

TABLE OF CONTENTS

INTRODUCTION / 9

PART ONE

GENERAL PART OF CRIMINAL LAW

Chapter I. General principles of Polish criminal law / 13

§1 Principle of *nullum crimen sine lege* / 13

§2 *Nulla poena sine lege* principle / 15

§3 Principle of *nullum crimen sine culpa* / 16

§4 Principle of *nullum crimen sine periculo sociali* / 17

§5 *Lex criminalis severior retro non agit* principle / 18

§6 Principle of an individual's liability for an offence / 19

§7 Principle of liability for intentional wrongful acts / 19

§8 Principle of humane treatment / 20

Chapter II. Elements of a crime / 23

§1 Conduct / 23

§2 Criminal conduct and its unlawfulness / 24

§3 Guilt / 24

§4 Social harmfulness of the act / 25

Chapter III. Forms of offence / 27

§1 Preparation and attempt / 27

§2 Accessories / 30

Chapter IV. Defences in criminal liability / 33

§1 Concept of justifications and excuses in criminal liability / 33

§2 Justifications / 33

§3 Excuses / 37

Chapter V. Penalties / 39

§1 Penalty of a fine / 39

§2 Restriction of liberty (community service or wage deduction) / 40

§3 Imprisonment / 42

Chapter VI. Penal, compensatory and forfeiture measures / 43

§1 Penal measures / 43

1. General characteristics / 43
2. Deprivation of public rights (Articles 39(1) and 40 of the Penal Code) / 44
3. Prohibition to hold a specific position/practice a specific profession/carry out specific business activity (Article 39 item 2 of the Penal Code and Articles 41§1 and 2 of the Penal Code) / 45
4. Prohibition to carry out activities related to the upbringing, treatment, education or care for minors (Articles 39(2a) and 41§1a and 1b of the Penal Code) / 45
5. Prohibition to hold a position or exercise a profession or work in state and local government bodies and institutions, as well as in commercial law companies in which the State Treasury or a local government unit holds, directly or indirectly through other entities, at least 10% of the shares or stocks (Article 39 item 2aa of the Penal Code and Articles 41§1aa and 1ab of the Penal Code) / 45

6. Prohibition to stay in certain environments or places, to contact certain persons, to approach certain persons or to leave a certain place of residence without the permission of the court (Article 39 paragraph 2b of the Penal Code and Article 41a of the Penal Code) / 46
 7. Prohibition of entry to a mass event (Article 39 point 2c of the Penal Code and Article 41b of the Penal Code) / 47
 8. Prohibition of entry to gambling establishments and participation in gambling games (Articles 39(2d) and 41c of the Penal Code) / 47
 9. Temporary injunction to vacate premises occupied together with the victim (Articles 39(2e) and 41a(1) of the Penal Code) / 47
 10. Driving ban (Article 39 point 3 of the Penal Code and Article 42 of the Penal Code) / 47
 11. Dimension of criminal measures / 48
- §2 Compensatory measures / 57
- §3 Forfeiture / 61

Chapter VII. Severity of penalty / 67

- §1 General principles and directives for the imposition of punishment and other measures / 67
- §2 Institution of extraordinary leniency / 73
- §3 Institution of extraordinary aggravation of penalty / 75

Chapter VIII. Probation and parole / 81

- §1 Concept of probation / 81
- §2 Conditional discontinuation of criminal proceedings / 81
- §3 Conditional suspension of imprisonment / 83
- §4 Conditional early release from imprisonment (parole) / 86

Chapter IX. Concurrence of laws and offences / 89

- §1 Concept of concurrence of laws and offences / 89
- §2 Concurrence of laws / 89

§3 Concurrence of offences / 91

§4 Rules for the imposition of a cumulative sentence / 93

Chapter X. Preventive measures / 95

Chapter XI. Criminal statute of limitations for offences
and for the execution of the sentence imposed / 101

§1 Limitation on the punishability of offences / 101

§2 Limitation on execution of sentence / 103

Chapter XII. Obliteration of conviction / 105

PART TWO

SELECTED TYPES OF CRIMES

§1 Offences against life and health / 111

§2 Offences against public safety and safety of communication / 125

§3 Offences against liberty, dignity and bodily integrity / 135

§4 Offences against sexual freedom and morals / 143

§5 Offences against the family and guardianship / 149

§6 Offences against the activities of state and local
government institutions / 155

§7 Offences against administration of justice / 161

§8 Offences against public order / 175

§9 Offences against protection of information / 193

§10 Offences against credibility of documents / 203

§11 Offences against property / 219

§12 Offences against business relations and interest
in property in civil law transactions / 241

§13 Offences against money and securities trading / 257