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RELIABILITY AND OPERATIONAL EFFICIENCY OF PUBLIC INSTITUTIONS IN THE CONTEXT OF THE SO-CALLED CONSTITUTIONAL CRISIS

Dr. habil. Paweł Sobczyk, University Professor

University of Opole, Poland
e-mail: pawel.sobczyk@uni.opole.pl; https://orcid.org/0000-0003-1754-6096

Dr. habil. Jarosław Szymanek, University Professor

Academy of Justice, Poland
e-mail: jaroslaw.szymanek@aws.edu.pl; https://orcid.org/000-0002-0590-5218

Abstract. Contemporary states face the challenge of addressing an ever-growing range of problems and crises, including, *inter alia*, the legal crisis concerning the enactment and application of law. The capacity to resolve this type of crisis is essential, as a defining feature of modern crises is their mutual permeability and overlap, with law occupying a central role. The constitutional crisis – being a function of multiple tendencies, phenomena and processes – may become an opportunity to address not only the legal crisis, but also, indirectly, other crises, given the role of law and the place of the constitution within contemporary multicentric legal systems. The primary objective of this study is to analyse the impact of the constitutional crisis on the functioning of public institutions. The authors also endeavour to demonstrate that the reliability and operational efficiency of public institutions, as referred to in the Preamble to the Constitution of the Republic of Poland, may provide an opportunity to overcome the multidimensional constitutional crisis, and subsequently the broader crisis of the state. Hence, a "pre-preambular" proposal for emerging from the constitutional crisis may serve as a point of reference for the legislature, judicial practice, and the daily work of civil servants, judges and public officials.

Keywords: Constitution; constitutional crisis; preamble; reliability; efficiency.

INTRODUCTION

The Preamble to the Constitution of the Republic of Poland *expressly* states that the Polish Nation, in enacting the Constitution, wishes to ensure "the reliability and efficiency of public institutions."[1] These two concepts – reliability

[1] See the Constitution of the Republic of Poland of 2 April 1997, Journal of Laws No. 78, item 483 as amended.

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and efficiency – are undoubtedly the foundation of trust in the state and its bodies, and at the same time the aim of all regulatory activity, including that carried out at the highest, i.e. constitutional, level. For there is not the slightest doubt that the implementation of any legal regulation is motivated primarily by praxeological considerations, and these presuppose that the state apparatus should operate in a reliable and efficient manner. The state, understood as a complex and multi-layered system of officials, institutions, legal solutions and procedures designed for various, sometimes even unexpected circumstances, is required above all to be efficient (and effective), that is, functional and effective [Szymanek 2006, 123ff]. The state itself, after all, as a historical, political, ideological, organisational and, finally, legal entity, was established precisely in order to operate efficiently – that is, better, faster, more effectively – or, in a nutshell, optimally, performing various functions in relation to the political community (citizens). After all, regardless of any other ways of defining it, the state is, above all, an organisation to which the epistemological and praxeological categories applicable to any organisation should be applied [Kieżun 2003, 37ff].

Despite this, the concept of the reliability and efficiency of the state's operations is not the subject of in-depth theoretical reflection. This theoretical silence stands in stark contrast to the practical significance of these categories in the day-to-day functioning of government departments, courts and public services. In normal functioning, unmarked by tension, let alone conflict, pathology or, finally, crisis, both efficiency and reliability go virtually unnoticed. Paradoxically, this may indicate that the state is, in fact, exceptionally efficient, and that its individual institutions operate impeccably, i.e. reliably, the result of which is a lack of serious reflection on them and on the categories describing them (efficiency, reliability, but also, for example, legality). However, in situations of tension, in situations of legal or – even more so – political conflict, a deficit of efficiency and reliability very often emerges, contributing – as a specific negative situation accelerates and multiplies – to a crisis which always demonstrates – objectively speaking – a lack of efficiency, and often also of reliability.

Meanwhile, as many observers note, the modern world is, in fact, characterised by various kinds of tensions, and even crises. Today's state and its – broadly understood – apparatus must consequently face many challenges and crises, ranging from a crisis of trust and a crisis of values, through an information crisis, a crisis of specific public policies (*see* healthcare), to a security crisis caused not only by terrorist activities or – especially today – conventional actions in Ukraine, but also massive hybrid operations encompassing almost all areas of life (e.g. banking, the economy, borders, transport, media activity, including social media, etc.), and ending with a legal crisis, covering both the making and application of the law. The latter is exposed to various

temptations, threats and dangers. Threats to the law include, amongst others, its instrumentalisation, ideologisation, politicisation and relativisation.

Consequently, there is increasing talk of a crisis affecting the modern state in various aspects of its functioning. Thus, on the external level, the state is grappling with a crisis of the liberal international order, which signifies the end of a certain system of interconnections and the emergence of a so-called geostrategic pause, in which a new system of interconnections has not yet been established, but it is clear that it will be different from the one in which the state has operated until now. On the axiological level, the state is grappling with new narratives that seek to destabilise *the status quo*, on the one hand promoting so-called left-wing populism [Mouffe 2020], which is presented as a new version of the general welfare detached from the existing foundation of principles and values, ostensibly in the name of eliminating all manner of '-isms' and more or less oppressive regimes, on the other hand, by observing growing opposition to the clearly visible left-liberal dominance, which, in the name of a misconstrued political correctness, has dominated the social and political sphere, scaremongering with a new version of various enemies of the people who undermine democratic – or, in extreme cases, supposedly democratic – principles. On a praxeological level, the crisis is evident above all in what we call *'state* bypassing', in the perception of the state as an archaic, dysfunctional entity that is utterly ineffective compared to structures operating beneath and above the state. As a result, on the one hand we have the euphoria surrounding the activities of non-governmental organisations, think, associations, foundations, local governments and various forms of regionalism, which are supposedly supposed to function better and more efficiently without the state; on the other hand, we are dealing with the increasingly intense activity of supra-state entities, in the form of international organisations, transnational corporations and everything we call progressive integration and globalisation. Finally, on the legal front, we are dealing with from a universal perspective, with a marked proliferation of legislation, a desire to regulate an ever-increasing number of areas of life, and at the same time with the ineffectiveness of legislation, which is all too evident in the realm of international law, which proves powerless in the face of, for example, the war in Ukraine or the humanitarian crisis in the Gaza Strip. At the local level, however, the crisis of law is evident in the approach to the Constitution in particular, and to the law in general, in the infantilisation of the law, its biased interpretation – often dictated by particular interests – or even over-interpretation, and, unfortunately, its politicisation, the hyperbole of which is the supposedly legal construct of so-called 'fighting democracy', which, in a seemingly legal manner, suspends the validity of legal norms for an indefinite period, in the name of a 'democracy of reckoning', revenge, and the pursuit of thoroughly partisan, party interests.

These various levels of crisis facing the modern state are only seemingly separate from one another. In reality, although they can easily be distinguished methodologically, they all overlap, confusing effect with cause and *vice versa*. For example, a crisis in the sphere of axiology translates into a crisis of law (including the constitution), but also a crisis of the state in the international arena, where the regime of international regulations is weakened as they prove ineffective, giving rise to a natural drive towards even greater and stricter regulation. As a result, a tension arises between the traditional state and its classic attributes (e.g. sovereignty) and the drive to integrate the state into integration mechanisms, which inevitably involve the transfer of powers from the state level to the supranational level. This, in turn, generates increasing mistrust between the state and such a structure, and consequently a kind of legal arms race, which, from the state's perspective, is intended to provide a shield for the protection of sovereignty, whilst from the perspective of the integration structure, is intended to create tools for harmonisation and unification, dictated by loyal cooperation that does not run counter to the fundamental goals of integration and globalisation. At the local level, the crisis in turn translates into a constitutional crisis, which is a function of many trends, phenomena and processes, where it is sometimes difficult to distinguish action from reaction. In extreme cases, a crisis of this kind takes on structural characteristics. This occurs when it is not resolved in time and when a dispute that was initially purely legal evolves into a political, ideological, or even civilisational dispute.

1. THE CONCEPT OF A CONSTITUTIONAL CRISIS AND ITS SIGNIFICANCE FOR PUBLIC INSTITUTIONS

A constitutional crisis[2] is a situation in which state bodies interpret the provisions of the constitution in diametrically opposed ways, exceed their powers, or deny each other legitimacy, which consequently leads to the paralysis of the state. In other words, it is a situation in which the constitution ceases to be a universally accepted point of reference for public authority. Various state bodies (e.g. the president, the government, parliament, the courts) challenge each other's powers, offer differing, often mutually exclusive interpretations, question constitutional values and principles, and prevent cooperation between authorities, which ultimately renders the system incapable of functioning in accordance with the law. A constitutional crisis understood in this way manifests itself in several specific sub-areas. The first

[2] Which is increasingly the subject of interest from legal doctrine. See, for example, Mojski 2023, *passim*; Sadurski 2020, *passim*; Pietrzykowski 2022, 3ff; Baskerville 2016, 31ff; Radziewicz 2020, 3ff; Kaleta, Nawacka, and Pichlak 2025, 36ff.

is the intensifying and escalating conflict between individual institutions, which, instead of the postulated cooperation, coordination and balance, are guided by the paradigm of agonistics [Mouffe 2015, *passim*], i.e. the perception of others as enemies or opponents rather than – at best – competitors, and of governance itself as a conflict. It is clear, however, that at the root of such a conflict lie differing, often mutually exclusive, political views, ideas and ideals, which are represented by the personnel of the conflicting institutions. The second is the systematic questioning of the constitution, carried out, however, most often – rather paradoxically – under the pretext of upholding it. As a result, the parties to the constitutional crisis, who remain in conflict with one another, draw different conclusions from constitutional provisions, interpret constitutional provisions differently, often employ selective methods of interpretation, or even impose new interpretative techniques (*see* the so-called evolutionary or accommodative interpretation, or – by contrast – the so-called interpretation hostile to the constitution). The third is the disruption of the functioning of institutions, which draw different conclusions from the same provisions, undermine each other's actions, and often also challenge each other's legitimacy (which is a natural consequence of the fact that the parties to the dispute employ different, and indeed opposing, tools). All this causes the institutional system to become destabilised, disorganised and confused, as its key elements are called into question, which only deepens the crisis; the longer it lasts, the less chance there is of a positive resolution. The fourth factor is the far-reaching polarisation of the crisis's participants and its audience, which stems from the fact that the crisis is being transposed outside the institutional framework and that social legitimacy is being sought for its participants, which is practically impossible in conditions of polarisation. The social base supporting the parties to the crisis is, in fact, deeply divided, and a potential victory for one side is perceived as an existential threat. Finally, the fifth sub-area is the undermining of the authority of the constitution, a lack of trust in individual institutions, and even in the law in general. Consequently, there is a progressive erosion of the significance of the constitution and the model of the state and law enshrined therein. Under such conditions, the constitution ceases to be the supreme law, an objective body of fundamental, universally recognised and respected values and principles adopted by consensus, a point of reference which, regardless of political or ideological views, is perceived as a value in itself, deserving of prestige and respect. All this means that a constitutional crisis – in its effects – fragments the state, leading to anarchy and a lack of respect for the law. Very often, as a result of a constitutional crisis, the law is treated at best as a tool for pursuing *strictly* political interests, and sometimes even party interests, which – *all things considered* – undermines the idea of the common good.

Poland's experience in recent years shows that a constitutional crisis is not merely an abstract construct, but has a very practical dimension. The disputes we are witnessing, concerning, amongst other things, the Constitutional Tribunal, the Supreme Court, the National Council of the Judiciary, and even the President, or – against the backdrop of these most significant or leading disputes – the very different interpretations of the principle of the separation of powers and its constitutional implications – all of this falls within the concept of a constitutional crisis. All these phenomena and processes, taken together, which first contribute to the emergence and then to the entrenchment of the constitutional crisis, highlight how easily citizens' trust in the state can be undermined, how easily the integrity of institutions can be destroyed, and consequently how easily institutions can be rendered dysfunctional and incapable of performing their most basic tasks.

2. THE RELIABILITY AND EFFICIENCY OF PUBLIC INSTITUTIONS AS AN OPPORTUNITY TO RESOLVE THE CONSTITUTIONAL CRISIS

The Preamble to the Constitution of the Republic of Poland states that the Polish Nation "desires that the functioning of public institutions be reliable and efficient". The very fact that these concepts are included in the solemn preamble to the Constitution confers upon them the status of constitutional values, rather than merely technical features of administration [Stefaniuk 2003/2004, *passim*; Garlicki and Derlatka 2016]. Reliability and efficiency thus become a kind of 'prism' through which the functioning of the state and the relationship between public authorities and the individual should be viewed.

In linguistic terms, 'reliability' means 'honesty, dependability, credibility and truthfulness'[3]. Its synonyms include terms such as meticulousness, reliability, accuracy, precision, diligence, and thoroughness, but also professionalism, impartiality and objectivity. Efficiency, on the other hand, is associated with the ability to act effectively and purposefully, and the capacity to achieve intended results through the rational use of resources [Kotarbiński 1975, 77-80].[4] Efficiency, in other words, is a positively assessed characteristic of action, characterised by one or more practical qualities, such as: effectiveness, economy, advantage, vigour, accuracy, simplicity, boldness, caution,

[3] Entry "rzetelny", "rzetelność", in: *Słownik języka polskiego PWN*, https://sjp.pwn.pl [accessed: 10.11.2025]. For further reading on this subject, see, *inter alia*, Sobczyk 2020, 155ff.

[4] It is worth noting that Tadeusz Kotarbiński's concepts were developed by Jerzy Starościak and Witold Kieżun within the field of public administration. Witold Kieżun emphasised that the state is an organisation; therefore, by definition, it consists of people, tasks, technology, structure and leadership. Its efficiently functioning model is a whole composed of parts that harmoniously contribute to its success, working together to achieve unidirectional goals consistent with the goal of the whole [Kieżun 2005, *passim*].

and clarity [Słowiński 2008, 27]. In this sense, the efficiency of an action can be identified in any case where it is characterised by at least one of the aforementioned qualities, as indicated on the basis of practice (what is done and how), principles (guiding ideas and views directing actions), and the ideal (which in praxeology is the ideal state towards which an action should strive) [Sage 2002, *passim*; Murat 2014, *passim*]. However, neither concept – i.e. reliability nor efficiency – is neutral. Each is unambiguously associated with positive connotations, evoking a sense of approval and, at the same time, an expected state of affairs that would be the opposite of any undesirable, unwanted, and unambiguously pejorative actions [Słowiński 2008, 27]. In the constitutional context, however, the concepts of integrity and efficiency refer, amongst other things, to a democratic state governed by the rule of law (Article 2 of the Constitution) [Garlicki 2025, 111-15], legality (Article 7), the common good (Article 1) and the catalogue of individual freedoms and rights (Chapter III of the Constitution of the Republic of Poland).

The constitutional crisis – encompassing the axiological, normative and institutional dimensions – can in fact be interpreted as a multidimensional crisis of integrity and efficiency. This means that the law is losing credibility, institutions are ceasing to act as impartial guardians of order, and the state is ceasing to be an effective guarantor of security and individual rights. Compounding all this is an axiological confusion, signifying uncertainty regarding the very foundations of the state, which, as a result of the actions of various actors with differing approaches to the constitution, are being questioned and, consequently, become unstable, losing their fundamental function as anchors that secure states within a stable framework of principles and values [Mojski 2022, 55-62]. The response to this state of affairs is therefore not merely political change (a change of government), followed by personnel changes or even ad hoc constitutional reform, but the consistent restoration of integrity and efficiency as the principles governing the functioning of public institutions. This is because the constitutional crisis we are currently facing is, first and foremost, a consequence of ignoring the constitutional guidelines contained in the preamble, which, after all, do not merely have a declaratory value, but constitute a genuine paradigm for the practical activities of the state and its individual institutions, which, by focusing on the so-called articulated part of the Constitution, overlook the normative values of the preamble; the failure to recognise

2.1. Reliability and efficiency against the backdrop of a multidimensional state crisis

As already indicated, the modern state faces a convergence of several types of crisis: global (geopolitical, economic, informational), axiological (the relativisation of values), praxeological (the ineffectiveness of structures

and procedures) and legal (the instrumentalisation of the constitution, the erosion of the hierarchy of sources of law). All these phenomena converge at a single point, namely the weakening of public institutions' capacity to operate reliably and efficiently.

On the one hand, we are faced with a normative crisis, i.e. an overproduction and instability of the law, the circumvention of constitutional procedures, the abuse of fast-track procedures, 'special' laws or regulations that *effectively* replace laws, and a highly arbitrary approach to constitutional principles and values, which are becoming unstable and are often applied selectively in practice, thereby losing their fundamental significance. On the other hand, there is an institutional crisis manifested in the questioning of the independence of supervisory bodies, the political subordination of the civil service, and disputes between bodies that no longer recognise each other's legitimacy. Thirdly, we are faced with a crisis of legal culture stemming from the weakening of the public service ethos, the acceptance of 'expediency' rather than legality, and of 'political effectiveness' rather than constitutionally understood efficiency.

In this context, a return to the 'preambular' postulate of integrity and efficiency is not a purely rhetorical exercise, but a constitutional programme for the rehabilitation of the system. It implies the need to simultaneously streamline the law (the normative dimension), strengthen institutions (the systemic and organisational dimension) and rebuild the ethos of public service (the ethical and cultural dimension).

2.2. The normative dimension: reliability as an elaboration of the principle of a democratic state governed by the rule of law

At the normative level, the integrity of public institutions' actions is an extension of the principle of a democratic state governed by the rule of law (Article 2 of the Constitution) and the principle of legality (Article 7). This implies not only the obligation to act on the basis of and within the limits of the law, but also in a manner consistent with constitutional axiology, based on the common good, human dignity, truth, justice and beauty, as referred to in the preamble. As L. Garlicki emphasises, the rule of law cannot be limited to a formalistic respect for regulations, because it then easily transforms into a 'legal state', but not necessarily a 'state governed by the rule of law' in the substantive sense [Garlicki 2025, 111-15]. Reliability therefore requires that the law be created and applied in a manner that is: predictable and stable – respecting the principle of citizens' trust in the state and the law it enacts; clear and consistent – in accordance with the principle of decent legislation developed in the case law of the Constitutional Tribunal; not in conflict with the Constitution – including the hierarchy of sources of law and the

division of powers between authorities. In particular, the demand for an interpretation consistent with the Constitution must today be closely linked to the obligation (and not merely a demand) for public institutions to act reliably and efficiently. This means that a preference for interpretations that are either openly unconstitutional or modernist – which, in the name of political expediency, and consequently deepening the constitutional crisis, ignores classical interpretative techniques (linguistic, historical, teleological, functional), replacing them with an evolutionary or accommodative interpretation that is to be subsidiary to ad hoc, *strictly* political arguments.

The Constitutional Tribunal has indicated in a number of rulings that the structure of a given body or procedure in a manner that prevents the reliable and efficient performance of public tasks may constitute a violation of Article 2 of the Constitution (including judgments of 20 May 2009, Kp 2/09, and of 15 July 2008, K 28/07).[5] In its judgment of 11 August 2016 (K 39/16), the Tribunal emphasised that the legislature has a duty to structure state bodies in such a way that they are capable of acting effectively within the bounds of the law.[6] In turn, in its judgment of 15 April 2021 (K 20/20), the Polish Constitutional Tribunal noted that institutions for the protection of civil rights, including the Ombudsman, must operate in a manner that ensures real, and not merely formal, protection of those rights.[7]

Reliability has a dual dimension here: firstly, it concerns the substance of the law (the prohibition on enacting chaotic, inconsistent, non-transparent regulations that instrumentalise the constitution), and secondly, it concerns the procedures for enacting laws (the requirement for transparency, consultation, respect for the role of the opposition and advisory bodies, and adherence to the various stages of the legislative process, which, after all, were not established without thought, but precisely to optimise the form of the regulations adopted). Without the fulfilment of all these conditions, the state loses the basis for demanding obedience to the law, and the constitutional crisis deepens.

2.3. The institutional dimension: integrity and efficiency in the structure of public bodies

The second dimension of reliability and efficiency – which is key in the context of the crisis – concerns the very structure of public institutions. A constitutional state is not merely a set of norms, but also a system of specialised bodies designed to safeguard the constitution, individual rights and the

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[5] Judgment of the Constitutional Tribunal of 20 May 2009, ref. no. Kp 2/09, OTK-A 2009, No. 5, item 68; judgment of the Constitutional Tribunal of 15 July 2008, ref. no. K 28/07, OTK-A 2008, No. 6, item 106.

[6] Judgment of the Constitutional Tribunal of 11 August 2016, ref. no. K 39/16, OTK-A 2016, No. 71.

[7] Judgment of the Constitutional Tribunal of 15 April 2021, ref. no. K 20/20, OTK-A 2021, item 27.

common good. In this sense, reliability and efficiency mean: the independence and impartiality of supervisory bodies (the Supreme Audit Office, the Ombudsman, regulatory bodies), which should act as the 'conscience of the state' rather than tools of the current political majority; the independence of the courts and judges, without which there can be no question of reliable and effective protection of individual rights; the professionalism and political neutrality of the civil service, whose task is to ensure the continuity of the state's functioning regardless of changes in government; functional cooperation between the authorities, in accordance with the principle of the separation and balance of powers.

The case law of the European courts – which, regrettably, increasingly undermines the constitutional identity of Member States, despite the fact that this identity has a very strong basis in the Treaties (see Article 4(2) TEU) – shows that these requirements are not merely an internal matter for the State. The Court of Justice of the European Union, in its judgment in the case of Associação Sindical dos Juízes Portugueses (C-64/16), stated that Member States are under an obligation to ensure the independence of the courts as a condition for effective judicial protection under Article 19(1) TEU.[8] In the joined cases of A.K. and Others (C-585/18, C-624/18, C-625/18), the CJEU emphasised, however, that the manner of appointment and functioning of bodies such as the National Council of the Judiciary may be assessed from the perspective of the standard of a fair and impartial tribunal.[9]

The European Court of Human Rights, in the case of Baka v. Hungary (application no. 20261/12), held that the premature termination of the term of office of the President of the Supreme Court for political reasons constitutes a violation of Article 10 of the ECHR and the principle of the rule of law.[10] The conclusions drawn from these judgments are clear: institutions lacking integrity (impartiality, independence) do not meet the standards of the rule of law, even if they formally operate under national law.

In the Polish context, this problem is particularly evident in relation to the constitutional judiciary, the ordinary courts, the public prosecutor's office, but also bodies such as the National Council of the Judiciary and the public media. If these institutions become the subject of political dispute and a tool in the 'struggle for the state', rather than its impartial instrument, the constitutional crisis ceases to be purely legal but becomes a crisis of statehood itself, and this is extremely dangerous and reflects very poorly on a political class

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[8] Judgment of the Court of Justice of the European Union of 27 February 2018, ref. no. C-64/16, *Associação Sindical dos Juízes Portugueses* (ASJP).

[9] Judgment of the CJEU of 19 November 2019, joined cases C-585/18, C-624/18, C-625/18, *A.K. and others*.

[10] Judgment of the European Court of Human Rights of 23 June 2016, *Baka v. Hungary*, application no. 20261/12.

that has transformed a political and party dispute – often for the sake of short-term political struggle – into a constitutional dispute, which may, in the most extreme scenario, become a dispute over the state itself and its very essence.

2.4. The ethical dimension: the ethos of public service as a prerequisite for integrity and efficiency

The third, often underestimated, dimension of reliability and efficiency is the ethos of public service. Even the best-designed standards and institutions will not function reliably and efficiently if those holding public office are not guided by an inner conviction regarding the service-oriented nature of their role. As M. Zdyb notes, the fundamental standards of public service are to be found in the Polish Constitution, its axiology and in the constitutional laws, but their implementation depends on the attitudes of specific civil servants, judges and uniformed services personnel [Zdyb 2017, 9-25]. Reliability in this context means honesty and truthfulness in dealings with citizens, civil courage in opposing unlawful orders, loyalty to the Constitution rather than to the current seat of power, and a willingness to take responsibility for the consequences of decisions made. Integrity and efficiency in the individual (personal) sphere set out a clear directive for politicians, civil servants, officials and judges, namely to act in an honest, diligent, professional, objective, meticulous and impartial manner, whilst respecting the existing legal order.

T. Kotarbiński's praxeology reminds us that every action is assessed not only in terms of effectiveness, but also in terms of 'good work', that is, compliance with the requirements of diligence, reliability and responsibility for others [Kotarbiński 1975, 77-80]. With regard to public administration and the judiciary, this means that ethical administration and an ethical judiciary are those in which people do not limit themselves to carrying out orders, but consciously contribute to the constitutional order [Zając 2018, 83-93].

The literature on administrative ethics indicates that ethical administration is more resistant to corruption, less susceptible to political pressure and more credible in the eyes of citizens [Pytlak and Bartkowski 2024, 49ff]. It is precisely the ethical dimension that determines whether, in a crisis situation, institutions will 'follow politics' or remain loyal to the Constitution. In the context of contemporary security threats, the ethos of service in the armed forces, the police and the special services is of particular importance. The reliability and efficiency of their operations have a direct impact on the security of the state and its citizens, but only on condition that their loyalty is directed towards the Constitution and human rights, rather than party interests or short-term political goals.

2.5. Reliability and efficiency as a programme for constitutional reform – three levels

Against the backdrop of the above considerations, the reliability and efficiency of public institutions can be treated as a programme of constitutional reform, comprising three interrelated levels:

1) The normative level – this entails the need to organise the system of sources of law, strengthen the constitutional hierarchy, restore standards of proper legislation, and refrain from the instrumental use of states of emergency or 'special' laws. Every constitutional reform should be assessed in terms of the question: does it increase the reliability and efficiency of institutions, or does it rather deepen normative chaos and conflicts of competence?
2) Institutional level – requires the restoration of the genuine independence of oversight and judicial bodies, the depoliticisation of the civil service, and the reinstatement of clear rules of constitutional and political accountability. Of particular importance here is the case law of the CJEU and the ECtHR, which sets minimum standards for a fair administration of justice and the protection of the right to a fair trial [Przywora 2021, 215ff]. A state that fails to meet these standards not only violates the Constitution but also its international obligations.
3) The cultural and ethical level – involves rebuilding public trust, strengthening constitutional education, developing codes of ethics within the administration and the courts, as well as the effective protection of those who, in the name of integrity, oppose abuses of power. As A. Zając aptly observes, formalism in the application of the law becomes an ethical problem when it leads to the real consequences of decisions for the individual being ignored [Zając 2018, 83-93]. Integrity requires sensitivity to these consequences, and efficiency – the ability to react swiftly and proportionately.

It is only by bringing these three levels into play together that integrity and efficiency can be treated not as abstract slogans, but as tangible criteria for resolving the constitutional crisis. In this sense, the 'preamble's' demand becomes a point of reference both for the legislature and for judicial practice, as well as for the day-to-day work of civil servants, judges and officials.

CONCLUSION

An analysis of the current constitutional crisis in Poland shows that its essence cannot be reduced to a political dispute or individual amendments to laws. It is rather a crisis of trust in the state and its institutions, resulting from the overlap of several processes and phenomena, and above all from an axiological shift, the devaluation of the constitution as the supreme legal, the multi-centred nature of the legal system, multi-level constitutionalism,

the instrumentalisation of procedures, and the weakening, to put it mildly, of the ethos of public service. There is also no doubt that the constitutional crisis is the result of an exceptionally fragile legal culture, which has failed to build a genuine rule of law state – one that cannot, after all, be judged solely by the letter of the law, but also by its spirit, axiology, functions and social perception [Olszewski 2002, 25ff]. In this context, a return to the 'preamble's' call for 'reliable and efficient functioning of public institutions' takes on significance not merely as a declaration, but above all as a programme. Reliability means fidelity to the Constitution of the Republic of Poland, to the truth and to the common good, whilst efficiency means the ability to effectively safeguard the rights and freedoms of the individual and the security of the state. Both these values must coexist because a state that is reliable but inefficient becomes powerless, whilst a state that is efficient but unreliable transforms into an apparatus of oppression.

Integrity and efficiency are therefore the constitutional key to rebuilding the rule of law. At the normative level, they call for a review of legislative practices and the restoration of the hierarchy of sources of law. At the institutional level, they require the strengthening of the independence of supervisory bodies and the courts, as well as the depoliticisation of the administration and public media. At the ethical level (by no means the least important), they call for the renewal of the ethos of public service, based on responsibility for the common good.

As L. Bosek points out, the principle of truth enshrined in the preamble to the Polish Constitution constitutes one of the fundamental norms of the political system, and its implementation is a condition for the legitimacy of public authority [Bosek 2022, 3-19]. In this sense, the integrity of institutions – understood as truthfulness, honesty and loyalty to the Constitution – becomes the foundation of a new constitutional compromise. Without it, even the most extensive guarantees of individual rights will remain illusory.

Ultimately, it is precisely on whether public institutions act with integrity and efficiency that the answer to the question depends: will the constitutional crisis prove to be a transitional phase (era), leading to a more mature model of the rule of law, or the beginning of a lasting erosion of the constitutional order? The Preamble to the Constitution of the Republic of Poland, often dismissed as a 'solemn introduction', may become a practical tool for assessing public life in this process: every action taken by the authorities can, and indeed should, be questioned as to whether it brings us closer to a fair and efficient state, or distances us from that vision.

REFERENCES

Baskerville, Stephen. 2016. "Polski kryzys konstytucyjny mniej i bardziej poważny niż się zdaje." *Arcana. Kultura, historia, polityka* 5:31-41.

Bosek, Leszek. 2022. "Konstytucyjna zasada prawdy." *Forum Prawnicze* 3(71):3-19.

Pytlak, Mariola, and Marcin Bartkowski (eds.). 2024. *Etyczna administracja. Czy administracja może być społecznie odpowiedzialna?* Pruszków: Wydawnictwo Naukowe Akademii Nauk Stosowanych im. Haliny Konopackiej.

Garlicki, Leszek, and Marta Derlatka. 2016 "Wstęp." In *Konstytucja Rzeczypospolitej Polskiej. Komentarz I*. Warszawa.

Garlicki, Leszek. 2025. *Polskie prawo konstytucyjne. Zarys wykładu*. 12th ed. Warszawa: Wolters Kluwer.

Kaleta, Krzysztof, Agata Nawacka, and Maciej Pichlak. 2025. "Geneza kryzysu konstytucyjnego w świetle systematycznej analizy piśmiennictwa." *Państwo i Prawo* 5: 36-62.

Kieżun, Witold. 2003. "Prakseologiczna teoria organizacji i zarządzania." *Edukacja Filozoficzna* 35:36-58.

Kieżun, Witold. 2005. "O sprawną administrację publiczną." *Ius et Lex. Zeszyty* III(1).

Kotarbiński, Tadeusz. 1975. *Traktat o dobrej robocie*. Wrocław: Zakład Narodowy im. Ossolińskich.

Mojski, Wojciech. 2022. "Analiza kryzysu konstytucyjnego z perspektywy funkcji aksjologicznej konstytucji. Zarys podstawowych zagadnień teoretycznych." *Archiwum Filozofii Prawa i Filozofii Społecznej* 1:55-62.

Mojski, Wojciech. 2023. *Kryzys konstytucyjny. Zagadnienia teorii konstytucji*. Lublin: Wydawnictwo UMCS.

Mouffe, Chantal. 2015. *Agonistyka. Polityczne myślenie o świecie*. Translated by Barbara Szelewa. Warszawa: Wydawnictwo Krytyki Politycznej.

Mouffe, Chantal. 2020. *W obronie lewicowego populizmu*. Translated by Barbara Szelewa. Warszawa: Wydawnictwo Krytyki Politycznej.

Murat, Leszek. 2014. "Rzetelność jako prawne i pozaprawne kryterium kontroli." *Kontrola Państwowa* 4:60-80.

Olszewski, Henryk. 2002. "Polska droga do państwa prawa. Refleksje o kulturze prawnej." *Studia Prawnicze* 1:25-36.

Pietrzykowski, Tomasz. 2022. "Polski kryzys konstytucyjny oczami pozytywisty prawniczego." *Państwo i Prawo* 3: 3-17.

Przywora, B. 2021. "Rzetelny proces sądowy w orzecznictwie ETPC." In *Rzetelny proces sądowy. Doktryna, prawo, praktyka*, edited by Jarosław Szymanek, 215-30. Warszawa: SWWS.

Radziewicz, Piotr. 2020. "Kryzys konstytucyjny i paradygmatyczna zmiana konstytucji." *Państwo i Prawo* 10:3-24.

Sadurski, Wojciech. 2020. *Polski kryzys konstytucyjny*. Translated by Anna Wójcik. Łódź: Fundacja Liberté!

Sage, Peter M. 2002. *Piąta dyscyplina: teoria i praktyka organizacji uczących się*. Translated by Helena Korolewska-Mróz. Kraków.

Słowiński, Bronisław. 2008. *Podstawy sprawnego działania*. Koszalin: Wydawnictwo Politechniki Koszalińskiej.

Sobczyk, Paweł. 2020. "Rzetelność i sprawność działania samorządu terytorialnego. Refleksje aksjologiczno-konstytucyjne z okazji 30-lecia samorządu terytorialnego." In *Trzy dekady doświadczeń samorządu terytorialnego*, edited by Karol Karski, and Iwona Wieczorek. Białystok: Temida 2.

Stefaniuk, Małgorzata. 2003/2004. "Preambuła do Konstytucji RP z 2 kwietnia 1997 roku w orzecznictwie Trybunału Konstytucyjnego." *Annales Universitatis Mariae Curie-Skłodowska Lublin – Polonia* L/LI:203-23.

Strzępek, Kamil A. 2013. *Znaczenie prawne wstępu do Konstytucji RP z 1997 roku*. Warszawa: Wydawnictwo Sejmowe.

Szymanek, Jarosław. 2006. "Pojęcie efektywności konstytucyjnego systemu rządów państwie demokratycznym." In *Konstytucja RP z 1997 r. Na tle zasad współczesnego państwa prawnego*, edited by Maria Kruk. Warszawa: Wyższa Szkoła Handlu i Prawa im. R. Łazarskiego w Warszawie.

Zając, Adrian. 2018. "Formalizm w stosowaniu prawa a etyka na przykładzie prawnych regulacji ochrony środowiska." *Archiwum Filozofii Prawa i Filozofii Społecznej* 1:83-93.

Zdyb, Marian. 2017. "Standardy służby publicznej. Uwagi ogólne." *Annales Universitatis Mariae Curie-Skłodowska. Sectio G (Ius)* LXIV, no. 2:9-27.