Prof. Tadeusz Zembrzuski, LL.D. Hab.,[*]
Full Professor,
Faculty of Law and Administration,
University of Warsaw,
Republic of Poland

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PARTICIPATION OF NON-GOVERNMENTAL ORGANISATIONS (NGOS) IN COURT DISPUTES IN POLAND

Abstract: *Pursuant to Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature in Rome on November 4th 1950, everyone has the right to the freedom of peaceful assembly, and freedom of association for the protection of their interests. Judicial proceedings are much more than implements designed to resolve bilaterial disputes arising from private law; they also apply to circumstances wherein societal and public interests are of major importance. The ever-changing systemic, political, social and economic realities are conducive to a search for answers to the question concerning the justifiability and scope of non-governmental organisations (NGOs) joining judicial civil law proceedings. The above applies i.a. to foundations and associations, non-profit entities operating with intent to protect shared interests of associating organisations. According to Article 8 of the Polish Code of Civil Procedure, non-governmental organisations may initiate or join pending proceedings with intent to protect civic rights and in cases specified under the law (e.g. in environmental protection, consumer protection or industrial property protection cases). In some cases, these entities may also act as attorneys (plenipotentiaries) ad litem. Even if not joining judicial proceedings outright, non-governmental organisations can be authorised to submit opinions essential to cases at hand. The process of seeking an optimum model for direct third party participation in proceedings designed to resolve social conflicts must tie in with the adopted judicial process model. It should further account for the role and importance of the principle of availability (disposition), which may be interpreted and assessed differently in individual countries. The need to interfere with individual autonomy in order to protect the "public good" will have to be identified and considered.*

[*] zembrzuski@wpia.uw.edu.pl, www.zembrzuski.eu, ORCID ID 0000-0001-8239-6827.

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1. Introduction

Pursuant to Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)[1] everyone has the right to the freedom of peaceful assembly, and freedom of association for the protection of their interests. The two rights are interrelated in terms of functionality and substance alike, allowing authorised entities to join forces with others with intent to engage in activities designed to deliver shared goals. Legal protection of shared interests exists only if legal provisions warrant specific safeguarding measures while recognising them (Kulski, 2017: 77). Both threats and violations to interests of legal value can pave the path to their multifaceted protection.

The more developed the concepts of individual states with regard to discerning direct individual interests, indirect individual interests, group interests, and collective interests, the more frequent the questions concerning the advisability of creating and/or extending the powers of special categories of actors eligible for special *locus standi* in terms of safeguarding the interests of specific collectivities. It goes without saying that collective interest protection cases are special in nature as safeguarding measures for certain abstract interests forming part of public interest. A worldwide tendency involving the strengthening of instruments for the protection of collective interests has evolved, as exemplified by the regulation of proceedings designed to protect interests beyond the individual: the so-called *organisation group action.*[2]

Potentially diverse in subject-related terms, the judicial proceedings (or litigation) facet serves the purposes of exercising collective interests and objectives. The most frequent parties to proceedings are subjects in relationships governed by a particular body of law (substantive law) (Gajda-Roszczynialska, 2015: 356). That said, such procedural capacity can be assumed by subjects who, while not right holders in themselves, are authorised to assert claims on behalf of and to the benefit of others (Gajda-Roszczynialska, 2018:

[1] The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), drafted in Rome on 4th November 1950, *Journal of Laws* 1993 No. 61, item 284.

[2] Symptoms include European Union member states having implemented Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (*Official Journal of the EU* L 409, p. 1).

178). Such subjective dualism is due to the fact that contemporary judicial proceedings, by no means limited to resolving bilateral disputes arising under private law, may also concern complex subjective relationships and situations wherein the social and public interest is particularly significant; the said interest is defined as the general interest of society as a whole or as the interest of multiple non-individualised entities, seen collectively as a single entity (Gajda-Roszczynialska, 2015: 366).

Non-governmental organisations (NGOs) assemble citizens with a focus on societal, cultural or economic matters. Such entities are formed and operate on social initiative rather than as a result of any governing act by public administration bodies. They organise public space, contributing to the civic society building process and forming so-called social safety nets for the socially marginalised, the vulnerable, and individuals in need of assistance (Rybczyńska, Płoska-Pecio, 2005: 99). The need for such assistance and support becomes particularly essential in the world of judicial proceedings (Zembrzuski, 2016: 843). The ever-changing systemic, political, social and economic realities are conducive to analyses and a search for answers to the question concerning the justifiability and scope of non-governmental organisations joining judicial civil law proceedings,[3] not least because the non-governmental organisation participation matter has been resolved by European states in diverse ways. The so-called third sector participation varies – from the rather broad (France, Italy, Spain) to the rather narrow participation (Germany, Austria). In Polish procedural law, NGO litigation-related activities have been linked to citizen rights protection.

2. The non-governmental organisation concept in Polish procedural law

The term *"non-governmental organisation"* is present in international legislation[4] and domestic legal orders alike: English: *non-governmental organisation* or NGO; German: *Nichtregierungsorganisation* or NRO; French: *organisation non gouvernementale*, or ONG. While the Constitution of the Republic of Poland[5] does not reference the *"non-governmental organisation"* or *"soci-*

[3] Non-governmental organisations operating in Poland have been awarded a broad set of competencies in administrative and judicial-and-administrative proceedings as well.

[4] E.g. Article 71 of the UN Charter, Statute of the International Court of Justice, and resolutions establishing the Preparatory Committee of the United Nations of 26th June 1945 (*Journal of Laws* 1947 No. 23, item 90).

[5] The Constitution of the Republic of Poland of April 2nd 1997 (*Journal of Laws* 1997 No. 78, item 483).

etal organisation" concept, it does provide for the freedom of establishing and operating trade unions, societal and industry-specific farmer organisations, associations, civic movements, other voluntary societies, and foundations (Article 12). The term *"non-governmental organisation"* is mentioned in a number of statutory-level legal acts, including the Public Benefit Activity and Volunteer Work Act of April 24th 2003.[6] Pursuant to Article 3 clause 2 of this Act, non-governmental organisations shall be defined as not-for-profit legal entities or unincorporated organisational units awarded legal capacity under separate legislation, including foundations and associations.[7] Consequently, the assumption of separating statutory responsibilities of such entities from business operations is of paramount importance therein (Misiuk, 1972: 33). To be precise, while the fundamental purpose (or mission) of such organisation cannot involve business operations, the circumstance of such an organisation engaging in business operations as a sideline, any related income allocated to the delivery of main statutory activities, shall not be considered a disqualifying factor (Gajda-Roszczynialska, 2011: 257; Uliasz, 2011: 302).

Non-governmental organisations come together on permanent and voluntary grounds, forming permanent organisational bonds[8] and making individual efforts to deliver particular purposes. Consequently, the arrangement involves groups with a relatively stable composition and structure rather than random communities of individuals. It is all about a democratic internal structure wherein the highest position is held by general membership, all organs subordinated thereto, whether directly or indirectly (Maciejewska-Szałas, 2017: 122). The aforesaid applies to entities forming no part of state agencies, and not listed in any private law companies catalogue. Referred to as the third-sector, non-governmental organisations are thus positioned beyond public administration structures and the strictly for-profit entities' category.

The mechanism of defining and developing types of entities societal in nature in terms of their participation in judicial proceedings has been evolving in Poland. Attempts at ideologising NGO participation in judicial proceedings, formerly referred to as *"social organisations of the working class"* in

[6] Public Benefit Activity and Volunteer Work Act of April 24th 2003, Uniform text: *Journal of Laws* 2024, item 1491, as amended.

[7] It excludes public finance sector units, business entities, research institutes, banks, and commercial companies with state-owned or local government-owned legal entities.

[8] Said bond occasionally has no corporate structure, as exemplified by foundations. See the Supreme Administrative Court resolution of December 12th 2005, Ref. No. II OPS 4/05, LEX No. 167966.

so-called socialist process times of the second half of the 20th century[9] (Misiuk, 1966: 17), are a thing of the past. In procedural terms, major change was brought by the Code of Civil Procedure Act of 16th September 2011,[10] which replaced the *"social organisation"* concept with a more contemporary *"non-governmental organisation"* term in the Code of Civil Procedure, shedding new light on the institution in question (Kościółek, 2012: 1135). Defining such entities as social activists or structures akin to rule of law sentries is not only outdated but also misguided. Perceiving non-governmental organisations as *"auxiliary"* to a specific party (Uliasz, 2011: 297) seems advisable as allowing an optimum measure of cataloguing entities designed to intervene in judicial proceedings. Classifying organisational units as non-governmental organisations should in each case depend on their flagship statutory objectives.

The conceptual range of *"non-governmental organisations"* in Polish law is extensive (Gronkiewicz, 2012: 35), spanning diverse entities: political and occupational as well as sport-focused or scientific. In line with common practices, one ought to ascertain that associations[11] or foundations[12] are the most frequent litigation participants. Consumer organisations,[13] chambers of commerce established to represent interests of associated businesses,[14] as well as societal and industry-specific farmer organisations[15] are of significance. Under certain circumstances, capital companies may be considered non-governmental organisations as well (Wójtowicz-Dawid, 2011: 335). Be that as it may, allowing an organisation to join judicial proceedings does not depend on whether that entity's place of business has been registered on Polish territory. Foreign entities with judicial capacity and meeting all statutory requirements may appear before Polish courts of law in the role analysed herein.

[9] The term was eliminated pursuant to the Code of Civil Procedure Amending Law of 13th July 1990 (*Journal of Laws* 1990 No. 55, item 318).

[10] The Act of 16th September 2011 amending the Code of Civil Procedure and selected other laws (*Journal of Laws* 2011 No. 233, item 1469).

[11] Operating pursuant to the Associations Act of 7th April 1989 (uniform text: *Journal of Laws* 2020 item 2261, as amended).

[12] Operating pursuant to the Foundations Act of 6th April 1984 (uniform text: *Journal of Laws* 2023 item 166, as amended).

[13] Operating pursuant to the Competition and Consumer Protection Act of February 16th 2007 (uniform text: *Journal of Laws* 2024 item 1616, as amended).

[14] Operating pursuant to the Chambers of Commerce Act of May 30th 1989 (uniform text: *Journal of Laws* 2019 item 579, as amended)

[15] Operating pursuant to the Societal and Industry-specific Farmer Organisations Act of February 20th 2024 (uniform text: *Journal of Laws* 2024 item 263, as amended).

3. Premises for a non-governmental organisation joining judicial proceedings

Subject-, object- and purpose-related premises most frequently determine the feasibility of NGOs exercising their rights as parties to judicial proceedings. Multiple legal orders drawing on assorted traditions and considerations have recognised that special circumstances ought to justify the act of overruling the principle of disposition, due to the nature of safeguarded interests. They may be reflected in the object-related aspect (in view of the civil law case category) or subject-related aspect (in view of the subjects awarded special protection).

Protecting citizen rights remains the fundamental premise for joining judicial proceedings in Poland, the aspect taking on special significance from the public interest perspective. The point of reference extends beyond the interest of a given citizen into safeguarding broadly defined public and social interests. In consequence, inaction by an authorised entity may be seen as a violation of the interest of the general public (Kościółek, 2012: 1137).

The court with jurisdiction to hear the case shall be competent to assess the presence of a link between the case wherein an organisation intends to take action to protect citizen rights and that organisation's statutory activities. Thus directed, protection becomes the goal of procedural activities for non-governmental organisations who shall take action *ad casu* to protect the interests of specific individuals rather than abstract entities. As a result, the matter at hand involves the safeguarding of individual subjectivity-related rights of specific persons, parties usually referred to as *"vulnerable"*, and thus expecting specific support under circumstances where independent redress is hindered by difficulties and constraints of factual or legal nature.

Non-governmental organisations taking procedural action to support citizens promotes access to the judiciary, and exercising the right to fair trial. That said, activities of NGOs engaging in the protection of the subjective rights of others must be limited by definition, and cannot interfere with the will of the person to whose benefit said action is taken. It goes without saying that the party in question (in the substantive sense of the term) ought to be able to decide whether they wish a particular NGO to provide assistance in pending proceedings (Uliasz, 2011: 298). Subsidiary participation of non-governmental organisations in legal proceedings ties in with the imperative of securing consent for said organisations to initiate or join proceedings by the party with material interest in the final ruling.[16] The non-

[16] The requirement to secure consent was introduced in 2011.

governmental organisation ought to attach the aforesaid consent to the first pleading filed in the case. Failing to meet the requirement shall result in the non-governmental organisation being summoned to eliminate the shortcoming on pain of the pleading being returned (Jagieła, 2014: 42). Circumstances of the missing respective consent having been discovered after the case had been set in motion would have to entail an ascertainment of the non-governmental organisation's *locus standi* absence, in which case the suit would have to be dismissed.

The ponderings herein allow a conclusion that the court hearing the case shall be responsible for verifying *ad casu* whether the non-governmental organisation is authorised to join judicial proceedings in view of its statutory activities, the type of case being heard, and consent of the person concerned.

4. Forms of non-governmental organisations' participation in civil law cases

Article 8 of the Polish Code of Civil Procedure (hereinafter: the CCP)[17] is general in nature, constituting a universal competence foundation[18] for non-governmental organisations to take action in judicial proceedings. Pursuant to the aforesaid provision, non-governmental organisations can initiate proceedings or join pending proceedings with intent to protect citizen rights, in cases specified by law. That said, the law does not allow non-governmental organisations to take action against all parties to legal relationships.[19] The Polish procedural law system does not provide grounds for recognising non-governmental organisations' participation in civil law proceedings as a fundamental principle thereof.

The capacity for initiating proceedings or joining pending proceedings is considered to be part of essential procedural rights extended to NGOs. Under such circumstances, an organisation will not appear as a party to a legal relationship or subject of the body of law pertinent to the given procedure; it will simply provide assistance to another entity, the actual party to a legal relationship or subject of law (Franusz, 2015:88). The organisation shall engage in an independent assessment of the need and justifiability of initiating or joining judicial civil law proceedings on behalf of a specific individual, the decision not subject to court review.

[17] Code of Civil Procedure Act of 11th November 1964 (uniform text: *Journal of Laws* 2024 item 1568, as amended), hereinafter referred to as *"the CCP"*.

[18] Non-governmental organisations' competencies have been specified in Article 61 *et seq.* of the CCP.

[19] Such capacity has been awarded to prosecutors only.

The legal status of a non-governmental organisation bringing an action on behalf of an individual – exercising the most far-reaching form of participation in civil proceedings – is basically identical to that of a public prosecutor, the organisation thus enjoying a powerful procedural position by appearing as a party to proceedings.[20] On the other hand, should a non-governmental organisation join pending proceedings, its position in relation to any party to proceedings is that of an ancillary intervener, an entity appearing alongside that party as an auxiliary (Studzińska, 2019: 249). In case of the latter, the non-governmental organisation's procedural capacity is limited to providing assistance to the entity the organisation has joined. Procedural action taken by a non-governmental organisation is, in principle, effective with regard to the party the organisation has joined and is taking action for. That said, such action cannot contradict action or statements by said party.

In practice, while non-governmental organisations usually participate in pending proceedings for the plaintiff, appearing for the defendant is by no means excluded. In either case, a non-governmental organisation can take procedural action only to the benefit of the entity it has joined proceedings for. The organisation cannot take action in support of the other party, not even in the name of public interest safeguarding-related reasons.

The two fundamental forms of participation (bringing in action and joining pending proceedings) apart, Polish procedural law provides for two other options (Maciejewska-Szałas, 2017: 121). While not necessarily participating in proceedings, non-governmental organisations are authorised to express opinions of material importance to the case, either through a respective resolution or a statement by an organisation's governing body (Article 63 of the CCP). The organisation may take such action on its own initiative, or be summoned by the court in writing to present their position (Piekarski, 1967: 755). While an opinion submitted in writing shall not be made part of evaluation of evidence (it is not tantamount to expert evidence), it will be included in the body of procedural materials collected for the case (Pietraszewski, 2011: 35). The court can also request a non-governmental organisation's governing body who had submitted an opinion to provide further clarification, either (similarly) in writing or by serving a subpoena.

A non-governmental organisation does not become party to proceedings simply by having expressed an opinion; it does not join or be associated with any of the parties. The organisation does not gain the right to join subsequent court hearings; pleadings shall not be served to it. The matter at hand

[20] The CCP Act requires that provisions regarding the prosecutor, whom procedural law considers a rule of law and public interest advocate, be applied *"as appropriate"*.

involves an indirect form of non-governmental organisation's participation in court proceedings, the construct somewhat similar to the Anglo-Saxon institution of the so-called friend of the court (*amicus curiae*). An organisation submitting a case-related opinion is referred to as a *"social expert"* (Misiuk, 1985: 27). Reaching for such a measure is justified in precedent-setting cases complex in nature, especially when the ruling concerns the legal circumstances of multiple entities, and involves public interest protection.

The fourth and final form of non-governmental organisations participating in civil law proceedings involves them appearing in attorney *ad litem* capacity (in selected cases). The solution is limited to a strictly enumerated catalogue, notably including cases to establish or rebut paternity and ascertain child support claims (Article 87 §3), agricultural farm operation (Article 87 §4) or consumer rights protection cases (Article 87 §5), and cases concerning industrial property protection for inventive design authors (Article 87 §5 of the CCP). That said, the non-governmental organisation will not be taking action itself,[21] instead, an attorney *ad litem* appointed by the organisation can stand in for the party.

The presentation of forms of non-governmental organisations participating in civil law proceedings ought to conclude with a statement that Polish procedural law has bestowed upon them a capacity associated with out-of-court mediation-based dispute settlement. Organisations can hold permanent mediator lists, or establish mediation centres (Article 1832 §3 of the CCP).

5. Catalogue of civil law proceedings joined by non-governmental organisations

Non-governmental organisations participating in civil law proceedings have a long-standing tradition in Polish procedural law. On the one hand, its scope as regards the safeguarding of interests extending beyond the individual ought to be *de lege lata* recognised as relatively narrow (Misiuk, 1985: 197), notwithstanding the changes introduced thereto over the years. On the other hand, mass legal relationship development has admittedly resulted in a growth of NGO competencies with regard to cases associated with general (public) and collective interest.[22]

Firstly, a non-governmental organisation can only join cases aligned with its

[21] The Supreme Court ruling of 6th March 2019, Ref. No. I CZ 17/19, *Lex No.* 26298884.

[22] Non-governmental organisations enjoy particular *locus standi* in the field of collective interests pursuant to Article 4 clause 3 of the Class Action Act of 17th December 2009 (uniform text: *Journal of Laws* 2024, item 1485, as amended).

statutory activities. The nature of the case examined will thus be required to correspond with the scope of the given organisation's statutory activities. Secondly, the catalogue of cases (Article 61 §1 of the CCP) allowing for non-governmental organisation participation is restricted. NGOs may bring an action or join pending proceedings in cases regarding the following: 1) child support; 2) environmental protection; 3) consumer protection; 4) industrial property rights protection; 5) equal rights protection; and preventing discrimination through unfounded differentiation of civic rights and/or responsibilities, whether directly or indirectly. The Code of Civil Procedure does not include definitions of such cases or grounds for their formulating, their clarification requiring an intricate analysis of many other acts of law (Jagieła, 2014: 22).

For the purposes of this paper, it is notable that non-governmental organisations in Poland are authorised to take action in broadly defined child support cases, i.e. all cases for claims to secure sustenance and child raising funds, notwithstanding the legal basis, title or form of redress. Environmental protection cases are defined as cases serving the purpose of preserving or restoring the natural equilibrium by preventing or combatting adverse environmental impact factors causing destruction, damage, contamination, and/or change to physical properties and/or qualities of the natural environment, and/or by removing outcomes of harmful environmental changes. Consumer protection cases include diverse forms of safeguarding consumer rights (interests) breached or threatened as a result of legal action taken in collaboration with professionals (businesses), in the context of entering into agreements in particular. Industrial property rights protection cases include pecuniary or non-pecuniary redress for threat to or infringement of industrial property rights, i.e. rights associated with inventions, utility models and/or industrial designs, trademarks, geographical indications, and integrated circuit topography.[23] The last category includes labour law disputes (Zembrzuski, 2023: 425) involving violations to employment-related discrimination i.a. for reasons of age, gender, disability, race, religion, nationality, political views, trade union affiliation, ethnic origin, creed, and/or sexual orientation; and issues of definite or indefinite duration employment contracts, or full-time vs. part-time employment. In view of so-called specific norms, particular non-governmental organisations may join any stage of proceedings for legal incapacitation (Article 546 §3 of the CCP).[24] Such

[23] It also refers to other rights indicated in the Industrial Property Act of 30th June 2000 (uniform text: *Journal of Laws* 2023, item 1170, as amended).

[24] Works are in progress on Polish legislation, with intent to eliminate the incapacitation institution and replace it with diverse forms of supporting individuals requiring legal protection.

organisations are also authorised to file motions with a guardianship court for a guardian to be appointed for a person with disabilities (Article 600 §1 of the CCP).

The afore-described state of affairs may undergo dramatic change in Poland in the wake of an upsurge in non-governmental organisations joining judicial disputes involving SLAPPs (Strategic Lawsuits Against Public Participation), strategic lawsuits aimed at suppressing public debate, designed to trigger a chilling effect and intimidate individuals and entities speaking out on socially relevant issues. The imminent need to implement Directive (EU) 2024/1069 of the European Parliament and of the Council of April 11th 2024 will entail an imperative of equipping associations, organisations, trade unions and other entities with legitimate interest in protecting and/or promoting the rights of those involved in public debate with the capacity to offer support to SLAPP defendants (Tomczyk, 2025:21). Coincidentally, it may well be expected that discussions on how to optimise the scope of non-governmental organisations' participation in civil law proceedings will assume further reconstruction of respective procedural solutions.

6. In closing

Polish procedural law provides for forms of direct and indirect non-governmental organisations' participation in judicial proceedings, ostensibly an attractive and effective procedural instrument, and a perfect fit for the postulate to protect individual and more widespread interests. That said, legal norms regarding the NGO participation do not fully reflect current societal needs (Uliasz, 2011: 299), having taken on a somewhat limited *"citizen rights advocate"* role. Practice has divulged the imperfection of mechanisms which are often instituted as paper law only. While the degree of non-governmental organisation involvement in civil law proceedings designed to safeguard citizen rights before Polish courts has evolved over the years, the scale of NGO activity scale continues to seem insufficient. This ought to encourage reflection serving the purpose of overall solution improvement, not least by analysing mechanisms reached for by other legal orders.

The quest for an optimum model of direct third party participation in proceedings to resolve social conflict shall tie in with the adopted judicial process model. It should also account for the role and significance of the principle of disposition, which may be interpreted and assessed differently in individual countries (Flejszar, 2016: 351). Overruling the disposition principle by bestowing a specific capacity upon entities other than authorised under substantive law ought to be admissible exclusively within a scope jus-

tified by public order preservation-related reasons, or essential to the safeguarding of direct individual interests, indirect individual interests, group interests, and collective interests (Gajda-Roszczynialska, 2015: 364). The procedural capacity of non-governmental organisations should at all times be limited to providing assistance to a given party in terms of securing a favourable judicial ruling, whereas the party with material interest in the outcome of respective proceedings should have ultimate influence over their course.

Rebuilding procedural capacity extended to non-governmental organisations will require the need to interfere with the autonomy of an individual to the paramount goal of protecting the *"public interest"* to be specified and recognised, tying in with the necessity to take significant individual and societal interests into account (Banasik, 2012: 16). Developing solutions ensuring that wider societal groups and NGOs themselves will take greater interest in effective non-governmental organisations' participation seems to be of key importance. Regardless of ultimate decisions, solutions with the capacity to accommodate a view showcased in literature (that NGOs taking part in civil law proceedings should play a prominent role) ought to be favoured (Misiuk, 1985: 210).

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Legal documents and judicial practice

The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

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Dr Tadeusz Zembrzuski,
Редовни професор,
Факултет права и администрације,
Универзитет у Варшави,
Република Пољска

УЧЕШЋЕ НЕВЛАДИНИХ ОРГАНИЗАЦИЈА (НВО) У СУДСКИМ СПОРОВИМА У ПОЉСКОЈ

Резиме

У складу са чланом 11. Европске конвенције за заштиту људских права и основних слобода (1950), свако има право на мирно окупљање и слободу удруживања ради заштите својих интереса. Судски поступци представљају много више од инструмента за решавање билатералних спорова који произилазе из приватноправних односа, јер се поступци покрећу и у околностима када се ради о друштвеним и јавним интересима од изузетне важности. Променљиве системске, политичке, друштвене и економске околности прикладан су терен за преиспитивање оправданости и обима укључивања невладиних организација (НВО) у парнични поступак, као и непрофитних удружења и фондација које штите заједничке интересе удружених субјеката.

Према члану 8. Законика о грађанском поступку Републике Пољске, невладина организација може покренути или се придружити парничном поступку који је у току, у циљу заштите грађанских права у случајевима који су прописани законом (нпр. заштите животне средине, заштите потрошача, или заштите индустријске својине). У неким случајевима, ови субјекти могу деловати и као адвокати (пуномоћници) ad litem. Уколико нису директно укључене у судски поступак, невладине организације, такође, могу бити овлашћене да дају мишљења која су битна за предмет спора. Потрага за оптималним моделом директног учешћа трећих лица у судским поступцима за решавање друштвених сукоба мора бити повезана се већ усвојеним моделом судског поступка. У том процесу, требало би, такође, узети у обзир улогу и значај принципа доступности (расположивости), који може бити предмет различитих тумачења и слободне судске процене у разним земљама. Такође се мора идентификовати и размотрити потреба за мешањем у индивидуалну аутономију ради заштите „јавног добра".

Кључне речи: *јавни интерес, судски поступак, модел учешћа трећих лица у судским поступцима, невладине организације (НВО).*