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**The Principle of Legality in the Context of the General Norm
in can. 1399 of the Code of Canon Law of 1983**

Summary

The principle of legality is one of the basic guarantees for the protection of human rights. The secular legislation is always put at absolutely. In canon law judge, in accordance with canon 1399, may punish by a just penalty the external violation of a divine or canonical law. Criminal sanction may be used only when the special gravity of the violation demands punishment and there is an urgent need to prevent or repair scandals. The principle of legality is difficult to justify only the natural law. The application of the general rule of canon 1399 bears the marks of discretion – whenever supervisor deems it appropriate. Supervisors, however, should not use it often. The principle of legality on the one hand can protect against abuses judge, on the other hand allows to punish crimes that remain unpunished. Superior has the ability to impose a just punishment, individualized in a particular case, adapted to the size of the crime and the offender guilty.

Słowa kluczowe: legalizm, uznaniowość karania, ogólna sankcja karna, dyskrecjonalna władza sędziego

Key words: legalism, discretionary punishment, general criminal sanction, discretionary power of the judge