

mgr Mateusz Wiśniewski
Faculty of Law and Administration
Nicolaus Copernicus University in Toruń

Conditional suspension of imprisonment in Polish criminal law

Abstract

The choice of conditional suspension of imprisonment as the subject of this study was not accidental. On 1 July 2015, significant amendments entered into force in the area of provisions regarding the conditional suspension of execution of a sentence. The amendment to the penal code has received numerous doctrine statements. However, this does not mean that all issues related to the amending Act have been discussed. Moreover, due to the passage of time, it was possible to determine the effects caused by the amending Act.

Therefore, the purpose of the study is to analyze the regulation of conditional suspension of execution of a sentence with particular emphasis on amendments that entered into force on 1 July 2015.

The choice of topic determined that the dominant research method is legal - dogmatic analysis, which was supplemented by the historical and legal - comparative methods.

The study is divided into five chapters. The first chapter includes the genesis, purposes and models of conditional suspension of punishment, with particular attention paid to the regulations in force in other countries. In order to obtain the most representative research sample, the regulations in force in countries where there are different models for putting the offender to the probation, are described.

The second chapter presents the evolution of the regulations regarding conditional suspension of punishment in Polish criminal law, starting from the solutions in force in the interwar period.

The third chapter is devoted to the dogmatic analysis of the premises enabling the decision to apply to the perpetrator conditional suspension of imprisonment. This part of the study includes the assumptions and effects that the entry into force of the Act of 20 February 2015 amending the Penal Code and some other acts brought about.

The fourth chapter deals with the supplementing settlements in the judgments of conviction to imprisonment with conditional suspension of its execution, such as: probation period, probation officer's supervision, probation duties and an accessory fine.

In order to present in full the issues related to conditional suspension of punishment, the fifth chapter describes the effects of the probation period, and in particular, describes the possible reactions of the enforcement court to the events justifying the cancellation of the probation.

The summary of considerations are final comments and conclusions containing the answer to the questions posed in the study, as well as containing the conclusions *de lege ferenda*.

Wisniewski Mateusz