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The origins, role and features of a preamble in the legal acts

SUMMARY

The article is to expand the reader's knowledge about a preamble. Its introduction is based on the etymology of the word "preamble". It also allows for learning about its basic features and functions. The next part describes the origin of preamble as a form of an introduction to a normative act. It presents its history with reference to the archaic sources and the first Polish legislation. The third part describes the features of a preamble on the example of Polish normative acts. Various elements of a preamble are subjected to a thorough analysis. This part also touches the issue of the insertion of a preamble. Then, there are described preambles appearing in the international legal acts, such as The Declaration of Independence of the United States of America, the US Constitution, The Declaration of the Rights of Man and of the Citizen and the Basic Law for the Federal Republic of Germany. The fifth part is about the eternal dispute of lawyers on the nature of preamble – as a normative or declarative part of the legal act. It quotes the arguments of both parties and relies on experts' opinions and judgment of the Polish Constitutional Tribunal. At the end of the article the significant role of a preamble in the normative acts is emphasized. It is also explained why the resignation of this form of an introduction is undesirable and what possible consequences it would have.

KEYWORDS: preamble, introduction to normative act, dispute of lawyers