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THE LEGISLATIVE–EXECUTIVE RELATIONS IN POLAND IN 2019–2024: A MULTILEVEL PERSPECTIVE

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Legislative–executive relations increasingly are investigated at all territorial levels in order to obtain a comprehensive picture of the state of democracy (Fidalgo 2022). This article analyzes the case of Poland in 2019–2024 to identify and explain the position of local and regional legislative vis-à-vis executive branches and to compare it with relations between the national parliament—that is, the *Sejm* and the *Senat* and the Council of Ministers. At subnational levels (i.e., three territorial tiers), the focus is on city council versus president or mayor, depending on the size of a city and the provincial council—the so-called *sejmik* versus the leader of the executive branch (*marszałek* in Polish) and its board. I argue that the “executive aggrandizement” (Bermeo 2016) was observable at all territorial levels in Poland in 2019–2024; at the national level, precisely until the establishment of the new government on December 13, 2023, that consisted of previous opposition forces. However, the excessive strengthening of the executive branches at the expense of legislative branches in this period was a process that developed at the national and subnational levels long before 2019.

Past research on legislative–executive relations in Poland indicates that strengthening the national executive branch at the expense of the legislative branch resulted from a chain of events concerning the political and party system, which began in the mid-1990s, as well as the growth of majoritarianism. This created a fertile environment for the rising power of the Council of Ministers and incumbents at the expense of the parliament and opposition after the Law and Justice (PiS) party won the presidential and parliamentary elections in 2015 (Szymański 2019).

At the subnational level, the strengthening of the executive branch at the expense of the legislative branch began after the major administrative reform of 1999 (Regulski 2003). The introduction of direct elections for local executive-branch heads in 2002 enabled them to gradually build a dominating position vis-à-vis councils and to have financial and human resources (including council administrative staff) at their disposal. Moreover, councilors sometimes were treated instrumentally by mayors or presidents, receiving material benefits for their full subordination. This clearly reflects one of the problems of

nondemocratic governance marked by corruption. Although citizens did not elect executive-branch leaders at the provincial level, they also often gained a strong position in decision-making processes (Mieñkowska-Norkiene, Szymański, and Zamecki 2024).

The strengthening of the Council of Ministers at the expense of the parliament accelerated in 2015–2019—that is, within the first period of the ruling of the United Right coalition led by the PiS. It took the form of executive aggrandizement—a key component of the de-democratization process in Poland. It weakened the position of the legislative body, which often became a voting machine, and the courts (Szymański 2019). In the next legislative period (i.e., from the second parliamentary win of the United Right on October 13, 2019, to the elections on October 15, 2023), a further shift of the core of decision making from the legislative to the executive branch was observed.

The COVID-19 pandemic significantly contributed to this process of executive aggrandizement. The introduction of the “state of the epidemic” (March 20, 2020) was used instrumentally by the government to consolidate its power. In the emergency period, the prime minister and ministers issued many regulations, often unrelated to COVID-19. This also included certain acts adopted by the incumbent majority in the *Sejm*, limiting functions of the *Senat* (the majority after 2019 was held in the second chamber by the opposition). Another example of the further marginalization of the parliamentary opposition was when the “parliamentary voting was organized typically according to a two-step procedure—collecting proposals from the majority and amendments from the opposition in separate groups so that the latter could be easily rejected *en bloc*” (Cassani et al. 2023, 69–70). Moreover, the government’s draft laws were submitted as parliamentary laws, thereby bypassing stakeholder consultations and regulatory impact analysis.

Most of these issues continued after the COVID-19 crisis, resulting in further marginalization of the role of the parliament and opposition (at least until 2023). This was a continuation of processes begun in 2015 that were aggravated during the pandemic. The government used special procedures for the Council of Ministers at the governmental and parliamentary levels in “urgent matters,” which allowed the bypassing of consultations and the examination of draft laws by government committees, thereby compressing the work deadlines of the parliament and the president. From November 2019 to November 2020, the procedure impacted 36.2% of all laws; in the next two annual periods, it impacted 27.6% and 38% of all laws, respectively. Further marginalization of the work of the parliamentary opposition and procedures also was noticeable in the canceling or resumption of voting unfavorable to incumbents, as well as in the limiting of opposition activities (e.g., time for speeches given by Members of Parliament) and consultations. This included “hiding” draft laws in ministries until their submission to the parliament (Mieñkowska-Norkiene, Szymański, and Zamecki 2024).

The executive aggrandizement at subnational levels continued after 2015–2019, which was a consolidation of the previously strong position of executive branches vis-à-vis councils; however, this was dependent on local political situations. An important role in this context was played by the 2018 subnational

elections when eight of 16 provincial councils were won by the PiS (compared to only one before 2018). This resulted in even more aggressive nondemocratic activities of this party, including a further weakening of local and regional councils by

primarily to the PiS rule, advanced majoritarianism, and the COVID-19 crisis. In contrast, other reasons were specific to the subnational level, including long-term deficits of democratic governance and election law.

The executive aggrandizement and the weak position of legislative branches were observable at both the national and subnational levels in Poland in 2019–2024.

stronger self-government executive branches. This included so-called *voivodes* (i.e., representatives of central administration in provinces) who, within the centralization initiated by the PiS, continued to weaken the decision-making competences of provincial councils. Other governing parties and local committees often behaved similarly, but the scope of undemocratic activities was not as conspicuous (Mieñkowska-Norkiene, Szymański, and Zamecki 2024).

From 2019 to April 2024, the city and provincial councils had theoretical legislative and control competences but, in practice, they were limited. This was particularly evident during the COVID-19 pandemic when the governance system strengthened the executive branches and in the situation of the majority belonging to the party of the executive-branch leader. In the latter situation, resolutions as main legal acts often were adopted automatically by councils (in great majority on application of the executive-branch leader), similar to what took place in the *Sejm*. This occurred with limited discussions or even full debates—which, however, had no impact. The only issue concerning the city executive branches that could be a subject of a resolution was their general work directions. However, a president or mayor often did not implement a resolution without consequences. The incumbents rejected the draft resolutions of the opposition—sometimes adopting them later as their own proposals. However, a consensus between the majority of the mayor or president and the opposition also could take place (e.g., in the Rzeszów and Otwock councils) (Mieñkowska-Norkiene, Szymański, and Zamecki 2024).

The control function of the city and provincial legislative bodies was limited to specific activities: adopting the budget; accepting the financial and budgetary reports presented each year by the president or mayor (city) or the entire executive board—that is, the *marszałek* and board members (province); and approving (since January 2018) the yearly report of these bodies concerning the implementation of policies and plans in the previous year. However, these control measures were not significant, notably when the majority supported the mayor or president or *marszałek*. Even if a council rejected the financial reports, accountability was not automatic—for example, dismissing the executive-branch leader requires problematic and not necessarily effective procedures (e.g., a referendum).

The executive aggrandizement and the weak position of legislative branches were observable at both the national and subnational levels in Poland in 2019–2024 (until late 2023 at the national level). Some reasons for this situation were standard for all territorial tiers—that is, the ongoing de-democratization related

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CONFLICTS OF INTEREST

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THE SOUTH AFRICAN PARLIAMENT'S CAPACITY TO CONSTRAIN THE EXECUTIVE BRANCH WEAKENED BY A DOMINANT PARTY SYSTEM

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Perceptions of parliamentary weakness are prevalent, particularly as an influential executive branch emerges from a parliamentary system dominated by a single party. In such contexts, legislatures often are seen as reactive and subordinate to executive-branch elites. In South Africa's parliamentary system, the executive branch is drawn from the legislature, which means that the cabinet sits in the legislature and needs the confidence of its majority. Until the national elections on May 29, 2024, the African National Congress (ANC)—as the dominant party—consistently secured stable governments and legislative-branch majorities without interruption in the past three decades of democratic consolidation. However, this dominance also