Filip Zygmunt Wichrowski

Petition to the Bundestag of the Federal Republic of Germany

Summary

The aim of this thesis is to answer questions about the role and method of the petition procedure addressed to the Bundestag and about the condition of the right of petition in Germany. By examining the issue of the petition submitted to the Bundestag, answers are sought to the question of possible directions for the development of the right of petition.

The German right of petition is examined in the context of its role as a tool for legal protection and as an instrument for communication with the legislature. The dissertation addresses the issues of citizens' ability to influence the decision-making process in the state. Moreover, the legitimacy of the existence of the right to petition in a state with mature and formed democratic processes and full protection of individual rights is assessed.

The analyses contained in this work are to serve as a basis for drawing conclusions relating to the issue of parliamentary petition in a broader spectrum. This study examines, inter alia, the question of the role played by the parliamentary petition in a democratic state under the rule of law, and the functions of the Parliamentary Committee on Petitions in the petition procedure.

Furthermore, on the example of German law, a solution to the problems of the Polish legal system was sought. Ultimately, the result of the analysis carried out in this study could serve to change the legislation in the area of the right to petition.

This work is divided into five chapters. The first chapter deals with the origins of the right of petition and the development of the terminology used to describe it. Moreover, it discusses the changes in the functions performed by petitions and its importance in the context of the possibility to influence the decision-making process in the State. In order to fully outline the shape of the legal institutions in question, legal acts are cited that constitute certain milestones in the development of legislation in this field.

The second chapter focuses on the right to petition as a fundamental right guaranteed by Article 17 of the German Constitution. The subject and object of this right are described. The individual participants of the petition procedure are analysed and the general nature of the right to petition is described. This chapter provides a systematisation of basic concepts. It lists and describes the particular sources of law and the basic institutions of law necessary for a precise analysis of the title issue in the following parts of this work.

The third chapter focuses on the Bundestag and its role as the recipient of petitions. It describes the various internal bodies of the Bundestag which are responsible for the handling of petitions. It examines them in detail in terms of their status and position in relation to other organs of the State and describes at length their powers in relation to the petitions process.

The fourth chapter is devoted to the procedure for dealing with petitions addressed to the Bundestag. This part of the work also contains a brief analysis of statistical data. This section aims to give the reader an insight into the practical side of the right of petition. The various stages of the petition procedure and their significance are described.

The fifth chapter attempts a comparative legal analysis of certain issues in the context of Polish regulations. A look at the shape of the right to petition in Germany, in particular the petition addressed to the parliament, will allow the conclusion of statements relating to the development of the right to petition in Poland.