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DELEGALIZATION OF POLITICAL PARTIES IN THE LIGHT OF THE CONSTITUTION OF THE REPUBLIC OF POLAND

ABSTRACT

The aim of this article is to present the constitutional provisions within the Polish legal system relating to political parties and to outline the constitutional prohibitions applicable to specific categories of political parties, as well as the legal framework and procedures governing their dissolution and removal from the register of political parties. The authors will try to answer the question of whether certain political parties can and should be banned in a democracy. The authors emphasize that political parties are an indispensable element of a democratic system, and political pluralism – guaranteed by Article 11 of the Polish Constitution – is the foundation of a free political system. The authors conclude that pluralism is not unlimited, however, and its implementation may be subject to restrictions – specifically those set out in Article 13 of the Constitution.

KEYWORDS: *political party, political pluralism, delegalization, law on political parties, democracy, militant democracy*

INTRODUCTION

A political party may be defined as a specialised social organisation possessing a distinct programme, which constitutes the basis for gaining broad social support and, consequently, for acquiring and exercising power within the political system (Chmaj, Sokół, Żmigrodzki, 1997, p. 15). This synthetic concept encompasses the fundamental elements that determine the essence of a political party (Żebrowski, 2007, pp. 14–15). As social organisations, political parties are characterised by several core features: they are voluntary associations, operate on the basis of membership, and function according to formalised statutes regulating their structure, internal organs, and the rights and duties of members. In public life, they act as an important social factor, while representatives of victorious parties form part of the parliamentary body, becoming elements of national representation.

Political parties are also distinguished by a specific programme of action rooted in defined ideological assumptions. Although parties often declare affiliation with historically shaped political movements, they may also formulate independent, unconventional, or even controversial objectives. The functioning of political parties constitutes an essential element of the democratic system. Given the limited practical applicability of direct democracy in contemporary

states, democratic governance relies primarily on representative mechanisms, whereby the people exercise their sovereignty indirectly through elected representatives. This relationship of political representation between the electorate and parliament is an inherent feature of a democratic state (Niesporek, 2025).

THE ESSENCE OF POLITICAL PARTIES

Although political parties emerged relatively late, in the nineteenth century, they have come to exert a decisive influence on modern democratic systems. Today, they are among the most powerful political institutions, capable of shaping the stability, durability, and transformation of political orders. Their role in a democratic society is multidimensional: political parties articulate citizens' interests, act as instruments of political representation, and serve as channels of communication between society and the state. At the same time, they remain a persistent source of political controversy.

In the Polish legal order, the status of political parties is regulated primarily by the Constitution of the Republic of Poland and the Act of 27 June 1997 on Political Parties. The latter provides a statutory definition of a political party as a voluntary organisation operating under a specific name, whose aim is to participate in public life by influencing state policy or the exercise of public authority through democratic means (Art. 1 of the Act on Political Parties).

The freedom to establish political parties is guaranteed at the constitutional level and, in the European context, derives from Article 11 of the European Convention on Human Rights. While Polish constitutional law treats this freedom as distinct from the freedom of assembly, the European Court of Human Rights consistently recognises political parties as associations within the meaning of the Convention, interpreting freedom of association in close connection with freedom of expression (Art. 10 ECHR) and the right to free and fair elections (Art. 3 of Protocol No. 1). The European Court of Human Rights (ECHR) treats political parties as a special kind of association, and protects their activities under Article 11 of the European Convention on Human Rights (ECHR), which guarantees freedom of assembly and association. Article 11 of the ECHR only talks about trade unions, but the Strasbourg Court has made it pretty clear that political parties should be treated the same (or even more strictly)

because of their role in a democratic society. The court case was called United Communist Party of Turkey and Others v. Turkey and the judgment was given on 30 January 1998 by the Grand Chamber. Application No. 19392/92. The court case of Sidiropoulos and Others v. Greece (decided on 10 July 1998 by the Chamber). Application No. 26695/95. The Welfare Party (Refah Partisi) and Others v. Turkey (Grand Chamber judgment of 13 February 2003). Just to let you know, here are the reference numbers for the joined applications: 41340/98, 41342/98, 41343/98 and 41344/98.

The inclusion of provisions on political parties in Chapter I of the Polish Constitution reflects their systemic significance. The legislator emphasised their role as a qualified form of civic association, directly co-shaping the political system of the state. Consequently, political parties are treated as institutions of the political system, while the Constitution simultaneously guarantees the freedom of association of citizens, subject to constitutional and statutory limits and judicial oversight (Art. 58 of the Constitution).

POLITICAL PLURALISM

The constitutional principle of political pluralism is established in Article 11 of the Constitution and must be interpreted in conjunction with other fundamental principles, including the sovereignty of the people (Art. 4), the democratic state governed by the rule of law (Art. 2), and the common good (Art. 1). Diversity constitutes the essence of a democratic party system; therefore, the freedom to establish and operate political parties applies equally to mainstream parties and those described as radical or extreme. A democratic state governed by the rule of law must also allow space for radical parties, provided they operate within the legal framework, as democratic society is based on the freedom of participation of actors situated at the margins of political life.

Political parties play a central role in politically organising society by mediating between citizens and public authorities, particularly through participation in elections and the formation of representative bodies. This direct involvement in the exercise of public power distinguishes political parties from other forms of civic associations. Political pluralism further implies that no single party may appropriate the democratic rule of law, and

that governing parties are obliged to respect the rights of the opposition. Consequently, the principle prohibits unjustified restrictions on party activity, institutional one-partyism, discrimination based on party programmes, and the granting of preferential treatment. Democratic institutions and procedures must therefore ensure equal rights and opportunities for all political parties.

THE LIMITS OF PARTY-POLITICAL PLURALISM

The limits of the political pluralism enshrined in Article 11 of the Constitution are defined at programmatic and pragmatic levels by Article 13. The latter defines an antithesis to political parties (Constitutional Tribunal of Poland, Pp 1/99, 8 March 2000). Specifically, it is prohibited to organise activities that refer, either explicitly or implicitly, to the totalitarian methods and practices of Nazism, fascism, or communism. Furthermore, it is forbidden to hold any activities whose programme presupposes or condones racial and national hatred, violence or secrecy in structures or membership. This provision serves to complement and give concrete meaning to the principle set out in Article 58(2) of the Constitution. It establishes that associations whose purpose or activities contravene the Constitution or laws relating to associations – including political parties – shall be prohibited.

Political parties that espouse extremist ideologies such as Nazism, communism, racism, fascism or chauvinism, or that prioritise secrecy in their structures or membership, are incompatible with the principles of a democratic system of governance. Such entities should not be permitted to operate within the political landscape (Art. 13 of the Constitution). A political party must function in accordance with democratic principles, which dictate its internal structure (Art. 8 of the Act on Political Parties). In Polish legal and political science, the term *chauvinism* (mentioned in Article 13 of the Constitution, in the phrase *ethnic, racial, and political hatred*) usually refers to a form of nationalism that is extreme and uncritical. It means thinking your own country is better than others and being openly rude or insulting about other countries. But if we think about the English word *chauvinism* (for example, *male chauvinism*), the idea becomes bigger. It includes any strong belief that your own group is better than other groups (based on gender, social class, or religion).

Article 13 of the Constitution of the Republic of Poland says that political parties are not allowed if they support the totalitarian methods and practices of Nazism, fascism, and communism. The same goes for political parties that support racial and national hatred, using violence to take power or influence state policy, or keeping their members and structures secret. Chauvinism in a political party's platform clearly breaks this rule in several ways: Chauvinism is when a person is prejudiced against their own country and race (the traditional definition). Parties that encourage extreme national pride often base their ideas on segregation, the exclusion of minorities, or open hostility towards other nations. This is a clear and direct violation of the law that says you cannot encourage ethnic or racial hatred (Article 13 of the Constitution). Chauvinism is when a person is biased in favour of their own group and thinks their group is better than other groups. If a political party tried to push ideas that one gender (or another group) is better than the others, it would mean that the idea of everyone being equal under the law (Article 32 of the Constitution) and the idea of gender equality (Article 33 of the Constitution) would be taken away. Article 13 of the Constitution doesn't mention *gender chauvinism* directly, but groups that want to introduce discrimination often use totalitarian methods and practices to impose a social hierarchy through force or state coercion. A clash with the idea that there are many different types of people and their beliefs should be respected. All forms of chauvinism (whether based on a nation or a group) deny other people's right to take part in public life equally. The European Court of Human Rights (ECHR) said in the *Refah Partisi* case, for example, that a democratic system does not have to put up with political groups that, if they came to power, planned to take away some people's basic rights. This was the decision of the Grand Chamber of the European Court of Human Rights in the *Refah Partisi (Welfare Party) and Others v. Turkey* case: The numbers in brackets refer to the judgment date: 41340/98 (13 February 2003), 41342/98, 41343/98 and 41344/98.

To be considered a legitimate political entity, a political party must be formally registered with the District Court in Warsaw. To be entered in the register, an application must be supported by at least 1,000 Polish citizens over the age of 18 with full legal capacity.

The judicial authorities have exclusive supervisory powers to ensure that political parties adhere to applicable laws. It is important to note that the current supervision is confined to examining legal compliance and does not encompass other aspects of the organisation and activities of the party. Within this framework, the Constitutional Tribunal is assigned the specific function of having exclusive authority to adjudicate, upon request by designated entities, on the constitutional legitimacy of the objectives or operations of a political party (Art. 188 pt. 4 of the Constitution).

PROCEDURE FOR OUTLAWING POLITICAL PARTIES

In Poland, a political party can be banned if the Constitutional Tribunal decides that its goals or actions go against the country's laws. When a political party is declared unlawful, it means that the party is outside the law. According to Article 188(4) of the Constitution of the Republic of Poland, the Tribunal looks at whether the goals or actions of political parties go against the Constitution. It does this by looking at the laws in Article 13 of the Constitution, which clearly say that groups that use totalitarian methods like Nazism, fascism and communism are not allowed. The Tribunal also looks at groups that encourage racial or national hatred or use violence to take power. This procedure is set out in the Act of 27 June 1997 on Political Parties. According to Article 14 of this Act, a motion to examine the constitutionality of a party's objectives or activities may be submitted only by the entities specified in Article 191(1) (1)–(5) of the Constitution. These entities include the President of the Republic of Poland, the Prime Minister, the Prosecutor General or a group of 50 Members of Parliament. The Act on Political Parties says that if the Constitutional Tribunal says that a party is against the constitution, the Regional Court in Warsaw must start the process of closing the party straight away. They must also remove the party from the list of political parties.

Under the Act on Political Parties, a party may be dissolved either by a resolution of its statutory body or by a court decision removing it from the register. Grounds for judicial deregistration include failure to meet statutory information obligations, unconstitutional objectives or activities confirmed by the Constitutional Tribunal, or serious violations of financial reporting

duties. The party may also dissolve itself through a resolution appointing a liquidator, failing which the court appoints one (Dębska, 2013).

The jurisprudence of the Supreme Court includes a case in which a political party was dissolved following a judicial decision removing it from the register due to its failure to submit a required financial report. The omitted report concerned sources of funding, including bank loans and their conditions, as well as expenditures from the Electoral Fund for the preceding calendar year (Supreme Court of the Republic of Poland, III SK 25/07, 10 March 2008). This ruling was subsequently cited in the Constitutional Court's Order of 10 November 2009.

The constitutional complaint of 24 October 2008 challenged the constitutionality of Article 38c of the Act on Political Parties, alleging that it unduly restricted the operational freedom of political parties by allowing the State Electoral Commission and the Regional Court in Warsaw to remove a party from the register for failure to fulfil financial reporting obligations (Klimkiewicz, 2022). This case is very important because it will decide how much the government can control freedom of association and how open public life is. The person who applied to join the register said that the way the system works to remove people from the register goes against some important laws in the Polish Constitution. These include the right to form and run political parties (Article 11) and the idea that any limits on our freedoms and rights must be reasonable (Article 31(3)). The claim is that there is too much rigour (not enough proportionality). The person who made the complaint said that the punishment of closing a party and removing it from the list of registered parties just because it missed the deadline for submitting a financial report is too much (this is sometimes called the 'nuclear option'). The Act does not make a distinction between different types of breach (for example, if the treasurer is ill or there is a postal error) or between a one-day delay and completely ignoring the obligation. The application is automatic and there is no room for judgement. The provision clearly states that the National Electoral Commission (PKW) must start legal action and the Regional Court in Warsaw will make a decision about removing someone from the register. The person who made the complaint thinks that this stops the court from being able to judge how harmful the act was to society or look at things that might have made it less harmful. The PKW and the Regional Court have a monopoly. The person who

made the complaint said that if a political party is banned or removed because of formal irregularities, this should be decided by the Constitutional Tribunal (as stated in Article 188(4) of the Constitution), and not by an ordinary court that has been asked to do this by an electoral body.

The political party Stronnictwo Prawicy Demokratycznej was registered on 18 August 2004 by the Regional Court in Warsaw. Upon a motion filed by the State Election Commission, the court removed the party from the register due to its failure to submit the required report on sources of funding, including bank loans and their conditions, as well as expenditures from the Electoral Fund (decision of 9 September 2005). The Court of Appeal in Warsaw dismissed the party's appeal on 29 March 2006.

Subsequent attempts to challenge the party's legal status, including an application for re-registration, were unsuccessful, with both the Regional Court and the Court of Appeal rejecting the claims. A cassation appeal lodged with the Supreme Court was dismissed on 10 March 2008 (III SK 25/07), and a further application to reopen the proceedings was rejected by an order of 4 September 2008. The matter was later referenced in the Constitutional Tribunal's decision of 10 November 2009 (Ts 327/08).

Judicial practice confirms that deregistration has occurred, notably in cases involving failure to submit mandatory financial reports. Constitutional review of such provisions has upheld the compatibility of these measures with the Constitution, emphasising the necessity of transparency and legality in party operations. The Constitutional Tribunal has also recognised that party symbols may be subject to constitutional scrutiny, as they can express ideas and concretise party objectives, although proceedings may be discontinued where procedural deficiencies are not remedied. In a recent ruling, the Constitutional Tribunal affirmed that *a political party's symbols are of significant importance regarding the objectives or principles of its operation. The content conveyed by these symbols is subject to the Tribunal's assessment within the scope of the review conducted pursuant to Article 188, point 4 of the Constitution. The content derived from a party's statute, program, and other documents—including graphic symbols—shapes its ideological identity. A political party's visual symbols can significantly distort the message concerning the party's ideological identity as defined in its statute or program. The meanings conveyed by symbols used by*

a political party can refine, clarify, enrich, or even modify the provisions contained in the party's statute or program without the need for formal amendments to those documents. Indeed, the message conveyed by party symbols can lend a more evocative character to the content contained in the party's statute or program (Judgment of the Constitutional Tribunal of 3 December 2025, Pp 1/20)

Pursuant to the statutory obligation requiring political parties to submit annual reports on their sources of financing, a dedicated website (jawnepartie.pl) has been established. As at 21 September 2026, there were 92 political parties registered in Poland, of which 28 had been dissolved (plus 3 for which the decision is not yet final), including Z Miłości do Koryta and Przyszłość 5.0. One such initiative, *Z Miłości do Koryta* (*For the Love of the Trough*), was founded by members of Kabaret Malina—Dawid Maliński, Piotr Bogusiak, and Kamil Brylak—who declared their intention to stand for election to the Sejm. The initiative aimed to encourage political participation among rural inhabitants who had previously abstained from voting. The name (*Z Miłości do Koryta*) is ambiguous. On the one hand, a trough is a tool for feeding animals, to which a farmer can express his love. However, it is also a blow to the political elite, who in every election pursue the goal of getting their hands on the trough (See: https://pkw.gov.pl/uploaded_files/1707467147_ewp-430-z-milosci-do-koryta.pdf). It is also hard to believe that this party's real aim was to gain and retain power. Under the current system of seat allocation, a party without funding and a large grassroots membership has no realistic chance of winning parliamentary seats. The comedians' initiative was more likely intended to ridicule the current party system.

In another case, the Constitutional Tribunal discontinued the proceedings due to the inadmissibility of issuing a judgment, while nevertheless analysing the application submitted by the District Court in Warsaw concerning the compatibility of a political party's objectives and principles of operation with the Constitution. In its case law, the Tribunal distinguishes two forms of constitutional review of political parties: preventive (prophylactic) and repressive (consequential). Preventive review is conducted at the stage of party formation or during statutory amendments, when the District Court in Warsaw examines an application for registration or changes to a party's statute. In this context, the Tribunal interprets the party's statute and programme, reconstructs its objectives, and assesses their conformity with constitutional standards.

By its nature, preventive review cannot lead to the delegalisation of a party but serves solely to prevent the registration of parties or statutory changes that are unconstitutional (decision of 16 July 2003; Pp 1/08, 24 November 2010).

Repressive review concerns the constitutionality of a party's actual activities and is initiated exclusively by entities specified in Article 191 of the Constitution. In such proceedings, the Tribunal conducts evidentiary hearings to determine whether the party's activities violate constitutional principles. Where such incompatibility is established, it results in the removal of the party from the register and its liquidation, as affirmed in the Tribunal's jurisprudence (e.g. decision of 16 July 2003; Pp 1/08, 24 November 2010).

Another case examined by the Constitutional Tribunal concerned the constitutionality of the activities of the National Rebirth of Poland (*Narodowe Odrodzenie Polski*) group—specifically, the party's attempts to register new graphic symbols. The court raised concerns that the proposed symbols (e.g. the Celtic Cross, Cross and Sword, Eagle with lictor rods, or slogans promoting exclusion) could convey constitutionally prohibited content, such as fascism, hatred, or social intolerance. The Constitutional Tribunal affirmed that party symbols may be subject to constitutional review, as they express ideas and may concretise a party's objectives. However, the Regional Court that submitted the motion failed to remedy the formal deficiencies identified by the Tribunal, particularly by not providing sufficient evidence to substantiate its claims, relying instead on broadly understood public knowledge and materials drawn from party websites and online sources (Jamróz, 2012, pp.207-214; Pach, 2014, pp. 139–145; The Constitutional Tribunal of Poland, Pp 1/10 (6 April 2011)).

In total, The District Court in Warsaw submitted applications to the Constitutional Tribunal requesting opinions on the constitutionality of the objectives and operations of several political parties. These included: 1) Christian Democracy of the Third Republic of Poland (Pp 1/99), 2) Self-Defence of the Republic of Poland following amendments to its statute (Pp 1/02), and 3) National Rebirth of Poland. Additionally, the Speaker of the Sejm submitted applications in cases Pp 1/07 and Pp 1/08, asserting that the activity of *Samoobrona Rzeczypospolitej Polskiej*, including the exercise of passive electoral rights in elections to the Sejm, Senate, and European

Parliament contingent upon signing a blank promissory note and declaration, did not violate the Constitution of the Republic of Poland.

LIMITS TO THE PROTECTION OF DEMOCRACY

The restriction of fundamental constitutional rights, such as freedom of expression and association, should remain exceptional. These rights are also enjoyed by individuals and organisations that oppose human rights, the rule of law, and democracy. Constitutional safeguards are designed to withstand such opposition, protecting individual freedoms and the autonomy of political entities. Limits are reached when these freedoms are deliberately abused to abolish democracy, contingent upon a genuine threat from those seeking to dismantle the political order.

Two main concepts address the question of democracy's self-defence: defensive democracy (*Wehrhafte Demokratie*) and militant democracy. Defensive democracy seeks to protect democratic order while respecting freedom and equality but permits restricting rights to prevent their use in undermining democracy. For example, the German Federal Constitutional Court may proscribe parties threatening democracy, restrict assemblies that subvert democratic principles, supervise extremist organisations, and prohibit anti-democratic individuals from public employment (Jaschke, 2006; Hatje, 2018; Pach, 2017). Regardless of the concept of democracy (whether 'offensive' or 'defensive'), what is most significant in the context of the issue under discussion is the outcome, namely the dissolution of a political party.

Militant democracy emerged in response to the rise of fascist and Nazi movements in 1930s Europe. It emphasizes democracy's preparedness to defend itself against adversaries, even at some cost to its own principles, particularly against extremism, radicalism, and terrorism (Ossowska-Salamonowicz & Gizynska, 2022; Puškárová, 2016). Karl Loewenstein, a German political scientist, first articulated this concept, noting that democratic institutions could be exploited by totalitarian forces seeking power through democratic processes to dismantle the system (Loewenstein, 1937a, 1937b). Measures associated with militant democracy include banning extremist parties, restricting expression that threatens democracy, and overseeing media and

election campaigns to prevent the spread of anti-democratic ideas (Czym jest demokracja walcząca? Skąd to pojęcie? <https://wbijamszpile.pl/czym-jest-demokracja-walczaca-skad-to-pojecie/10.09.2024>, (access 10.09.2024).

CONCLUSION

Political parties represent a constitutionally indispensable component of a liberal and democratic legal order, which can be synthesised as a democratic state of law (The Constitutional Tribunal of Poland, Pp 1/99 (8 March 2000). The presence of multiple autonomous entities is a crucial factor in ensuring the preservation of the state's democratic nature (Gebethner, 2000, p.30). Conversely, when operating within the framework of the rule of law and in a kind of anastomosis with that state, political parties are compelled to comply with the law. This law establishes the limits of constitutionally permissible and protected political pluralism.

The notion of open political representation is predicated on the existence of democracy, which, in turn, is realised through various forms of pluralistic interest representation. Nevertheless, contemporary political systems that are predicated principally on the principle of representative democracy are the subject of censure on account of the fact that they provide for limited or unequal representation of individual and group interests (Becher & Stegmueller, 2023).

In practice, measures to defend democracy focus on the issue of the activities of political parties and attempts (largely unsuccessful) to outlaw such parties and ban association (formation) in radical, extremist organisations. An analysis of the few Polish rulings concerning the outlawing of political parties, supplemented by a review of the case law of the European Court of Human Rights, indicates that banning a political party should be regarded as a measure of last resort; it is justified only when a party has demonstrated a clear intent to undermine democratic principles or has resorted to violence. The interference contemplated by the law is only permissible in circumstances where there is an 'urgent social need' for such action, and the measure is proportionate to the objective pursued (Akbulut, 2010). In cases involving the dissolution of political parties in other countries the European Court of Human Rights, in the cases *Republican Party of Russia v. Russia* (2011)

and United Macedonian Organisation Ilinden – PIRIN and Others v. Bulgaria (2005), found that the dissolution of the parties was unjustified and disproportionate. (*The state of human rights in Europe and the progress of the Assembly's monitoring procedure*, <https://pace.coe.int/en/files/12231/html> (accessed 30 April 2025)). Therefore, the dissolution of a political party should only occur in exceptional circumstances.

REFERENCES

- Akbulut, O. (2010). Criteria Developed by the European Court of Human Rights on the Dissolution of Political Parties, *Fordham International Law Journal*, 34 (1), 45-77.
- Becher, M., & Stegmüller, D. (2023). Organized Interests and the Mechanisms behind Unequal Representation in Legislatures. In N. Lupu & J. Pontusson (Eds.), *Unequal Democracies: Public Policy, Responsiveness, and Redistribution in an Era of Rising Economic Inequality* (pp. 133–155). chapter, Cambridge: Cambridge University Press.
- Chmaj, M., Sokół, W., Żmigrodzki, M. (1997). *Teoria partii politycznych*. Lublin. Lubelskie Towarzystwo Naukowe.
- Dębska, M. (2013). *Ustawa o partiach politycznych. Komentarz*. Warszawa. LexisNexis Polska
- Gebethner, S. (2000). Rzeczpospolita w świetle postanowień rozdziału pierwszego Konstytucji z 1997 r. In: Zwierzchowski, E. (ed.), *Podstawowe pojęcia pierwszego rozdziału Konstytucji RP*. p. 30. Katowice. Wydawnictwo Uniwersytetu Śląskiego.
- Hatje, A. (2018). The abuse of fundamental rights in union law the scope and practical significance of article 54 of the charter of fundamental rights of the european union. *Zeitschrift fur Offentliches Recht (ZoR): Journal of Public Law*, 73(3), 583-602, <https://doi.org/10.33196/zoer201803058301>
- Jamróz, L. (2012). Głos do postanowienia TK z dnia 6 kwietnia 2011 r., Pp 1/10. *Przegląd Sejmowy*, 4, 207-214.
- Jaschke, H-G. (2006). Streitbare Demokratie (19.09.2006). <https://www.bpb.de/themen/rechtsextremismus/dossier-rechtsextremismus/41891/streitbare-demokratie/> (access 29.04.2025).
- Klimkiewicz, K. (2022). Z Miłości do Koryta – nowa partia polityczna. *CKM.PL*, 11.09.2022. <https://www.ckm.pl/lifestyle/z-milosci-do-koryta-nowa-partia-polityczna,26473,1,a.html> (access 30.04.2025).
- Loewenstein, K. (1937a). Militant Democracy and Fundamental Rights, I. *The American Political Science Review [online]*, 31(3), 417-432;
- Loewenstein, K. (1937b). Militant Democracy and Fundamental Rights, II. *The American Political Science Review*, 31(4), 638-658.
- Majchrowski, J. (1997). Partie polityczne w świetle nowej Konstytucji. *Państwo i Prawo*, 11-12, 169.
- Niesporek, A. (2025). Globalne społeczeństwo obywatelskie a wyzwania globalnej demokracji. *Journal of Modern Science*, 64(4), 121–144. <https://doi.org/10.13166/jms/214587>
- Ossowska-Salamonowicz, D., Giżyńska, M. (2022). Standardy delegalizacji partii politycznych w świetle orzecznictwa Europejskiego Trybunału Praw Człowieka – zagadnienia wybrane. *Studia nad Autorytaryzmem i Totalitaryzmem*, (44) 3, 31-44, <https://doi.org/10.19195/2300-7249.44.3.3>.
- Pach, M. (2014). Głos do postanowienia TK z dnia 6 kwietnia 2011 r., Pp 1/10. *Przegląd Sejmowy*, 1, 139-145.
- Pach, M. (2017). Niemiecka koncepcja demokracji zdolnej do obrony (zarys problematyki). *Przegląd Konstytucyjny*, 2, 55-86.

- Pušárová, E. (2016). Theoretical framework of the concept of the militant democracy. *Pravny Obzor: Teoreticky Casopis Pre Otazky Statu Prava*, 99(4), 331-352.
- Resolution No. 51/2024 of the State Electoral Commission of February 7, 2024 on the report of the political party Z Miłości do Koryta (For the Love of the Trough) on the sources of funding in 2022. https://pkw.gov.pl/uploaded_files/1707467147_ewp-430-z-milosci-do-koryta.pdf
- Schlesinger, K. (2011). Zapobieganie prawicowemu ekstremizmowi i jego zwalczanie na przykładzie Niemiec. *Rocznik Polsko-Niemiecki*, 19, 168-190. DOI: <https://doi.org/10.35757/RPN.2011.19.08>
- Wróbel, A. (2010). Uwaga 4 do art. 11konwencji.In: Garlicki, L., Hofmański, P., Wróbel, A. (ed). *Konwencja o Ochronie Praw Człowieka i Podstawowych Wolności. T. 1, Komentarz do artykułów 1-18*. Warszawa. Wydawnictwo C. H. Beck.
- Zakrzewski, T. (2013). Wehrhafte Demokratie. *Brandenburgische Landeszentrale für politische Bildung*. <https://www.politische-bildung-brandenburg.de/themen/demokratie-und-extremismus/wehrhafte-demokratie> (access 30.04.2025).
- Zubik, M., Sokolewicz, W. (2016). Komentarz do art. 11.In: Garlicki, L., Zubik, M. (ed.), *Konstytucja Rzeczypospolitej Polskiej. Komentarz. Tom I*, wyd. II. Warszawa. Wydawnictwo Sejmowe.
- Żebrowski, W. (2007). *Współczesne systemy polityczne*. Olsztyn. Olsztyńska Szkoła Wyższa im. Józefa Rusieckiego.

LEGAL ACTS AND CASE LAW

- Convention for the Protection of Human Rights and Fundamental Freedoms drawn up in Rome on 4 November 1950, subsequently amended by Protocols Nos. 3, 5 and 8 and supplemented by Protocol No. 2, Journal of Laws 1993 No. 61, item 284, accessed online: eur-lex.europa.eu (access 4.03.2024). Hereinafter as the ECHR.
- The Constitutional Tribunal of Poland, Ts 327/08 (10 November 2009).
- The Constitution Of The Republic of Poland of 2 April 1997, Journal of Laws No. 78, item 483, as amended, hereinafter: to as the Constitution.
- Act on political parties of 27 June 1997, i.e. Journal of Laws 2023, item 1215, hereinafter: to as the Act on Parties.
- The Constitutional Tribunal of Poland, Pp 1/99 (8 March 2000).
- Supreme Court of the Republic of Poland, III SK 25/07 (10 March 2008).
- The Constitutional Tribunal of Poland, Pp 1/02 (16 July 2003).
- The Constitutional Tribunal of Poland, K 32/09 (24 November 2010).
- The Constitutional Tribunal of Poland, Pp 1/08 (24 November 2010).
- The Constitutional Tribunal of Poland, Pp 1/10 (6 April 2011).
- The Constitutional Tribunal of Poland, Pp 1/20 (3 December 2025)