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LEGAL INTEREST AS A PREREQUISITE OF A CIVIL ACTION
(Interes prawny jako przesłanka powództwa)

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In Polish civil procedure law, the topic of legal interest and its significance for the proceedings causes many disagreements between scholars and judiciary. Discussion concerning legal interest in civil proceedings mainly focuses on its importance for civil claim and for means of appeal. The Supreme Court of Poland issued ruling according which, filing an appeal by the appellant without legal interest in it, understood mainly as being aggrieved by the contested judgment, will result in rejection of the appeal without hearing its merits, and made this ruling a legal principle binding other courts. On the other hand, there is no decisive statement in judiciary regarding impact of legal interest on civil action, although the Supreme Court pointed out that the absence of the legal interest makes civil proceedings unnecessary. Difficulty in determining the importance of the legal interest for the civil action is also caused by the absence of the definition of the legal interest in the Civil Procedure Code or in any other legal act.

The views expressed so far in the doctrine and jurisprudence regarding the legal interest in the civil action are quite diverse. According to one view, the legal interest is important only in an action for determination. While in line with the another view it is a condition for a judgment granting civil action. Other authors argue that the legal interest in the action may be treated, at least in some cases, as a condition for the admissibility to hear the case. Representatives of this discussion confront, on the one hand, the assumption of the purposefulness of civil proceedings with the lack of statutory regulation of this issue. However, it is impossible not to notice numerous statements of the judiciary regarding the identification of various types of factors and premises in civil proceedings, which are omitted in the Civil Procedure Code and which are significant for the possibility of obtaining judicial protection.

Therefore, this work analyses the possibility of including the legal interest in a claim as a condition for its admissibility or validity depending on the type of claim.

The work has been divided into four chapters. The first one was devoted to the characteristics of the legal interest in legal science. This chapter discusses the views of doctrine and jurisprudence on the importance of the concept of the legal interest both in the institutions of civil procedure, but also in other fields of law. At the same time, the role of the legal interest in former Polish legislation and in foreign legal systems was pointed out. The analysis of the function of legal interest allows for an attempt to define the legal interest in civil proceedings, which constitutes starting point for further considerations on the topic of the work.

The next part of the work defines the concept of the legal interest in the context of a lawsuit. The second chapter also discusses the relationship between the legal interest and the right to a court, the function and purpose of the trial, the institution of an obviously unfounded lawsuit and procedural standing. The analysis in question considers the possibility of qualifying

a legal interest as a condition of a lawsuit in the context of ensuring the right to a court and the impact that making the granting of legal protection dependent on the possession of a legal interest has on achievement of the goals of civil proceedings and implementation of the functions of the process. At the same time, the relationship between the legal interest in the action and the subject of the civil proceedings and the procedural claim was examined.

The third chapter of the work discusses the conditions for the admissibility of the claim and the conditions for its validity. The views of representatives of science and the position of jurisprudence on the nature of both sets of premises and the consequences of the lack of individual premises are presented. The procedural premises of the claim and the grounds for the validity of the claim were analysed in the context of the possibility and justification of placing a legal interest among them. The affiliation of individual premises to one or another of the groups of grounds is also discussed, along with an analysis of views on the nature of the set of premises for rejecting a lawsuit. This part of the work also indicates the consequences of classifying legal interest as one or another group of grounds.

The last chapter was devoted to the legal interest in individual types of action, considering their partially different nature related to the specific types of the demands raised therein. This part of the work discusses cases in which it is considered that the plaintiff has a legal interest in the lawsuit and situations in which it is denied. Moreover, it was indicated what significance the determination of the plaintiff's legal interest has for resolving a specific type of claim and conclusion of proceedings.

In conclusion of the thesis there was pointed out that understanding the legal interest as a condition for the admissibility of hearing the case is consistent with the goals and function of the civil process. The main purpose of the proceedings is to provide legal protection after examining the plaintiff's action regarding his claim, which fulfils the protective function of the proceedings. Having a legal interest in the action is therefore crucial to achieving the goal, as well as to ensure that the process fulfils its intended function. In this context, filing a lawsuit without having a legal interest in it, as behaviour contrary to the purpose of the proceedings, may be considered an act that abuses procedural rights. Despite the lack of an express statutory sanction, it cannot be ruled out that the claim may be rejected for such a reason.

The consequence of the above conclusion is that there are no legal obstacles to recognizing a legal interest as a condition for the admissibility of a lawsuit. An additional important argument for the above view is provided in the Article 355 of the Code of Civil Procedure which mentions the grounds for discontinuing the proceedings is the case of the unnecessaryness of issuing a judgment. Therefore, the unnecessaryness of passing a judgment

should be considered as an obstacle to issuing a judgment consequently means that issuing a judgment is inadmissible.

However, it is necessary to postulate the inclusion of the lack of legal interest in the civil action in the provision specifying the reasons for rejecting the claim, or the introduction of a specific provision in the Code of Civil Procedure that directly states the possibility of hearing the case dependent on having a legal interest by the plaintiff. It also seems justified to modify the Article 355 of the Code of Civil Procedure by replacing and eliminating redundancy as a reason for discontinuing the proceedings, since the lack of legal interest would be listed among the grounds for inadmissibility of adjudication. At the same time, it would be reasonable to introduce a statutory definition of this concept in the claim to avoid the risk of unjustified, excessive expansion of cases considered as lacking legal interest in the claim.