

Doctoral dissertation summary

“Active repentance after committing a criminal act”

The subject of the dissertation is the analysis of the institution of active repentance after committing a criminal act on the basis of the regulations of the current Criminal Code, i.e. it those models of active repentance that concern criminal acts in which the perpetrator in his *iter delicti* has already reached the stage of accomplishment.

Reasoning presented in the dissertation aims to verify whether the current form of regulation of the institution of active repentance after the commission of a criminal act in the Criminal Code is sufficient, i.e. it properly fulfills its role and contributes to a just criminal response to the offender's act.

The paper is divided into an introductory part, 6 chapters and a summary containing *de lege ferenda* postulates. Within the framework of the introduction, the author indicates the general outline of the topic, the purpose of the work and the research hypotheses, as well as provides a terminological assumption to enable the reader to follow the argument and avoid the risk of potential confusion arising from the different understanding of the concept of active repentance.

Chapter 1 is an introduction to the discussion of the institution of active repentance, functioning on the basis of the current Criminal Code - for this purpose, the author provides an outline of the historical background, referring primarily to the Polish expired criminal codifications of the 20th century, i.e. the Criminal Code of 1932 and the Criminal Code of 1969.

Chapter 2 discusses the role of active repentance in the Polish criminal law system - on the one hand, the author presents the views represented in the doctrine regarding the introduction of this institution into the Polish criminal law and, on the other hand, the functions that this institution is intended by the legislator to perform in the criminal law system.

Then, in Chapter 3, the author analyzes the construction of the institution of active repentance through the prism of the structure of the crime. As part of the aspect of criminality, she analyzes the subject and object premises of active repentance. At the same time, in order to present a complete picture of the institution of active repentance in the Criminal Code, the author refers to the way in which active pre-declaration repentance is presented in the general part of the Criminal Code. This is important for seeing the common parts between pre-decisional and sub-decisional active repentance. Thus, the author briefly discusses the forms of

active repentance that were introduced in the provisions of the general part of the Criminal Code, i.e., Article 15 of the Criminal Code, Article 17 of the Criminal Code and Article 23 of the Criminal Code. In addition, in said chapter the author presents a consideration of the possible impact of the effective realization of active repentance by the perpetrator after committing the criminal act on the criminality of the act.

In Chapter 4 of the dissertation, the author analyzes the premise of voluntariness, which occurs in part of the construction of active repentance in the Criminal Code. The author presents the interpretative trends concerning the concept of voluntariness, also citing the case law of the Supreme Court and common courts.

In the following Chapter 5, the author presents in which provisions of the Criminal Code the institution of active suboccupational repentance is currently regulated. The author presents the various forms of active suboccasional repentance, broadly understood, regulated in the Criminal Code, using a division based on the action that the perpetrator realizing active repentance takes. Thus, the author distinguishes forms of active repentance related to the abrogation of danger, reparation of damage, cooperation with law enforcement, as well as other forms of active repentance not belonging to any of the above-mentioned groups.

Finally, in Chapter 6 of the dissertation, the author refers to the consequences of active repentance and presents the differences between them, as well as relates the discussed institution to the circumstances shaping the dimension of punishment included in Article 53 § 2 of the Penal Code and to the mitigating circumstances affecting the dimension of punishment and indicated in Article 53 § 2b of the Penal Code.

Taking into account the considerations presented within the framework of the dissertation, in conclusion the author discusses the conclusions resulting from the analysis, as well as presents her *de lege ferenda* postulates concerning the accurate - in her opinion - regulation of the institution of active repentance after committing a criminal act.

The considerations presented in the dissertation made it possible to realize the purpose of the work and showed that the current form of regulation of the institution of active repentance after committing a criminal act in the Criminal Code requires changes in order for this institution to properly fulfill its role and contribute to a fair criminal response to the offender's act. Therefore, *de lege ferenda* postulates have been presented covering three areas:

- the need to unify the legal norms on active repentance in criminal acts related to the abrogation of danger by introducing a single, general clause regulating this issue;

- the demand for the drafting and introduction of active repentance clauses relating to groups of crimes directed against the same or similar specific legal goods, as well as for the legislature to review the existing active repentance clauses - due to the significant internal inconsistencies that currently exist - and revise them in accordance with the adopted criminal policy;

- the need to introduce a condition of voluntariness into each of the active repentance clauses, for the purpose of strengthening its role as a more than purely pragmatic tool.

The subject of the analysis conducted in the dissertation is primarily the current legal regulations, which determined that the primary research method used by the author is the dogmatic-legal method.