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Analysis of sentencing policies in Poland's criminal justice system

ABSTRACT: *This paper focuses on criminal policy in Poland, and its impact on the justice system. It includes a comprehensive analysis of the types of penalties, penal measures, and general directives concerning punishment in the Polish legal system, particularly from the perspective of the latest amendment to the criminal law. The aim is to illustrate the development of criminal policy in Poland and understand its influence on criminal justice. The paper will analyse various types of penalties, ranging from fines to custodial sentences, as well as penal measures, which constitute a key element of the legal system. Directives determining how penalties are imposed - and the goals that should be achieved through the criminal system in Poland - will also be scrutinised. Through the analysis of statistical data, this paper will provide an overview of the actual sentencing by courts and the execution of sentences in Poland, including data on the average length of imprisonment in relation to custodial sentences. Trends in sentencing over the years will be examined, and the latest changes (introduced as part of recent reforms to improve the effectiveness and fairness of the criminal system) will be analysed. In examining the formation of criminal policy in Poland, the paper will also consider potential controversies, challenges, and future perspectives influencing the development of the criminal system. This analysis will help understand how the approach to criminal matters in Poland is changing, and the consequences of these changes for the administration of justice and society.*

KEYWORDS: *criminal policy, penalties, penal measures, general directives, justice*

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1.
Introduction

Punishment has been used as a means of dispensing justice within human communities since time immemorial. This remains true today, where its use persists in various state systems and diverse legal frameworks. Punishment - as a tool directed at behaviour and the protection of societal interests - operates in various religions and cultures worldwide. It plays a fundamental role in building social order, shaping ethics, and establishing legal norms.[1]

In the context of the Polish legal system, punishment is a significant tool for achieving justice – including from the perspective of criminal law regulations. In this sense, it focuses on punishing criminals and preventing further criminal activity through the implementation of a preventive function, which will be discussed in the subsequent part of this paper. It is worth taking a closer look at the concept of punishment in the Polish legal system to understand the goals it sets for the administration of justice and the mechanisms used in the process of dispensing punishment. Considerations on the issue of criminal policy in Poland will begin with an analysis of the concept of legal punishment itself, understood depending on the branch of law in which it occurs. The paper will present punishment as defined by legal provisions, as a detriment imposed by the law on a legal subject, serving as a sanction for non-compliance with legal norms. In the Polish legal system, the concept of punishment operates in various branches of law – including administrative, civil law, offenses, and criminal law. Depending on the branch of law, the concept of punishment can be defined differently. In administrative law, for example, Article 189b of the Act of 14 June 1960, on the Administrative Proceedings Code (Pl: *Kodeks Postępowania Administracyjnego*, hereafter: KPA)[2] introduced an administrative monetary penalty into the Polish legal system.

According to the legal definition, it is understood as a specific pecuniary sanction imposed by the public administration authority through a decision – following a violation of the law consisting of non-fulfilment of an obligation or breach of a prohibition – imposed on a natural person, legal person, or non-legal personality organisational unit. Meanwhile, under civil law there exists a contractual penalty, which is understood as the payment of a specified sum as a form of redress for damage resulting from non-performance or improper performance of a non-pecuniary obligation.[3]

1 Warylewski, 2006, pp. 91-109; Zabłocki, 1995, pp. 231-244; Nowicka and Nowicki, 2009, pp. 149-162; Sójka-Zielińska, 1995

2 *Art. 189b of the Act of June 14, 1960, Administrative Proceedings Code (consolidated text: Official Journal of Laws of 2023, item 775).*

3 Art. 483 of the Act of April 23, 1964 (consolidated text: Official Journal of Laws of 2023, item 1610).

On the other hand, criminal punishment - which will be the subject of further considerations in this study – derives from criminal law regulations, specifically the Act of June 6 1997 – the Penal Code[4] (Pl: *Kodeks Karny*, hereafter: KK). Defining it in the context of criminal law, it can be indicated that it is a legal and criminal response by the state to a crime, constituting a personal detriment for its perpetrator.[5]

According to the conditions of criminal liability indicated in Article 1 Paragraph 1 of the KK, criminal responsibility applies only to those who commit a prohibited act under the threat of penalty by the law in force at the time of its commission. This corresponds to the Latin maxim *nullum poena sine lege*, which means that there is no punishment without law. Based on Article 1 Paragraph 2, we can state that an act whose social harmfulness is minimal cannot constitute a crime. Furthermore, according to §3, the perpetrator of a prohibited act has not committed a crime if it cannot be attributed to him at the time of the act (*nullum poena sine culpa* – no punishment without guilt).[6] On the other hand, Article 3 of the KK expresses the principle according to which penalties and other measures provided in this code are applied, taking into account the principles of humanitarianism, especially with respect for human dignity.[7]

2.
Penalty in Polish Criminal Law

Penalties, alongside penal and preventive measures, constitute one of the fundamental responses to the commission of a crime. Polish criminal law includes a catalogue explicitly listing the penalties that can be applied by the court. This catalogue is expressed in Article 32, Points 1-3 and 5 of the KK, according to which the penalty can be a fine, restriction of liberty, imprisonment, or even life imprisonment. In Polish law, there was previously Article 32 Point 4, which prescribed a penalty of 25 years of imprisonment. However, this was repealed by Article 1, Point 2 of the Act of 7 July 2022, amending the KK and certain other statutes.[8] The mentioned catalogue of penalties in Article 32 of the KK lists punishments ranging from those inflicting the least harm on the offender to the most severe. It is important to note that this perspective reflects the legislator's view because, for individual offenders, a fine may prove more burdensome than a term of restricted liberty. Consequently, this catalogue serves as

4 Act of June 6, 1997 – Penal Code (consolidated text: Official Journal of Laws of 2022, item 1138).
5 Burdziak, Kowalewska-Łukuć and Nawrocki, 2021.
6 Art. 1 of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
7 Art. 3 Ibid.
8 The Act of 7 July 2022, amending the Penal Code and certain other statutes (Journal of Laws of 2022, item 2600).

a suggestion regarding the legislator's preferences in the realm of imposing custodial sentences. Therefore, in Polish criminal law the catalogue of penalties encompasses both non-isolating penalties (fines, restrictions of liberty) and isolating penalties (imprisonment, life imprisonment). In Article 33 of the KK, the legislator established a system for determining fines. According to this system, fines can be determined either in a specific amount or in so-called daily rates. In the case of fines specified in daily rates, the court defines the number of rates and the amount of one rate. The law specifies that, unless the KK provides otherwise, the minimum number of rates is 10, and the maximum is 540.[9] Meanwhile, based on §1a, it is considered that if the law does not state otherwise and the offense is punishable by both a fine and imprisonment, the fine is determined at a minimum of 50 daily rates for an offense carrying a penalty of imprisonment not exceeding one year, 100 daily rates for a maximum 2-year imprisonment offense, and 150 daily rates for anything exceeding 2 years[10]. A fine is imposed as a penalty for offenses of lower social harm. It can be either an independent penalty or imposed alongside other types of penalties, if provided by the law as a form of legal liability for a specific type of prohibited act. Cumulative fines, on the other hand, can be imposed alongside imprisonment based on Article 33 §2 of the KK in a situation where the offender has committed a prohibited act to gain financial benefit, or has achieved financial gain. Cumulative fines serve as a complementary measure to the punitive repression resulting from imprisonment by introducing elements that are burdensome for the offender from an economic perspective.[11] When determining the daily rate, the court takes into account the income of the offender, their personal and family circumstances, financial relationships, and earning capabilities. However, the daily rate cannot be lower than 10 Polish złoty or exceed 2000 Polish złoty, as stipulated in Article 33 §3 of the KK. In literature it is pointed out that a disadvantage of a fine is the lack of certainty regarding the source of the money used to pay it.[12] After the changes introduced by the law of 20 February 2015, it is no longer possible to conditionally suspend the execution of a fine.[13] The limits on restriction of liberty are specified in Article 34 of the KK, where in §1 it is indicated that, unless the law provides otherwise, this penalty lasts a minimum of one month and a maximum of two years. It is imposed in months and years.[14] The penalty of restriction of liberty involves the obligation to perform unpaid, supervised work for social purposes or

9 Art. 33(1) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
10 Art. 33(1a) Ibid.
11 Melezini, 2016, p. 139.
12 Burdziak, Kowalewska-Łukuć and Nawrocki, 2021, p. 188.
13 Mozgawa Marek (ed.), Penal Code. Commentary, 2015.
14 Art. 34(1) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).

the deduction of 10% to 25% of the monthly earnings for social purposes specified by the court, as defined in §1a.[15] The duties and deductions can be imposed either collectively or separately.[16] As of 1 October 2023, §1aa came into effect, according to which – unless the law provides otherwise – if an offense is punishable by both a penalty of restriction of liberty and imprisonment, the restriction of liberty is determined at a minimum of 2 months for an offense carrying a penalty of imprisonment not exceeding one year, 3 months for a maximum 2-year imprisonment offense, and 4 months for an offense with a penalty of imprisonment of over 2 years.[17] It is crucial that during the serving of the penalty, the convicted person cannot change their permanent residence without the court's consent. Additionally, they are obligated to provide explanations regarding the course of serving the penalty.[18] When imposing the restriction of liberty, the court can order a monetary contribution mentioned in Article 39 Point 7 or obligations as specified in Article 72 Paragraph 1 Points 2-7a. These may include apologising to the victim, fulfilling the duty to financially support another person, engaging in gainful employment, pursuing education or vocational training, abstaining from alcohol abuse or the use of other intoxicants, undergoing addiction therapy, participating in therapy (especially psychotherapy or psychoeducation), engaging in corrective and educational interventions, refraining from being in certain environments or places, avoiding contact with the victim or other individuals in a specific manner, or keeping a distance from the victim or others.[19] Article 35 defines community service – which is unpaid, supervised, and performed for a duration ranging from 20 to 40 hours per month.[20] Paragraph 2 specifies that a deduction from the earnings for work can be ordered for an employed person, and during the period for which the deduction is ordered, the convicted person cannot terminate the employment relationship without the court's consent.[21] A just response to the commission of a crime does not always require the court to resort to an isolating penalty. Therefore, in the Polish legal system there are provisions allowing for the imposition of a non-isolating penalty. The amendment from 2022 also modified the wording of Article 37, which defines the limits of imprisonment. Currently, this provision states that the term of imprisonment is at least one month and, at most, 30 years, imposed in months and years. Previously, Article 37 stipulated that the maximum term of imprisonment would be 15 years. An example of this is Article 37a Paragraph 1 of KK, which allows for the imposition of a restriction of liberty of not

15 Art. 34(1a) Ibid.
16 Art. 34(1b) Ibid.
17 Art. 34(1aa) Ibid.
18 Art. 34(2) Ibid.
19 Art. 34(3) Ibid.
20 Art. 35(1) Ibid.
21 Art. 35(2) Ibid.

less than 4 months or a fine of not less than 150 daily rates, especially if concurrently imposing a penal measure, compensatory measure, or forfeiture. This is applicable if the offense is punishable by imprisonment not exceeding 8 years, and the imposed term of imprisonment would not be longer than one year.[22]

However, in accordance with Article 37a Paragraph 2 of the Penal Code, the above provision does not apply to offenders specified in Article 64 Paragraph 1, or to offenders acting within an organised group or association aimed at committing a crime or a fiscal offense, offenders of terrorist offenses, or offenders of a crime specified in Article 178a Paragraph 4. Article 37b indicates that in the case of an offense punishable by imprisonment – regardless of the lower limit of the statutory penalty provided for in the law for a given act – the court may simultaneously impose a term of imprisonment not exceeding 3 months. If the upper limit of the statutory penalty is at least 10 years, a term of imprisonment can be imposed for 6 months, with restriction of liberty for up to 2 years. Articles 69-75 do not apply. In this case the term of imprisonment is executed first, unless the law provides otherwise. An important principle expressed in Article 38 Paragraph 1 is that if the law provides for a reduction or extraordinary tightening of the upper limit of the statutory penalty, and the statutory penalty includes more than one of the penalties listed in Article 32 points 1-3, the reduction or tightening applies to each of these penalties. Article 38 Paragraph 2 now provides that an extraordinarily tightened penalty cannot exceed 810 daily rates of a fine, 2 years of restriction of liberty, or 30 years of imprisonment. Before the changes introduced by the amendment in 2022, Paragraph 2 stipulated that an extraordinarily tightened penalty could not exceed 810 daily rates of a fine, 2 years of restriction of liberty, or 20 years of imprisonment, and it was imposed in months and years. The current Article 38 Paragraph 3 indicates that if a reduction in the upper limit of the statutory penalty is provided for, the penalty imposed for a crime punishable by life imprisonment cannot exceed 30 years of imprisonment. Whereas, before the changes introduced by the amendment in 2022, it stated that if the law provides for a reduction in the upper limit of the statutory penalty, the penalty imposed for a crime punishable by life imprisonment cannot exceed 25 years of imprisonment, and for a crime punishable by 25 years of imprisonment, it cannot exceed 20 years of imprisonment.

22 Giezek and Kardas, 2022, pp. 103-140.

3.
Penal Measure

Penal measures, applied alongside the penalty, constitute a hardship imposed on the perpetrator of a crime and enhance the consequences resulting from the conviction. In such a situation, the penal measure serves the ancillary purposes of the criminal process that cannot be adequately addressed through the imposition of the penalty alone. While rare, it is not impossible for penal measures to be pronounced instead of a penalty. This typically occurs when even the lowest sentence would be disproportionately severe for the offender.[23] The catalogue of penal measures in Polish criminal law is specified in Article 39 of the Penal Code. According to this provision, penal measures include: deprivation of public rights; prohibition from holding a specific position or practicing a specific profession, or conducting a specific business activity; prohibition from engaging in activities related to the upbringing, treatment, education, or care of minors; prohibition from holding a position or practicing a profession or job in state and local government institutions, as well as in commercial law companies where the State Treasury or a local government unit directly or indirectly owns at least 10% of shares or stocks through other entities; prohibition from staying in specific environments or places, contacting certain individuals, approaching specific persons, or leaving a designated place of residence without court permission; prohibition from entering mass events and gambling establishments, and participation in gambling; an order to periodically leave premises occupied jointly with the victim; prohibition from driving vehicles; a monetary fine; disclosure of the judgment to the public; and degradation.[24]

4.
Preventive Measures

Article 93a specifies a catalogue of preventive measures, including electronic location monitoring, therapy, addiction therapy, and residence in a psychiatric facility. The imposition as a preventive measure of an order or prohibition as specified in Article 39 points 2-3 of the KK[25] is possible in a situation explicitly provided for by law. Preventive measures may be decided by the court when necessary to prevent the perpetrator from committing the prohibited act again, and other penal measures

23 Burdziak, Kowalewska-Łukuć and Nawrocki, 2021, pp. 206-233.
24 Art. 39 of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
25 Art. 93a(2) Ibid.

defined in this code or imposed based on other laws are not sufficient. The preventive measure referred to in Article 93a Paragraph 1 Point 4 can be imposed only to prevent the perpetrator from committing a prohibited act of significant social harm again.[26] Lifting of a preventive measure occurs when its further application is no longer necessary.[27] A preventive measure and its manner of execution should be appropriate to the degree of social harm, as well as the likelihood of its commission, and should take into account the needs and progress in therapy or addiction treatment. The court may modify the imposed preventive measure against the perpetrator or its manner of execution if the previously imposed measure has become inappropriate or its execution is not feasible.[28] In the case of the same offender, more than one preventive measure can be imposed.[29] The court orders placement in a psychiatric facility only when the law so provides.[30] In Article 93c of the KK, the legislator has defined a group of offenders for whom preventive measures can be applied. In point 1 it is specified that such a measure may be imposed on an offender for whom proceedings have been discontinued due to committing an act prohibited while in a state of insanity as defined in Article 31, Paragraph 1 of the KK. In this case, the law refers to the provision specifying the regulation concerning the insanity of the offender. This provision applies exclusively to individuals for whom experts have ruled on insanity, i.e., individuals not subject to criminal responsibility.[31] The duration of applying a preventive measure is not predetermined.[32] Lifting the preventive measure in the form of residence in a psychiatric facility, the court may impose one or more of the following preventive measures: electronic monitoring of the place of residence, therapy, or addiction therapy.[33] The court determines the necessity and feasibility of implementing the imposed preventive measure no earlier than 6 months before the anticipated conditional release or the serving of a prison sentence.[34] If a custodial sentence is being served against the offender, preventive measures such as electronic monitoring of the place of residence, therapy, or addiction therapy may also be imposed until the completion of the sentence. However, this can only be decided no earlier than 6 months before the anticipated conditional release or completion of the custodial sentence.[35] If the offender has been sentenced to an imprisonment term without the

26 Art. 93a(1) Ibid.
27 Art. 93b(2) Ibid.
28 Art. 93b(3) Ibid.
29 Art. 93b(4) Ibid.
30 Art. 93b(5) Ibid.
31 Art. 93c ed. Stefański 2023, edn. 6/Wilkowska-Płóciennik.
32 Art. 93d(1) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
33 Art. 93d(2) Ibid.
34 Art. 93d(3) Ibid.
35 Art. 93d(4) Ibid.

suspension of its execution or a life sentence, the imposed preventive measure is applied after serving the sentence or conditional release, unless the law provides otherwise.[36] If the offender's behaviour after the revocation of the preventive measure indicates the need for preventive measures, the court – no later than within 3 years from the revocation of the measure – may again impose the same preventive measure or another measure as specified in Article 93a, Paragraph 1, Points 1-3, namely electronic monitoring of the place of residence, therapy, or addiction therapy.[37] Electronic monitoring of the place of residence, as defined in Article 93e, entails that the offender subject to such a measure is obligated to undergo continuous monitoring of their place of residence through technical devices, including a worn transmitter.[38] The obligation to undergo addiction therapy in a facility, as specified in Article 93f, means that the offender subject to therapy is required to attend the facility designated by the court at times determined by a psychiatrist, sexologist, or therapist. The offender must also undergo pharmacological therapy aimed at reducing sexual drive, psychotherapy, or psychoeducation to improve their functioning in society.[39] The offender for whom addiction therapy has been ordered is obligated to attend the addiction treatment facility designated by the court at times determined by the doctor. They are also required to undergo treatment for alcohol, narcotics, or any other similarly acting substance addiction.[40] On the other hand, Article 93g pertains to the principles of ordering residence in a psychiatric facility. According to Paragraph 1, the court orders residence in an appropriate psychiatric facility for an offender specified in Article 93c, Point 1, meaning an offender for whom proceedings were discontinued for an offense committed in a state of insanity. This occurs if there is a high probability that the offender will commit another offense of significant social harm due to mental illness or intellectual impairment.[41] However, when sentencing an offender specified in Article 93c, Point 2 – meaning an offender convicted of a crime committed in a state of diminished responsibility – to a custodial sentence without the suspension of its execution or a life sentence, the court orders residence in an appropriate psychiatric facility if there is a high probability that the offender will commit an offense of significant social harm due to mental illness or intellectual impairment.[42] When sentencing an offender specified in Article 93c, Point 3 to a custodial sentence without the suspension of its execution or a life sentence, the court orders residence in an appropriate psychiatric facility if there is a high probability that the convicted person

36 Art. 93d(5) Ibid.
37 Art. 93d(6) Ibid.
38 Art. 93e Ibid.
39 Art. 93f(1) Ibid.
40 Art. 93f(2) Ibid.
41 Art. 93g(1) Ibid.
42 Art. 93g(2) Ibid.

will commit a crime against life, health, or sexual freedom due to a disorder of sexual preferences.[43] In the case of Article 93g, we are dealing with a mandatory preventive measure due to the use of the legislative expression "the court orders". This provision establishes the conditions for placing individuals in an appropriate psychiatric facility for three categories of offenders: those who are not criminally responsible, those with significantly limited criminal responsibility, and those who committed a crime in connection with a disorder of sexual preferences.[44] If the perpetrator has committed an offense in a state of insanity, there is the possibility for the court to impose, as a preventive measure, an order or prohibitions listed in Article 39, Points 2-3. These may include a prohibition on occupying a specific position, practicing a specific profession, or engaging in a specific business activity; a prohibition on engaging in activities related to the upbringing, treatment, education, or care of minors; a prohibition on holding a position or practicing a profession or job in state and local government bodies, as well as in commercial law companies where the State Treasury or a local government unit directly or indirectly holds at least 10% of shares or stakes; a prohibition on staying in specific environments or places; restrictions on contact with specific individuals; restrictions on approaching certain persons or leaving a designated place of residence without the court's consent; a prohibition on entering mass events; a prohibition on entering gaming facilities and participating in gambling; an order to periodically leave the premises occupied jointly with the victim; or a prohibition on driving vehicles.[45] The imposition of this preventive measure is discretionary, due to the use of the legislative expression "may impose". It is worth noting the purpose of establishing this provision, which is to protect society from the potential uncontrolled behaviour of the offender that may pose a threat due to their social or professional role. The purpose of the prohibitions is to secure society, including its individual members, from the risk associated with the offender holding a position, performing a function, or engaging in business activities.[46]

5.
Principles of Sentencing and Penal Measures

Analysing the principles of issuing judgments, it is essential to first point out how imprisonment is defined in our legislation, and what the purpose of incarceration is. According to Polish law, the purpose of imprisonment is to achieve several key objectives stemming from the concept of punishment in the Polish legal system.

43 Art. 93g(3) Ibid.
44 Art. 93g ed. Stefański 2023, edn. 6/Wilkowska-Płóciennik.
45 Art. 99(1) Ibid.
46 Art. 99 ed. Stefański 2023, edn. 6/Wilkowska-Płóciennik.

One of the primary goals of imprisonment is to restrict the personal freedom of the convicted person. This is done by depriving them of the ability to move and act freely in society through the application of isolation as a penalty. The punishment aims at both individual prevention and general prevention, meaning it seeks to deter both the offender and other potential criminals from committing crimes. It also aims to protect society from any harmful actions by the convicted person.

Chapter IV of the KK specifies the principles of sentencing and penal measures. Article 53, opening this chapter, outlines general guidelines for sentencing. According to Paragraph 1, the court imposes a sentence at its discretion within the limits provided by law, taking into account the degree of social harm of the act, aggravating and mitigating circumstances, the goals of punishment in terms of social impact, as well as preventive goals to be achieved regarding the convicted person.[47] Before the entry into force of the 2022 amendment, this provision stated that the court imposes a sentence at its discretion within the limits provided by the law, ensuring that the severity of the penalty does not exceed the degree of guilt. It takes into account the degree of social harm caused by the act and considers preventive and educational goals to be achieved regarding the convicted person, as well as the needs for shaping legal awareness in society.[48] According to the justification of the project, this change pertains to a different definition of the general prevention directive and emphasises its equal status with the individual (specific) prevention directive. Before the entry into force of the 2022 amendment, the directive expressed in this provision was meant to ensure general prevention, as reflected in the language concerning the consideration of needs in shaping legal awareness in society.[49] It is crucial to have a guilt degree directive, indicating that the severity of the penalty should not exceed the degree of guilt.[50] When imposing a sentence, the court takes into account, in particular, the motivation and behaviour of the offender, especially in the case of committing a crime against a vulnerable person due to age or health, committing a crime jointly with a minor, the nature and degree of violation of the offender's obligations, the type and extent of the negative consequences of the crime, the personal characteristics and conditions of the offender, their lifestyle before and after the commission of the crime, especially efforts to remedy the harm or provide restitution in another form to satisfy societal sense of justice. This is specified in Paragraph 2.[51]

47 Art. 53 of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
48 Ibid.
49 Art. 53 Commentary on the amendment from 7 July 2022 Bogacki/Olężałek 2023.
50 Art. 53 ed. Stefański 2023, edn. 6/Konarska-Wrzosek.
51 Art. 53(2) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).

An essential change introduced by the latest amendment to the criminal law in Poland regarding the principles of sentencing was the establishment of extensive yet open catalogues of aggravating and mitigating circumstances. It is noteworthy that this novelty did not exist in previous Polish criminal codes.[52]

An aggravating circumstance includes, in particular, prior convictions for intentional or similar unintentional crimes; taking advantage of the helplessness, disability, illness, or advanced age of the victim; actions leading to humiliation or torment of the victim; committing the crime with premeditation; committing the crime due to motivation deserving special condemnation; committing the crime driven by hatred based on the victim's national, ethnic, racial, political, or religious affiliation, or because of their lack of religious beliefs; acting with particular cruelty; committing the crime under the influence of alcohol or a narcotic substance, if this state was a factor leading to the commission of the crime or significantly increasing its consequences; or committing the crime in collaboration with a minor or exploiting their participation.[53] On the other hand, a mitigating circumstance includes, in particular, committing the crime due to motivation deserving consideration; committing the crime under the influence of anger, fear, or excitement justified by the circumstances of the event; committing the crime in response to a sudden situation where a proper assessment was significantly hindered due to the offender's personal circumstances, scope of knowledge, or life experience; taking actions to prevent harm or injury resulting from the crime or to limit its extent; reconciliation with the victim; repairing the damage caused by the crime or providing compensation for the harm resulting from the crime; committing the crime with significant contribution from the victim; voluntary disclosure of the committed crime to the law enforcement authority.[54] A circumstance that is a characteristic feature of the crime committed by the offender does not constitute an aggravating or mitigating circumstance, unless it occurred with particularly high intensity.[55] A circumstance that is not a characteristic feature of the crime does not constitute an aggravating circumstance if it serves as the basis for increasing criminal liability applied to the offender.[56] A circumstance that is not a characteristic feature of the crime does not constitute a mitigating circumstance if it serves as the basis for reducing criminal liability applied to the offender.[57] Based on Article 56 of the KK, this applies accordingly to the imposition of other measures

52 See: Art. 53 ed. Stefański 2023, edn. 6/Konarska-Wrzosek.
53 Art. 53(2a) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
54 Art. 53(2b) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).
55 Art. 53(2c) Ibid.
56 Art. 53(2d) Ibid.
57 Art. 53(2e) Ibid.

provided for in the criminal law, with the exception of the obligation to repair the damage caused by the crime or provide compensation for the harm suffered. If mediation was conducted between the victim and the offender or a settlement was reached in proceedings before the court or prosecutor, the court, when imposing a sentence, also takes into account their positive outcomes.[58] Special rules apply to the sentencing of minors and juveniles. Article 54 provides a directive stating that when imposing a sentence on a minor or juvenile, the court is primarily guided by the goal of educating the offender. This does not necessarily imply a directive for lenient treatment of such offenders, i.e., imposing a mild penalty. Instead, it imposes an obligation on the court to understand the personal characteristics and conditions of the juvenile offender and to impose a penalty necessary for their upbringing.[59] It should be noted that life imprisonment cannot be imposed on an offender who was under 18 years of age at the time of committing the crime.[60] This means that life imprisonment cannot be imposed on juveniles and minors brought to criminal responsibility who committed a crime between the ages of 17 and 18.[61] It is worth noting the existence of Article 10, Paragraphs 3 and 4 in the KK, which establish a general limit on the punishment for juveniles to 2/3 of the upper limit of the statutory penalty prescribed for the offense committed by the perpetrator, provided that the offense is not punishable by life imprisonment. The 2022 amendment also introduced changes regarding the principles of sentencing for juveniles. In the case of an offender who committed an offense after reaching the age of 17 but before turning 18, the court, instead of imposing a penalty, applies educational, therapeutic, or corrective measures provided for juveniles if the circumstances of the case, the degree of the offender's development, and their personal characteristics support this.[62]

The circumstances affecting the punishment are taken into account only with respect to the person they concern, as stipulated by Article 55 of the KK. It should be noted that the possibility of considering various aspects of the act and the characteristics and behaviour of the perpetrator in determining the punishment also allows for the implementation of the principles of humanitarianism and proportionality. At the same time, sentencing directives and principles prevent judicial arbitrariness, ensuring the preservation of the principles of equality and justice.[63] At the core of this is human dignity and the principle of equality.[64] We should refer to the judgment of the Supreme Court dated 27 July 2004, where it was indicated that "the punishment

58 Art. 53(3) Ibid.
59 Art. 54 ed. Gadecki 2023, edn. 1/Gadecki.
60 Art. 54(2) Ibid.
61 Art. 54 ed. Stefański 2023, edn. 6/Konarska-Wrzosek.
62 Art. 54 ed. Stefański 2023, edn. 6/Konarska-Wrzosek.
63 Art. 54 Ibid.
64 Art. 55 ed. Zawłocki 2021, edn. 5/Królikowski/Żółtek.

should not be an act of a 'collective' nature; consequently, the court should assess each participant in collective action and their individual characteristics separately in terms of an appropriate penalty". This means that the characteristics and personal conditions of each perpetrator, as well as subjective circumstances (primarily the degree of guilt), and objective factors influencing the act of determining the penalty, should be taken into account separately for each perpetrator and convincingly justified, without resorting to generalisations. These criteria are naturally intensified in the case of judgments involving the imposition of the most severe penalties.[65] The need to appropriately punish the perpetrator must be fulfilled, even if the act was committed in collaboration. Individual circumstances regarding the perpetrator should be taken into account to ensure the principle of internal justice of the judgment, requiring consideration of the significance of the committed act and the assessment of how personal circumstances significantly differentiate the situation – making them a justified basis for a different sentence compared to co-perpetrators, as indicated, for example, by the judgment of the Supreme Court dated 20 September 2002.[66] In accordance with Article 56 of the KK, this applies correspondingly to the imposition of other measures provided for in criminal law, with the exception of the obligation to compensate for the damage caused by the offense or make amends for the harm suffered. Article 57 establishes principles regarding the concurrence of grounds for mitigation and enhancement. According to Paragraph 1, if several independent grounds for extraordinary mitigation or enhancement of the penalty exist, the court may only once exceptionally mitigate or enhance the penalty, considering all concurrent grounds for mitigation or enhancement when determining the penalty.[67] However, if there is a convergence of grounds for extraordinary mitigation and enhancement, the court applies extraordinary mitigation or enhancement or imposes a penalty within the statutory limits, as indicated in Paragraph 2.[68] In both cases mentioned above, if there is a convergence of grounds for extraordinary mitigation or mandatory and discretionary penalty enhancement, the court applies the mandatory grounds.[69] The provisions, insofar as they relate to the grounds for extraordinary mitigation, apply *mutatis mutandis* to the grounds for refraining from

65 See II Criminal Chamber of the Supreme Court, case No. 332/03, in the Criminal and Military Supreme Court Judgments of 2004, No. 9, item 87, with commentary by S.M. Przyjemski, in "Criminal Law and Procedure" of 2005, No. 4, p. 136 and following.

66 See the judgment of the Supreme Court dated September 20, 2002, case No. WA 50/02, in the Criminal and Military Supreme Court Judgments of 2003, No. 1-2, item 9, with commentary by M. Kiziński, in "Prosecution and Law" of 2005, No. 6, p. 113 and following.

67 Art. 57(1) of the Act of 6 June 1997 - Penal Code (consolidated text: Journal of Laws of 2022, item 1138).

68 Art. 57(2) Ibid.

69 Art. 57(3) Ibid.

imposing a penalty.[70] Conversely, if there are grounds for extraordinary aggravation of a mandatory nature and grounds for extraordinary mitigation as specified in Article 60 Paragraph 3, the court applies extraordinary mitigation of the penalty.[71] However, if there are grounds for extraordinary aggravation of a mandatory nature and grounds for extraordinary mitigation as specified in Article 60 Paragraph 4, the court may apply extraordinary mitigation of the penalty.[72] However, if there are grounds for extraordinary mitigation and for refraining from imposing a mandatory penalty, or if there are grounds for extraordinary mitigation of an optional nature and for refraining from imposing a mandatory penalty, the court refrains from imposing a penalty. On the other hand, if there are grounds for extraordinary mitigation of a mandatory nature and for refraining from imposing a penalty of an optional nature, the court applies extraordinary mitigation or refrains from imposing a penalty. However, if there are grounds for extraordinary mitigation of the penalty and for refraining from imposing a penalty of an optional nature, the court applies extraordinary mitigation or refrains from imposing a penalty - or imposes a penalty within the limits of the statutory penalty.[73] On the other hand, based on Article 57a, when sentencing for an offense related to hooliganism, the court imposes a penalty upon the perpetrator at a level not lower than the lower limit of the statutory penalty increased by half. The court orders restitution for the victim unless it orders the obligation to repair the damage, the obligation to compensate for the harm suffered, or restitution based on Article 46. If the victim has not been identified, the court may order restitution to the Fund for the Aid of Victims and Post-penitentiary Assistance.[74] The punishment for a continuous act is specified in Article 57b of the KK. Based on this provision, in the case of a continuous act the court imposes a penalty upon the perpetrator above the lower limit of the statutory penalty. In the case of a fine or a penalty of restricted liberty, the punishment is not lower than double the lower limit of the statutory penalty, and up to double the upper limit of the statutory penalty.[75] If the law allows for the choice of the type of penalty, and the offense is punishable by imprisonment not exceeding 5 years, the court imposes a term of imprisonment only when no other penalty or penal measure can achieve the objectives of the penalty. Penalties of restricted liberty in the form of an obligation to perform unpaid work or supervised work for social purposes are not imposed if the health condition of the accused or their characteristics and personal conditions justify the belief that the

70 Art. 57(4) Ibid.
71 Art. 57(5) Ibid.
72 Art. 57(6) Ibid.
73 Art. 57(7) Ibid.
74 Art. 57a Ibid.
75 Art. 57b(1) Ibid.

accused will not fulfil this obligation.[76] Article 58 of the KK expresses the principle of the primacy of imprisonment penalties. According to this provision, if the law allows for a choice of penalty types and the offense is punishable by imprisonment not exceeding 5 years, the court imposes a term of imprisonment only when no other penalty or penal measure can achieve the objectives of the penalty.[77] If the offense is punishable by imprisonment not exceeding 3 years or a milder type of penalty, and the social harm of the act is not significant, the court may refrain from imposing a penalty if it simultaneously imposes a penal measure, forfeiture, or compensatory measure, and the objectives of the penalty are thereby achieved.[78] Article 60 pertains to extraordinary mitigation of the penalty. The court may apply extraordinary mitigation of the penalty in cases provided for by law and in relation to a minor if reasons specified in Article 54 Paragraph 1 speak in favour of it.[79] The court may also apply extraordinary mitigation of the penalty in particularly justified cases, especially when even the lowest penalty provided for the crime would be disproportionately severe, particularly: if the victim has reconciled with the perpetrator, the harm has been repaired, or the victim and the perpetrator have agreed on a way to repair the damage; due to the perpetrator's attitude, especially when the perpetrator made efforts to repair the damage or prevent it; if the perpetrator of an unintentional crime or their closest suffered serious harm in connection with the committed offense.[80] Upon the prosecutor's motion, the court applies an extraordinary mitigation of the penalty, and it may even conditionally suspend its execution in relation to the perpetrator who collaborates with other individuals in committing a crime, provided that the perpetrator discloses to the law enforcement authorities information regarding persons involved in the commission of the crime and significant circumstances of its commission.[81] Upon the prosecutor's motion, the court may apply an extraordinary mitigation of the penalty and may even conditionally suspend its execution in relation to the perpetrator of a crime who, regardless of the explanations provided in their case, disclosed to law enforcement and presented significant circumstances previously unknown to that authority, for crimes punishable by imprisonment exceeding 5 years.[82] It is worth noting that in cases specified in Paragraphs 3 and 4, when imposing a term of imprisonment of up to 5 years, the court may conditionally suspend its execution for a probationary period of up to 10 years if it deems that, despite not serving the sentence, the offender will not commit another crime again;

76 Art. 57b(2) Ibid.
77 Burdziak, Kowalewska-Łukuć, Nawrocki, p. 197.
78 Art. 59 Ibid.
79 Art. 60(1) Ibid.
80 Art. 60(2) Ibid.
81 Art. 60(3) Ibid.
82 Art. 60(4) Ibid.

the provisions of Article 69 Paragraph 1 do not apply, and the provisions of Article 71-76 apply accordingly.[83] Extraordinary mitigation of the penalty consists of imposing a penalty below the lower limit of the statutory penalty, a milder type of penalty, or refraining from imposing a penalty and adjudicating a penal measure, compensatory measure, or forfeiture according to the following principles: if the act constitutes a crime, the court imposes a term of imprisonment not less than one-third of the lower limit of the statutory penalty; if the act constitutes an offense, with the lower limit of the statutory penalty being imprisonment for not less than one year, the court imposes a fine, a penalty of restriction of liberty, or imprisonment; if the act constitutes an offense, with the lower limit of the statutory penalty being imprisonment for less than one year and the upper limit being imprisonment for not less than three years, the court imposes a fine or a penalty of restriction of liberty; if the act constitutes an offense, with the upper limit of the statutory penalty being imprisonment not exceeding 2 years, the court refrains from imposing a penalty and adjudicates a penal measure referred to in Article 39 Points 2-3, 7 or 8, compensatory measure, or forfeiture; the provisions of Article 61 Paragraph 2 do not apply.[84] If the act is punishable by both imprisonment and restriction of liberty or a fine, the provisions of Paragraph 6 shall apply accordingly.[85] If the act is not punishable by imprisonment, the provisions of Article 6, Point 5 shall apply accordingly.[86] The court may refrain from imposing a sentence in cases provided for by law and in cases specified in Article 60 Paragraph 3, especially when the role of the perpetrator in committing the crime was subordinate, and the information provided contributed to preventing the commission of another offense.[87] Departing from imposing a sentence, the court may also refrain from imposing a penal measure, a fine payable to the State Treasury, and forfeiture, even if their imposition was mandatory.[88] When imposing a custodial sentence, the court has the authority to specify the type of correctional facility in which the convicted person is to serve the sentence. The court can also determine the therapeutic system for its execution.[89] According to Article 63, Paragraph 1 of the KK, which outlines further rules related to the judicial imposition of a sentence, it should be noted that the period of actual deprivation of liberty in a case is counted towards the imposed sentence, rounding up to the nearest full day. One day of actual deprivation of liberty is considered equal to one day of imprisonment, two days of restricted

83 Art. 60(5) Ibid.
84 Art. 60(6) ibid.
85 Art. 60(7) Ibid.
86 Art. 60(7a) Ibid.
87 Art. 61(1) Ibid.
88 Art. 61(2) Ibid.
89 Art. 62 Ibid.

liberty, or two daily fines.[90] In this regard, when counting the period of actual deprivation of liberty towards the imposed fine specified in terms of amount, it is assumed that one day of deprivation of liberty corresponds to an amount equal to twice the daily rate established in accordance with Article 33, Paragraph 3. Additionally, towards the imposed penal measures mentioned in Article 39, Points 2-3, the period of actual application of the corresponding preventive measures of the same type is counted.[91] However, towards the imposed penal measures mentioned in Article 39, Points 2-3, the period of actual application of the corresponding preventive measures of the same type is counted.[92] The period of withholding a driving license or another relevant document is also counted towards the imposed penal measure referred to in Article 39, Point 3.[93] According to Article 63, Paragraph 5 of the KK, it should be assumed that for the purposes of Paragraphs 1 and 2, a day is considered a period of 24 hours counted from the moment of actual deprivation of liberty.[94] Mention should also be made of Article 90, which expresses the rule on the combination of penal and preventive measures. According to Paragraph 1, penal measures, forfeiture, compensatory measures, preventive measures and supervision shall be applied, even if they have been imposed on only one of the concurring offenses.[95] On the other hand, Paragraph 2 obliges the court to apply the provisions concerning a cumulative sentence in the case of sentencing for concurrent offenses involving the deprivation of public rights, prohibitions, or obligations of the same kind.[96]

6.
Statistics on Imposition of Imprisonment Sentences

Statistics regarding sentences of imprisonment in Poland are published on the Statistical Informant of the Ministry of Justice website, as well as on the website of the Prison Service. Information about the number of persons detained in prisons and remand centres, victims of rape and domestic violence, as well as crimes against life and health can also be found on the website of the Central Statistical Office in the thematic area concerning justice.[97]When it comes to data regarding the execution of judgments in Poland, it is essential to point out the statistical data provided by the

90 Art. 63(1) Ibid.
91 Art. 63(2) Ibid.
92 Art. 63(3) Ibid.
93 Art. 63(4) Ibid.
94 Art. 63(5) Ibid.
95 Art. 90(1) Ibid.
96 Art. 90(2) Ibid.
97 Statistics Poland 'Justice' [Online]. Available at: https://stat.gov.pl/en/topics/justice/ (Accessed: November 1, 2023).

Central Administration of the Prison Service, which also provides information on the average length of sentences and the median concerning currently executed judgments. As of 31 December 2022 it should be noted that the average length of a sentence of imprisonment (excluding life imprisonment) was 47.49 months in 2021 and 47.24 months in 2022. The median was the same in both years, at 24 months. Meanwhile, the average length of a sentence of imprisonment (excluding life imprisonment and a sentence of 25 years of imprisonment) was 39.16 months in 2021 and 39.03 months in 2022, with a median of 24 months in both years. Generally, based on the data from 2021 and 2022, it can be observed that they represent a minimal difference.[98] As of 31 December 2020, the average length of a sentence of imprisonment (excluding life imprisonment and a sentence of 25 years of imprisonment) was 50.13 months in 2020, compared to 47.62 months in 2019. The median in 2020 was 30 months, while in 2019 it was 28 months. Meanwhile, the average length of a sentence of imprisonment (excluding life imprisonment and a sentence of 25 years of imprisonment) was 41.31 months in 2020 and 39.56 months in 2019, with a median of 28 months in 2020 and 26 months in 2019.[99] Analysing the statistics regarding the length of sentences in the case of final judgments executed on 31 December 2022, for adults it should be noted that life imprisonment was imposed 502 times, including 487 times for men and 15 times for women. On the other hand, a sentence of 25 years of imprisonment was imposed in 1670 cases, with 1603 times for men and 67 times for women. A sentence between 15 and 20 years was imposed on 186 men and 1 woman. A sentence between 10 and 15 years was imposed 2531 times, with 2364 times for men and 167 times for women. A sentence between 3 and 5 years was imposed in 7969 cases, with 7708 times for men and 261 times for women. Imprisonment between 2 and 3 years was imposed 6944 times, with 6685 times for men and 259 times for women; between 1 year and 6 months and 2 years was imposed in 5125 cases, with 4904 times for men and 221 times for women; between 1 year and 1 year and 6 months was imposed in 5949 cases, with 5733 times for men and 216 times for women; between 3 and 6 months was imposed in 4804 cases, with 4584 times for men and 220 times for women; and up to 3 months in 717 cases, with 662 times for men and 55 times for women.[100]

Analysing the statistics prepared by the Department of Strategy and European Funds of the Ministry of Justice regarding the operation of life imprisonment and 25 years of imprisonment imposed in first-instance courts and finalised between

98 Ministry of Justice Central Administration of Prison Service (2022) 'Annual Statistical Report for the year 2022' [Online]. Available at: https://www.sw.gov.pl/strona/statystyka-roczna, p. 12.

99 Ministry of Justice Central Administration of Prison Service (2020) 'Annual Statistical Report for the year 2020' [Online]. Available at: https://www.sw.gov.pl/strona/statystyka-roczna, p. 12.

100 Ministry of Justice Central Administration of Prison Service (2022) 'Annual Statistical Report for the year 2022' [Online]. Available at: https://www.sw.gov.pl/strona/statystyka-roczna, p. 13.

1946 and 2021,[101] it should be noted that the highest number of cases of final life imprisonment sentences in the first instance occurred in the years 1946-1949. It is worth noting that from 1970 to 1995, life imprisonment was not imposed due to its absence in the catalogue of penalties at that time. During that time, the basis for legal responsibility was the so-called 'small penal code', namely, the decree of 13 June 1946, on particularly dangerous crimes during the reconstruction of the state,[102] which was in force from 12 July 1946 to 31 December 1969. This legal act was issued during the period of the Polish People's Republic, and during its validity, it suspended some provisions of the Makarewicz Code. On 1 January 1970, the Act of 19 April 1969 - the Penal Code,[103] also known as the Andrejew Code - came into force, repealing the previously applicable Makrewicz Code, the Military Penal Code of the Polish Army, and the small penal code. This code prescribed fines and penalties, ranging from 3 months to 2 years of restricted liberty, imprisonment from 3 months to 15 years, 25 years of imprisonment, life imprisonment (introduced from 20 November 1995), and the death penalty for the most serious crimes, executed against civilians by hanging and against soldiers by firing squad. The death penalty could be alternatively imposed by the court alongside a 25-year prison sentence or life imprisonment. Since 1996, life imprisonment has been reinstated in the catalogue of penalties. In 1996, it was pronounced finally in the first instance only once, but in 2000 it occurred 12 times, 20 times in 2001, and 34 times in 2005. In 2015 this penalty was imposed 6 times, and in 2016, 20 times. In 2019, it was 19 times. The penalty of 25 years of imprisonment was introduced into the Polish legal system by the Penal Code of 1969. In the first instance courts, it was pronounced finally in 30 cases in 1970, with a noticeable upward trend in the following years. The maximum number of times was pronounced in 1976, followed by a slight decrease in its imposition frequency until 1986 when this value reached 72 cases. There was a noticeable decline in the imposition of this penalty in the subsequent years until 2001 when it was imposed 113 times. Since 2013, there has been a slight decrease in the frequency of its imposition. In 2017 it was imposed 50 times, 41 times in 2018, and 74 times in 2019.

101 Department of Strategy and European Funds of the Ministry of Justice 'Life imprisonment and 25-year imprisonment sentences imposed in first-instance courts and finally in the years 1946–2022' [Online]. Available at: https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/download,2853,4.html.

102 Decree of 13 June 1946, on Particularly Dangerous Crimes during the Reconstruction Period of the State (Journal of Laws of 1946, No. 30, item 192).

103 Act of 19 April 1969 - Penal Code (Journal of Laws of 1969, No. 13, item 94, as amended).

7.
Summary

The analysis of sentencing policies in Poland highlights several key trends and impacts on the criminal justice system. The recent legal amendments, especially those introduced in 2022, have touched on the principles of punishment and sentencing guidelines. These changes, particularly the expansion of aggravating and mitigating circumstances and adjustments to the catalogue of penalties, reflect an effort to balance fairness with the need for more stringent punishment for severe offenses. The statistical data reviewed in this paper provides insight into the actual sentencing practices in Polish courts, emphasising trends in imprisonment lengths. For example, the average length of imprisonment (excluding life sentences) has remained relatively stable over the years, with minimal fluctuations between n 2021 and 2022. The average sentence length hovered around 47 months, while the median remained consistent at 24 months, indicating a preference for mid-range sentencing in many cases. Furthermore, the data also shows a continued reliance on isolation penalties such as imprisonment, especially in severe cases, with life imprisonment and 25-year sentences being applied predominantly to male offenders. The data suggests that while there is a structured system of fines and non-isolation penalties, imprisonment remains the primary tool for dealing with serious criminal offenses in Poland. In terms of future perspectives, the reforms in sentencing policies and penal measures aim to enhance both the fairness and effectiveness of the criminal justice system. However, challenges remain in ensuring that the system continues to evolve in line with social expectations and the demands of justice.

Bibliography

- Burdziak, K., Kowalewska-Łukuć, M., Nawrocki, M. (2021) "Criminal Law. A Short Course," C.H. Beck, Warsaw.
- Department of Strategy and European Funds of the Ministry of Justice 'Sentences of life imprisonment and 25-year imprisonment imposed in first-instance courts and finally in the years 1946–2022' [Online]. Available at: https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/download,2853,4.html
- Gadecki, ed. (2023), ed. 1/Gadecki.
- Giezek, J., Kardas, P. (2022) 'Normative Bases for Non-Isolating Sentences in the Case of Minor and Medium Offenses. Some Remarks on the Modified Content of Art. 37a of the Penal Code,' Prosecution and Law, 2022(7-8), pp. 103-140.
- Melezini, M. (2016) 'Criminal Law System, vol. 6'.
- Ministry of Justice Central Administration of the Prison Service (2020) 'Annual Statistical Report for the year 2020' [Online]. Available at: https://www.sw.gov.pl/strona/statystyka-roczna
- Ministry of Justice Central Administration of the Prison Service (2022) 'Annual Statistical Report for the year 2022' [Online]. Available at: https://www.sw.gov.pl/strona/statystyka-roczna
- Mozgawa Marek (ed.), Penal Code. Commentary, 7th ed., 2015.
- Nowicka, D., Nowicki, S. (2009) "Divine Law and Human Law: The Judiciary of Ancient Israel in the Context of Mesopotamian Practice," Scripta Biblica et Orientalia, 1/2009, pp. 149-162.
- Prison Service 'Annual Statistics' [Online]. Available at: https://www.sw.gov.pl/strona/statystyka-roczna (Accessed: November 1, 2023).
- Sójka-Zielińska, K. (1995) "History of Law."
- Statistics Poland 'Justice' [Online]. Available at: https://stat.gov.pl/en/topics/justice/ (Accessed: November 1, 2023).
- ed. Stefański 2023, ed. 6/Konarska-Wrzosek.
- ed. Stefański 2023, ed. 6/Wilkowska-Płóciennik.
- Warylewski, J. (2006) "Biblical Criminal Law," Gdańsk Legal Studies, 15/2006, pp. 91-109.
- Zabłocki, J. (1995) "Talion in the Light of 'Noctes Atticae' by Aulus Gellius," Canon Law, 38.3-4/1995, pp. 231-244.
- Zawłocki ed. (2021), 5/Królikowski/Żółtek.

Legal sources

- Decree of 13 June 1946 on Particularly Dangerous Crimes during the Reconstruction of the State (Journal of Laws of 1946, No. 30, item 192).
- Act of 14 June 1960 - Administrative Procedure Code (consolidated text, Journal of Laws of 2023, item 775).
- Act of 23 April 1964 – Civil Code (consolidated text, Journal of Laws of 2023, item 1610).
- Act of 19 April 1969 – Penal Code (Journal of Laws of 1969, No. 13, item 94, as amended).
- Act of 6 June 1997 – Penal Code (consolidated text, Journal of Laws of 2022, item 1138).
- Act of 7 July 2022, amending the Penal Code and certain other acts (Journal of Laws of 2022, item 2600).

Jurisprudence

- Judgment II KK 332/03, OSNKW 2004, No. 9, item 87, with commentary by S.M. Przyjemski, WPP 2005, No. 4.
- Judgment of the Supreme Court dated September 20, 2002, WA 50/02, OSNKW 2003, No. 1–2, item 9, with commentary by M. Kiziński, Prok. i Pr. 2005, No. 6.