

**JUDICIAL PUNISHMENT AND SENTENCING POLICY
IN SCOPE OF SPECIAL PREVENTION.
THEORETICAL, STATUTORY AND PRACTICAL ASPECTS.**

ABSTRACT

The issue of the judicial dimension of punishment has been undertaken in various scientific studies, as well as research and commentaries for many years. It is the subject of attention of the broad scientific community. It should be kept in mind that the issue of punishment, and in particular the question of a balanced criminal response to crime and the struggle against crime, are covered by widely understood criminal policy. Over the years, it has been proven many times that in the process of individualizing penalties courts take into account various rationalizations.

Important factors such as the views of judges on the purpose and functions of penalties, as well as their impact on the perpetrator, as well as the views presented by the judges regarding the possible prevention of return of the perpetrator to the crime path through the dimension of punishment.

In doctoral dissertation was presented the judicial decision as an instrument of justice, as well as theoretical considerations regarding penalties including the development of law schools, but also a review of polish punishments, taking into account the educational aspect of the court function. The issues of the individual prevention directive connected with the judicial dimension of punishment and economic theory of criminal law. There was described the issue of restorative justice. The scope of the considerations included the presentation of the institution of probation in Poland.

Conducted as part of this dissertation, the research was aimed at presenting the legal issue of the implementation of special prevention. They were conducted in two ways - first way was as questionnaire survey research among of the judge and the second way was as analysis of court judgments. It also presents the role of special prevention perceived through the prism of its potential, which can be used in jurisprudence by representatives of judicature. Indirectly, the conclusions contained in the dissertation, based on the conducted research, would be an incentive to continue the deliberations in the field of criminal policy on effective fight against crime, pointing to the extremely important impact of reliable criminological forecast in the context of correct and individual selection of criminal law responses. This gives real opportunities to develop new standards in the science of criminal law, taking into account the hitherto achievements of this branch of law, in an inseparable connection with psychological, medical, sociological and pedagogical knowledge. Conducted research also shows the need for close cooperation with representatives of other disciplines, such as psychology, pedagogy or sociology - both in the aspect of doctrine and judicature.

The research makes it possible to outline the directions judges philosophy implemented in everyday judicial work in the context of the functioning of special prevention, but also the main motives of punishment. Important thing is what attitude have judges themselves to this subject. The process and the scale of implementation of a specific penal policy, including the application of special prevention, directly depend on judges.

The analysis of research results entitles you to state that it is an individual assessment of the perpetrator's conditions, as well as good, reliable, specific forensic forecast that determines the success of combating crime by enabling the right choice of criminal-law response measures. The result is the improvement of the perpetrator and his return to society, as a correctly functioning person respecting the established legal order and moral principles.

Changes made by the legislator by the amendment of 20 February 2015 have significantly influenced the judiciary policy implemented by judges adjudicating throughout the country. The proportions of the types of penalties have definitely changed, with the growing tendency of liberty punishments. It should be noted, however, that this change is still taking place and is caused by the change of the Criminal Code. We probably still need many years of experience and propagation of the theory of the priority of freedom punishments and the significant role of special prevention for the further and effective struggle against crime. There is no doubt that only the consciousness of judges in this area must change, which will allow them to adopt the implementation of the judiciary policy that is not forced by law and the legislator's will. It is an extremely difficult and arduous process. The above analyzes will contribute to the improve the current scientific considerations regarding the actual functioning of the justice system in the scope of the special prevention.