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MECHANISMS FOR APPOINTING AND DISMISSING COURT PRESIDENTS IN POLAND – THE MINISTERIAL MODEL OF JUDICIAL ADMINISTRATION

Introduction

The aim of the article is to provide a detailed discussion of the mechanisms for appointing and dismissing court presidents and vice-presidents in Poland's common courts, in light of recent events involving the mass replacement of individuals holding these positions. The impetus for writing this article arose from recent cases of excessive dismissals of court presidents and vice-presidents by the Minister of Justice[1], which have sparked a wide debate about the influence of the executive branch on the judiciary.

The article seeks to analyze whether the ministerial model of judicial administration[2], wherein the Minister of Justice holds extensive powers in the appointment and dismissal of court presidents, aligns with the constitutional principle of judicial independence, and to what extent it may lead to its infringement. The need to examine whether the current legal system provides sufficient guarantees for the protection of judicial independence or requires further legislative reforms has been highlighted.

The research methods employed include primarily linguistic, functional, and systemic interpretation. The linguistic interpretation focuses on the literal wording of the provisions of the Act of 27 July 2001 – Law on the Organization of Common

[1] The Minister of Justice, as the central organ of state administration, is the authority positioned at the highest level of administrative supervision over the common judiciary in Poland.

[2] See further: K. Chmielarz, *Administracja sądowa. Ministerialny model zarządzania i administrowania sądami powszechnymi*, Warszawa 2024, Legalis; L. Berthier, H. Pauliat, *Administration and management of judicial systems in Europe*, "CEPEJ Studies" 2008, No. 10, *passim*; G. Ambrasaitė-Balynienė, *Comparative analysis on the High Councils for Judiciary in the EU member states and judicial immunity*, October 2015, *passim*; P. Castillo-Ortiz, *Judicial Governance and Democracy in Europe*, "Springer Briefs in Law" 2023, *passim*.

Courts (consolidated text: Dz.U./Journal of Laws of 2024, item 334; hereinafter referred to as: LOCC) and its amendments, particularly in the context of the powers of the Minister of Justice. The functional interpretation assesses whether the practical application of these provisions supports the goal of safeguarding judicial independence. Finally, the systemic interpretation examines how the regulations concerning the appointment and dismissal of court presidents fit into the broader legal system, including constitutional principles such as the separation of powers and the independence of the judiciary.

The president of the court – scope of duties, competences, and responsibilities

As a judge of particular significance, the president of the court holds an extensive range of duties and competences. In addition to procedural obligations, the president performs an extra-judicial administrative function, which includes managerial, executive, and supervisory responsibilities. The legal position of the president of the court as a public authority (Art. 22 § 1 LOCC) indicates that, as a representative of the court, they are involved in both organizational and procedural activities (Art. 11 § LOCC), as well as in the exercise of administrative supervision (Art. 9a § 1 LOCC).

Presidents of appellate, regional, and district courts oversee administrative activities to ensure the proper internal operation of courts (Art. 8(2) LOCC), which directly relate to the courts' tasks associated with the administration of justice (Art. 1 § 2 LOCC) and legal protection (Art. 1 § 3 LOCC), as assigned by laws or binding international law applicable to the Republic of Poland, or by law enacted by an international organization. Court presidents analyze the jurisprudence within their respective courts in terms of its consistency and inform judges and judicial assessors of the results of this analysis. In the event of significant discrepancies in the jurisprudence, they inform the First President of the Supreme Court (Art. 22 § 1(2) LOCC). Additionally, they consider complaints and motions concerning the court's activities.

In accordance with § 30 point 1 of the Regulation of the Minister of Justice of 18 June 2019 – Rules of Operation for Common Courts (Journal of Laws, item 1141, as amended; hereinafter referred to as: ROCC), the president of the court, within the scope of administrative activities, performs tasks including: 1) actions related to staffing vacant positions for judges, judicial assessors, court referendaries, judicial assistants, court probation officers, and the head of the court's expert team; 2) overseeing the organization of the transfer of court files, documents, and other records to other courts in case of a change in jurisdiction; 3) cooperation with the National School of Judiciary and Public Prosecution in the area

of initial and continuous training, as well as organizing training for judges, judicial assessors, court referendaries, judicial assistants, court probation officers, court experts, and lay judges; 4) receiving visitors regarding complaints and motions related to the court's work; 5) exchanging information with the heads of organizational units of the prosecution service corresponding in rank to court presidents, particularly regarding the technical and organizational measures used to ensure the participation of the prosecutor designated as the judicial case manager in a hearing or trial; 6) ensuring that court staff comply with the principles of protection and security of court buildings; 7) determining the principles for the use of lay judges' lists by individual court divisions, ensuring their balanced participation in activities, and maintaining records of lay judges' participation in hearings; 8) cooperation with the lay judges' council; 9) providing information in response to requests made under the Public Access to Information Act; 10) acting as a data controller in accordance with data protection regulations; 11) performing tasks arising from the Homeland Defense Act; 12) performing tasks arising from the Classified Information Protection Act; 13) providing information on the status of cases being conducted in the court at the request of authorized entities; 14) supervising the quality and timeliness of the preparation of reports and other statistical documents; 15) taking actions on current matters related to the efficient functioning of the court within the scope of their competences; 16) resolving doubts regarding the principles of case assignment and the participation of adjudicators in case assignment; 17) maintaining and making available lists of permanent mediators and registers of institutions and individuals authorized to conduct mediation proceedings in criminal and juvenile cases; 18) making available lists of mediators provided by non-governmental organizations and universities; 19) organizing informational meetings, mediator on-call hours, and mediation training in cooperation with the mediation coordinator. The president of the court, in managing the administrative activities of the court and its supervision[3], also undertakes actions within the scope of

[3] However, it should be noted that the president of the court may delegate the performance of administrative activities and duties to the vice-presidents of the court or to a designated judge in a court where no vice-president has been appointed (§ 30(3) ROCC). Furthermore, § 30(4) ROCC explicitly states that upon receiving information about a judgment from the European Court of Human Rights or another international body establishing a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms or another international treaty, or about a judgment of the Court of Justice of the European Union in Luxembourg issued in a case referred by a Polish court through a preliminary ruling procedure, the president of the court shall familiarize themselves with the judgment and ensure that the adjudicators who ruled in the case where the violation occurred are also familiarized with it. If the judgment concerns a legal issue on which the case law has been inconsistent, all judges, judicial assessors, and court referendaries in the relevant division should be made aware of it. Pursuant to Art. 9a § 1 and Art. 22 § 1(1)(a) of the LOCC, the president of the court holds the authority to direct the administrative activities of the court, ensuring the proper course of internal court operations directly related to the court's

labor law (see Art. 22 § 1(1b) LOCC and Art. 67 § 1 LOCC; § 30(1)(1), (6), and (7) ROCC; and § 42(1) ROCC).

Furthermore, the president of the court may functionally act as a public administration body (subject to the jurisdiction of administrative courts) by issuing an order under Art. 130 LOCC for the temporary suspension of a judge's duties, or when performing their duties in accordance with § 30(1)(9) ROCC, announcing the decision pursuant to Art. 104 of the Act of 14 June 1960, Code of Administrative Procedure (consolidated text: Journal of Laws of 2024, item 572; hereinafter referred to as: CAP), granting or refusing to provide information in response to a request made under the Public Access to Information Act (Art. 5 § 2(3) in conjunction with Art. 1(2) CAP), and when, pursuant to Art. 164 § 2 and 3 LOCC, carrying out material and technical activities involving notifying lay judges of their selection, administering their oath, entering them on the list of lay judges, and issuing them identification cards[4]. The president of the court is also a representative of the State Treasury in accordance with Art. 10(1) and (2) of the Act of 17 June 2004, on the complaint regarding the violation of a party's right to have a case heard in preparatory proceedings conducted or supervised by the prosecutor and in judicial proceedings without undue delay (consolidated text: Journal of Laws of 2023, item 1725).

The legislator has not overlooked the issue of substituting the president of the court during their absence. The vice-president of the court substitutes for the president, and in the absence of the vice-president, a designated judge takes over. If the president of the court has not been appointed, the vice-president of the court acts as the president for a period not exceeding six months. In courts where more than one vice-president has been appointed, the vice-president with the longest service acts as the president. If no vice-president has been appointed in the court, the judge with the longest service who serves as the head of a division in that court acts as the president for a period not exceeding six months (Art. 22b LOCC).

The appointment of the president of the court

The appointment of a judge by the Minister of Justice to the position of court president pursuant to Art. 23–25 of the LOCC, in conjunction with Art. 24(3) of the Act of 4 September 1997, on Government Administration Departments (consolidated text: Journal of Laws of 2022, item 2512, and of 2023, item 2029), constitutes an

tasks as mentioned in Art. 1 § 2 and 3 LOCC. This leadership also extends to the activities of the court's departmental secretariats. Additionally, according to Art. 37b § 1(2) LOCC, the president of the court, as part of internal administrative supervision, oversees the activities of the departmental secretariat.

[4] For a more in-depth discussion on the president of the court as a public administration body subject to judicial-administrative control, as referred to in Art. 184 of the Constitution of the Republic of Poland, see: K. Chmielarz, *Administracja sądowa*…

assignment of an administrative function carried out within the framework of court administration.

Thus, according to Art. 23 § 1 of the LOCC, the Minister of Justice appoints the president of an appellate court from among the judges of the appellate court or the regional court. Under the current legal framework, after the appointment of the president of the appellate court, the Minister of Justice presents the appointee post factum to the appropriate general assembly of appellate court judges. The provision in Art. 23 § 2 of the LOCC allows the Minister of Justice to appoint the vice-president of the appellate court from among the judges of the appellate court or the regional court, upon the request of the court president. Based on the content of Art. 22b § 3 of the LOCC, the number of vice-presidents of the appellate court is determined by the Minister of Justice after consulting with the court president, taking into account the number of judicial positions in that court, the number of supervised regional and district courts, and the number of judicial, assessor, and referendary positions in those courts.

Similarly, Art. 24 § 1 of the LOCC states that the president of a regional court is appointed by the Minister of Justice from among the judges of the appellate court, regional court, or district court. After the appointment, the Minister of Justice presents the appointee to the appropriate general assembly of regional court judges. The vice-president of the regional court is appointed by the Minister of Justice from among the judges of the appellate court, regional court, or district court, upon the request of the court president.

According to Art. 26 of the LOCC, the presidents of appellate and regional courts are appointed for a term of 6 years and cannot be reappointed to the position of president or vice-president of that court before the expiration of 6 years following the end of their term. Similarly, the vice-president of the appellate court is also appointed for a term of 6 years and cannot be reappointed to the same position in that court before the expiration of 6 years following the end of their term. According to Art. 26 § 3 of the LOCC, the president of a district court is appointed for a term of 4 years, with a maximum of two consecutive terms, and cannot be reappointed to the position of president or vice-president of the district court before the expiration of 4 years following the end of their term. Similarly, the vice-president of the district court is appointed for a term of 4 years, with a maximum of two consecutive terms (Art. 26 § 4 of the LOCC).

Under the current legal provisions, the appointment of a court president is an action in which the Minister of Justice exercises discretion in appointing a judge to the position of court president, regardless of the will of the general assembly of the respective court (judicial self-government)[5]. This confirms the thesis that a ministerial model of judicial administration and management continues to function in Poland.

[5] Even if we assume that the Minister of Justice, acting in good faith, sought the opinion of the general assembly of the respective court regarding the appointment of court presidents or requested that the assembly nominate a judge or judges as candidates for the position of court president, as well

From a *de lege ferenda* perspective, it should be noted that this issue is flawed and should be addressed through regulation to ensure that the judiciary has a real influence on the appointment of court presidents and vice-presidents, making the Minister's decision binding. In particular, it would be appropriate to introduce legal mechanisms that guarantee the real and direct influence of the entire judicial community on the decision-making process in this regard, for example, through democratic elections by the entire judiciary within a given court.

The dismissal of the court president

In Art. 27 of the LOCC, which is dedicated to the dismissal of the president or vice-president of the court, the legislator outlines the powers of the Minister of Justice and the procedure for dismissal during the president's or vice-president's term of office. Analyzing the referenced legal norm, it can be stated that the grounds for the dismissal of court presidents and vice-presidents by the Minister of Justice are as follows: 1) gross or persistent failure to perform official duties, which may include a significant deterioration in the statistical performance of the court under the president's leadership or disorganized court operations due to inappropriate and unjustified personnel decisions[6]; 2) situations where continuing in the role cannot be reconciled with the interests of the administration of justice for other reasons, for example, when serving as court president constitutes a blatant abuse of power; 3) the identification of particularly low effectiveness in the execution of administrative supervision or the organization of work in the court or lower courts, for example, when there have been consecutive failures to take actions that were supposed to improve the situation in the organizational units of the court supervised by the president; 4) the submission of a resignation from the position.

The linguistic meaning of the aforementioned grounds is sufficiently clear that the limits of the Minister's authority are directly derived from the wording of the provision[7]. However, it is worth noting that terms such as "gross failure to perform

as sought the opinion of the National Council of the Judiciary on this matter, the position presented (whether positive or negative) is not binding on the Minister of Justice under the current law.

[6] Thus, gross or persistent failure to perform official duties includes situations where the Minister of Justice issues a written notice to the president or vice-president of the appellate court (Art. 37ga LOCC) and the failure to meet the deadline for submitting the annual report on the activities of the courts within the jurisdiction, by the president of the appellate court, in the scope of the tasks entrusted to them (Art. 37h § 3 LOCC), which may lead to the dismissal of the court president before the end of their term. Additionally, the president of a district court may be dismissed by the Minister of Justice in the case of gross failure to perform official duties in supervising court bailiffs operating within that court's jurisdiction (Art. 27 § 7 LOCC).

[7] The literal (linguistic) interpretation constitutes the first and most important interpretative method, as the linguistic meaning of a provision is often decisive, especially in the context of the limits of interpretation. For more on interpretation, see: T. Spyra, *Granice wykładni prawa. Znaczenie*

duties" or „the interest of the administration of justice" are indeterminate concepts that require further interpretation, which, in turn, opens the field for broad interpretation (either expansive or restrictive). Systematic interpretation plays a particularly important role when literal interpretation leads to results that conflict with systemic principles, such as the principle of judicial independence. Therefore, Art. 27 LOCC must be interpreted in the context of the principle of judicial independence and the independence of judges (Art. 173 and 178 of the Polish Constitution). The actions of the Minister of Justice must not violate these principles, which imposes certain limitations on the interpretation of the grounds for dismissing a court president or vice-president. According to the concept of rational interpretation criteria, the Minister cannot arbitrarily expand the grounds for dismissal by using indeterminate concepts in a manner that contradicts constitutional values[8]. From a systemic perspective, the role of the court's collegium and the National Council of the Judiciary is also crucial in the dismissal process, as these bodies safeguard the autonomy of the judiciary by requiring their opinions before a decision on dismissal is made.

The discussed dismissal occurs after obtaining the opinion of the relevant court's collegium, with the intention of dismissal and a written justification being presented by the Minister of Justice to the collegium for their opinion. When requesting an opinion, the Minister of Justice may suspend the president or vice-president of the court from performing their duties.

The legal status of a court president may be suspended, though such suspension is not independent or separate from the status of the executive body. The duties of a suspended court president are performed by the vice-president of the court for a period not exceeding 6 months. In a court where more than one vice-president has been appointed, the court president's duties are assumed by the vice-president with the longest service. If no vice-president has been appointed in the court, the duties of the court president are performed for a period not exceeding 6 months by the judge with the longest service who serves as the head of a division in that court. It should be noted that the application of Art. 22b § 2 LOCC in the event of the suspension of a president under Art. 27 § 3 LOCC constitutes a type of emergency procedure, ensuring the continued smooth functioning of the court. The exercise of the president's duties under Art. 22b § 2 LOCC should be interpreted

językowe tekstu prawnego jako granica wykładni, Kraków 2006, *passim*; K. Płeszka, *Wykładnia rozszerzająca*, Warszawa 2010, *passim* as well as *Wykładnia prawa. Tradycja i perspektywy*, eds. M. Hermann, S. Sykuna, Warszawa 2016, *passim*; M. Gutowski, P. Kardas, *Wykładnia i stosowanie prawa w procesie opartym na Konstytucji*, Warszawa 2017, *passim.*

[8] Through Art. 27 of the LOCC, the Minister of Justice can effectively oversee the administrative activities of court presidents and ensure the efficient management of the judiciary. However, the provision should not be interpreted in a way that could enable abuses by the executive branch. It is crucial that this provision is interpreted in a manner that protects judicial independence while also allowing for effective oversight of the activities of court presidents.

narrowly, equating it solely with the specific activities carried out by the vice-president of the court or the judge acting as the president, who functions as an organ responsible for the court's ongoing administrative activities and for exercising internal administrative supervision. Such an interpretation aligns with Art. 9a § 1, Art. 22, Art. 22a LOCC, and Art. 27 § 3 LOCC in conjunction with Art. 22b § 2 LOCC, as well as Art. 37a LOCC, thereby avoiding issues related to the functioning of court administration. This situation does not apply to participation in the appellate court collegium by the vice-president of the court or the judge acting as the court president, who, under Art. 28 § 8 LOCC, may only convene a collegium meeting. Thus, according to Art. 28 § 1 LOCC, the appellate court collegium consists of the president of the appellate court (the collegium's chair) and the presidents of regional courts within the appellate court's jurisdiction. The legislator in Art. 28 § 3 LOCC provided for the possibility of the court president's (chair's) absence from collegium meetings, indicating that the "replacement" would be the collegium member with the longest service. In this context, it is untenable to argue that an individual performing the duties of a president under Art. 22b § 2 LOCC is a member of the appellate court collegium and may actively participate in it, as this would circumvent the provisions of Art. 28 LOCC. Given this, and based on a *minori ad maius* reasoning, it must be concluded that since a collegium member, such as the court president, cannot participate in voting on an opinion regarding their potential dismissal, the judge acting "in substitution" as the president, who is not a collegium member, is even less entitled to participate in the voting[9]. According to the provisions of Art. 27 § 4 LOCC, the collegium of the relevant court expresses an opinion after hearing the president or vice-president of the court who is the subject of the proposed dismissal. The president or vice-president, in the case of their proposed dismissal, may not participate in the voting on the opinion being considered, even if they are a member of the relevant court's collegium.

A positive opinion from the collegium of the relevant court authorizes the Minister of Justice to dismiss the court's president or vice-president. However, in the case of a negative opinion from the collegium, administrative law dictates that the collegium, as a collegial body expressing its will and knowledge, should issue an appropriate resolution. This expression of will (decision) is made by resolution, adopted by a majority of votes in the presence of at least half of all members of the appellate court's collegium. In the event of a tie, the vote of the longest-serving member of the collegium is decisive. The voting is conducted by secret

[9] K. Chmielarz, *Administracja sądowa*… Moreover, a systematic and functional interpretation of the analyzed provisions leads to the conclusion that the participation of a person who is not a formal member of the collegium in voting is contrary to the purpose of the provision and violates the principles related to the correctness of the decision-making process in collegial bodies. The legality of the decision-making process depends on the strict adherence to procedural rules, which are designed to protect the rule of law and ensure procedural justice.

ballot if requested by at least one of the members present at the appellate court's collegium. The result of the vote must be procedurally recorded in the resolution, which constitutes the formal legal basis for the collegium's opinion. As a rule, the resolution is an organizational act that creates or confirms the position of the collegial body[10]. However, if one were to consider that in this case, the resolution adopted is a declaration of intent within the meaning of the Civil Code, as it is directed externally rather than internally, specifically to another entity initiating the proceedings, namely the Minister of Justice, then any defect in the resolution would be subject to judicial review. In this context, it cannot be overlooked that this would also be the subject of a complaint provided for in Art. 3 § 2 of the Act of 30 August 2002, Law on Proceedings before Administrative Courts (consolidated text: Journal of Laws of 2023, item 1634, as amended), since the resolution of an external nature issued by the court's collegium will be directed to an entity that is neither organizationally nor administratively subordinate.

Furthermore, the failure to issue an opinion (resolution) within thirty days from the date the Minister of Justice presented the intention to dismiss the president or vice-president of the court does not prevent their dismissal (Art. 27 § 5 LOCC). It should be emphasized, however, that if the collegium of the relevant court issues a negative opinion regarding the dismissal of its president or vice-president, this does not preclude the Minister of Justice from continuing the dismissal procedure. In such a situation, if the Minister does not abandon the intention to dismiss, they should submit this intention, along with a written justification, to the National Council of the Judiciary, requesting a new opinion on the matter[11]. It is important to remember that a negative opinion from the National Council of the Judiciary is binding on the Minister of Justice if the resolution on this matter was adopted by a two-thirds majority. As a result of a negative opinion from the National Council of the Judiciary, the legal status of any potential suspension of the president or vice-president from their duties is nullified. If the National Council of the Judiciary

[10] In the case of collegial bodies, such as the appellate court's collegium, a resolution serves as a formal confirmation of the majority's will, which is crucial for the validity of the decisions made. If the collegium's negative opinion were not expressed in the form of a resolution, it could raise doubts about its validity and binding force. In practice, this means that the Minister of Justice, relying on such an opinion, could face procedural challenges. A resolution, as a formal act, not only meets procedural requirements but also strengthens the legitimacy and transparency of the decision-making process.

[11] In the situation under discussion, the National Council of the Judiciary, as a constitutional body, effectively undertakes actions that suspend the administrative activities of the Minister of Justice. In this emerging context, it is appropriate to agree with J. Mrożek, who asserts that "the National Council of the Judiciary becomes an «additional» body participating in the ongoing administrative activities of the courts, ergo in activities in which judges are not independent, and courts are not autonomous". See: J. Mrożek, *Kontrola i nadzór administracyjny w sądownictwie powszechnym*, Warszawa 2022, p. 261.

does not issue an opinion within 30 days from the date of the submission of the intention to dismiss the president or vice-president of the court, the Minister of Justice may, in accordance with Art. 27 § 5a LOCC, make the decision to dismiss them, with no impact on the legal status of the court's functioning.

Similar to the appointment of court presidents, the Minister of Justice has considerable discretion due to the expanded range of circumstances under which the president or vice-president of the court can be dismissed following the 2017 reform of the common courts system, with significantly limited opportunities for the National Council of the Judiciary to issue a negative opinion (in situations where it is binding on the minister), requiring that a negative opinion on the dismissal of the president be adopted by a two-thirds majority. This situation demonstrates that the dismissal of a president or vice-president also has a significant impact on the existing ministerial model of court management and administration in Poland.

In light of this, *de lege ferenda*, it would be advisable to signal a legislative amendment aimed at introducing restrictions on the Minister of Justice's discretion in the matter of dismissing court presidents and vice-presidents[12].

In the case where the president or vice-president of a court submits their resignation from the position during their term, Art. 27 § 6 of the LOCC provides that the Minister of Justice dismisses them without seeking the opinion of the collegium. In summary, it should be noted that while the role of a court president, held by a judge, does not fall within the scope of executive actions, the lack of complete independence from the Minister of Justice prevents the assertion that a court president fulfills the conditions of an independent managerial model in the management and administration of courts[13].

Conclusion

The analysis presented in the article indicates that the ministerial model of managing common courts in Poland, in which the Minister of Justice holds broad powers in the appointment and dismissal of court presidents, poses a serious threat

[12] There are instances where the Minister of Justice dismisses court presidents or vice-presidents even in the face of a negative opinion from the court's collegium or in situations where the longest-serving judge, substituting for the court president who is not a member of the collegium, is allowed to vote in the collegium meeting. This judge, however, should not participate actively in the voting on the dismissal of the court president – see, for example, the dismissal of the president and vice-president of the appellate court in Kraków. In practice, Art. 27 LOCC should be applied with particular consideration of constitutional principles, which means that the decisions of the Minister of Justice must be based on real and well-founded grounds and should not serve as a pretext for arbitrary interference in the independence of the judiciary.

[13] K. Chmielarz, *Administracja sądowa*…

to the independence of the judiciary. Numerous situations have been revealed where the Minister acts in contravention of the letter of the law, exceeding his authority, which results in unjustified decisions regarding the dismissal of court presidents. These actions raise significant concerns regarding their compliance with the constitutional principles of judicial independence and the separation of powers.

In particular, instances have been identified where the Minister of Justice arbitrarily utilizes vague provisions concerning the "gross failure to perform duties" by court presidents, which becomes a pretext for their dismissal. By acting beyond the bounds of a literal interpretation of the law, the Minister expands the scope of his powers, while disregarding oversight mechanisms such as the opinions of the National Council of the Judiciary, especially in situations where a negative opinion from this body is not respected. Such actions result in violations of fundamental constitutional principles, including the independence of courts and the impartiality of judges.

Simultaneously, the limited role of the judicial self-government and the excessively broad powers of the Minister in matters of personnel decisions make court presidents vulnerable to political pressure, which threatens the independence of the judiciary. The current legal mechanisms do not provide sufficient safeguards against the Minister's arbitrary decisions, further exacerbating the problem.

It is proposed that urgent legislative changes be introduced to limit the Minister of Justice's discretion in the appointment and dismissal of court presidents. Strengthening the role of the National Council of the Judiciary and more precise definition of the grounds for dismissing court presidents are essential to restoring the balance between the executive and judicial branches and ensuring the full independence of the judiciary.

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Summary

The article analyzes the role of court presidents in the Polish legal system, highlighting their dual function as both judges and administrative authorities responsible for court management. It raises concerns about the impact of the ministerial model, where the Minister of Justice has significant discretion in appointing and dismissing court presidents, potentially compromising judicial independence. The analysis suggests that the limited role of judicial self-government in these processes weakens the position of judges and calls for legislative changes to enhance judicial independence. Strengthening the role of the National Council of the Judiciary and introducing stricter criteria for dismissals are recommended to safeguard the rule of law.

Keywords: judicial administration, president of the court, vice-president of the court, Minister of Justice

MECHANIZMY POWOŁYWANIA I ODWOŁYWANIA PREZESÓW SĄDÓW W POLSCE – MINISTERIALNY MODEL ZARZĄDZANIA WYMIAREM SPRAWIEDLIWOŚCI

Streszczenie

Artykuł analizuje rolę prezesów sądów w polskim systemie prawnym, podkreślając ich podwójną funkcję jako sędziów i organów administracyjnych odpowiedzialnych za zarządzanie sądami. Zwraca uwagę na obawy związane z ministerialnym modelem, w którym Minister Sprawiedliwości ma znaczną swobodę w powoływaniu i odwoływaniu prezesów sądów, co może zagrażać niezależności sądów. Analiza sugeruje, że ograniczona rola samorządu sędziowskiego w tych procesach osłabia pozycję sędziów, i wskazuje konieczność zmian legislacyjnych w celu wzmocnienia niezależności sądownictwa. Zaleca się wzmocnienie roli Krajowej Rady Sądownictwa i wprowadzenie bardziej rygorystycznych kryteriów odwoływania, aby lepiej chronić praworządność.

Słowa kluczowe: administracja sądowa, prezes sądu, wiceprezes sądu, Minister Sprawiedliwości