

T. Bojarski:

**COMMENTS ON THE AMENDMENTS TO THE PENAL CODE CONCERNING
THE GENERAL LIABILITY PRINCIPLES AS INTRODUCED BY THE ACT OF 20
FEBRUARY 2015**

Summary

First the author discusses the scope of previous amendments to the Code, possible reasons for them and their direction. He expresses the opinion that legislative stability is advisable from the perspective of the society and the judicial system. In his main considerations, he focuses on the amendments to the Penal Code as introduced by the Act of 20 February 2015, limiting himself, as assumed, to those concerning the basis of liability. The fact that these amendments are not numerous, in contrast to those concerning penalties, penal measures and rules for their pronouncement, has his approval. The amendments involve solutions contained in Article 4.§2, Article 7.§3, Article 25.§4, Article 25.§5 and Article 28.§1 of the Penal Code. The first issue (Article 4) involves the intertemporal conflict of penal laws and its consequences for the perpetrator. The second issue (Article 7) concerns the criteria for the differentiation between délits and contraventions. The third amendment involves the detailed provisions in Article 25 of the Penal Code (right of self-defence). The provisions in §4 and §5 have been moved elsewhere in the Act as a new, separate provision: Article 231 “b” of the Penal Code. The provision, as heretofore, extends legal protection afforded to civil servants to citizens intervening for the sake of safety or legal order. The fourth amendment (Article 28) concerns a factual error as to a requirement for an offence. The February Act changes the wording of the provision compared with the original provision and the solutions adopted in previous penal codes. The author expresses the opinion that that has not been necessary for practical reasons; however, the first three amendments are reasonable.

Key words: Penal Code, February amendments, intertemporal conflict of penal laws, délit and contravention, protection of rights of a citizen intervening for the sake of safety or legal order, right of self-defence, factual error as to a requirement for an offence