokołem no. 2, Dz.U. 1993 no. 61, poz. 284, art. 6, ust. 1.
19. Kowalczyk, S. (2006). *Człowiek w poszukiwaniu wartości. Elementy aksjologii personalistycznej*. Lublin, 133.
20. *Mowy Marka Tulliusza Cyncerona, t. 2* (1870). Paris, 87.
21. Murzynowski, A. (1984). *Istota i zasady procesu karnego*. Warszawa, 85 et seq.
22. Nowacki, J. *Rządy prawa*, 33-37.
23. Paszukanis, J. (1985). *Ogólna teoria prawa a marksizm*. Warszawa, 137.
24. *Polityka* (2006). Warszawa, 88.
25. Radbruch, G. (2000). Ustawowe bezprawie i ponadustawowe prawo. In: M. Szyszkowska, *Zarys filozofii prawa* (pp. 256-266). Białystok.
26. Rezolucja tymczasowa Komitetu Rady Ministrów Rady Europy CM/Res.DH (227/75) dotycząca wyników ETPCz w 44 sprawach przeciwko Polsce.
27. Sartori, G. (1994). *Teoria demokracji*. Warszawa, 449-469.
28. Stopka, J. (2013). Głos w dyskusji. In: K. Kremens, J. Skorupka (eds.), *Pojęcie miejsca i znaczenia prawdy w polskim procesie karnym* (p. 112). Wrocław: Materiały Wrocławskiego Seminarium Karnoprocesowego.
29. Szadok-Bratuń, A. (2018). *Przegląd Prawa i Administracji*. Wrocław, 242 et seq.
30. Szmyd, J. (2000). *Bezpieczeństwo jako wartość. Refleksja aksjologiczna*. Kraków: PSB, 46.
31. Szyszkowska, M. (2000). *Zarys filozofii prawa*. Białystok, 256-266.
32. Szyszkowska, M. (2004). *Zarysy europejskiej filozofii prawa*. Białystok: Temida 2, 52 et seq.
33. Tatarkiewicz, W. (2003). *Historia filozofii*. Warszawa: PWN, 15.
34. Tischner, J. (1982). *Myślenie według wartości*. Kraków: Znak, 48.
35. Waltoś, S. (1978). *Proces karny. Zarys systemu*. Warszawa, 206.
36. Witwicki, W. (1998). *Państwo; Prawa (VII ksiąg)*. Kęty, 188 et seq.
37. Woroniecki, J. (2013). *Katolicka etyka wychowawcza, t. 1*. Lublin, 290-291.