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Title of the dissertation: „Consensualism in the Polish criminal trial in the light of the international standards for the protection of human rights”.

SUMMARY

Main aim of PhD thesis is to answer the question whether consensual ways of ending the criminal trial, which were adopted by Polish legislator, allow to maintain balance between striving to accelerate and streamline the proceedings and the postulate that the trial was fair. Author looks for an answer for such question because nowadays a lot of criminal cases judged by courts are solved by using consensual measures. Indicated tendency guarantees that the research problem raised in dissertation is actual. In order to find response for described above research problem author of the dissertation mainly uses dogmatic method which allows to analyze regulations concerning institutions of conviction without full trial and voluntary submission to punishment. Nevertheless PhD thesis contains also elements of comparative and empirical methods.

PhD thesis contains three main parts. In the the first one author presents the genesis and meaning of the concept of a fair trial in criminal matters. This part presents also understanding of that concept in the light of the European Convention for the Protecion of Human Rights and Fundamental Freedoms and judicature of the Polish Constitutional Tribunal, Supreme Court and common courts.

Second part of the dissertation describes sources of the consensualism in modern criminal trials and chosen regulations in that matter adopted in different legal systems. What is more author analyzes regulations concerning conviction without full trial and voluntary submission to punishment which where adopted in Polish criminal procedure code. Mentioned analysis also shows how the two institutions have changed over the time.

The last part presents results of surveys which were carried out among judges, defense attorneys and prosecutors in a subject of application of art. 335, 343 and 387 of the Polish criminal procedure code. Third part also contains the analysis of the chosen court's cases in which above mentioned institutions were adopted.

The PhD thesis ends up with the recapitulation in which author's conclusion is that conviction without full trial and voluntary submission to punishment regulated by Polish legislator do not, as a rule, violate the standard of a fair criminal trial which is guaranteed on the ground of the European Convention for the Protection of Human Rights and Fundamental Freedoms.