

The summary of doctoral thesis: The model of community service penalty introduced by the amendments to the Polish Penal Code during the years 2015 and 2016.

The aim of the study is to analyze the community service penalty. The analysis was conducted in terms of its formal and empirical aspects. The work is divided into five chapters.

Chapter I begins with the presentation of general issues related to the history of the community service penalty and the place of that punishment in the system of penalties under the Polish Penal Code. Types of crimes for which the penalty can be imposed are grouped according to the criterion of the penalty. Under no article of the second part of Polish Penal Code, a catalogue of crimes, is the community service penalty indicated as the sole sanction. In addition, there are issues related to the essence of the sanction. The optional, mandatory and additional elements of the penalty are also described.

Chapter II focuses on issues relating to the use of the community service punishment. The first part discusses the directives of the penalty as well as the grounds for imposing the community service instead of a prison sentence. Furthermore, matters related to the institution of the penalty sequence (Art. 37b) are presented, for the community service constitutes one of its components. Subsequently, issues related to the joint sentence as well as the use of community service punishment for a series of crimes and for committing a crime under recidivism are shown. On the basis of the amendment to the Polish Penal Code from 20 February 2015 the Art. 58 § 1 was changed. The regulation concerns the choice of the kind of punishment used. If the offense is punishable by imprisonment which does not exceed five years, the court can impose the prison sentence only when other penalties cannot meet the purpose of the punishment. According to the previous regulation of Art. 58 § 1, if the law provided for the choice of the type of penalty, the court chose the prison sentence without suspension only if another penalty or penalty measure could not meet the purposes of the punishment. The aim of the amendment was to increase the frequency of the use of the penalties of a libertarian nature, including the community service.

Chapter III is devoted to a comprehensive presentation of matters connected with the execution of the community service. The following points have been analyzed: the objectives of executing the punishment, the place of its execution and the ways of implementing this punishment, which in turn are described separately according to their particular form. Not only are the issues related to the supervision of the execution of the community service presented, but also the conditions and modalities of this penalty during the enforcement

procedure. Furthermore, the matters concerning the consequences of non-execution of the penalty, an application of alternative penalties, an expungement and statute of limitations of its execution are discussed.

Chapters IV and V present the results of an empirical research on the community service. The research in question covered two divisions of the District Court in Zamość: the 2nd Criminal Division and the 7th Criminal Division. The studies cover cases received between 2013 and 2014, as well as cases received between 1 July 2015 and 14 April 2016 and between 15 April 2016 and 31 August 2016. The last two research periods are related to the temporal scope of the amendment to the Polish Penal Code from February 20, 2015 and March 11, 2016.

Chapter IV focuses on the results of the empirical research on the community service from the perspective of its sentencing. Not only were the types of crimes for which the penalty was imposed taken into consideration but also the form of the penalty itself. Additionally, the optional obligations specified in Article. 72 § 1 of the Penal Code, which could be imposed in addition to the penalty of community service, its size and the basis of the ruling are described. The research also include the circumstances relating to the suspension of this penalty (the possibility of its suspension existed until 30 June 2015) and its ruling when applying extraordinary mitigation of punishment. The chapter also investigates the motives for justifying the application of the community service penalty in relation to individual cases.

The studies relating to cases received between 1 July 2015 and 31 August 2016 which validly ended until 31 August 2016 put special emphasis on whether Art. 4 § 1 under Polish Penal Code was applied in the sentencing of community service. The above-mentioned regulation contains intertemporal rules that relate to a situation when a different law is in force at the time of sentencing to the one in force at the time of the offense being committed. The rule is the application of the law which is binding at the time of the verdict. The previous law applies only if it is more relative to the perpetrator.

Chapter V presents the profiles of those sentenced to the community service in various stages of the development of this penalty, i.e. before the amendment to the Penal Code of 20 July 2015, during the period of validity of this amendment, and under ruling of the amendment to the Penal Code of 11 March 2016.

The characteristic of the convicted is based on the following criteria: age, sex, place of residence, education, marital status, number of children, profession, employment, the source of income, the level of income and criminal record. Taken into consideration was the information from the case files which in turn comes mainly from the statements provided by

the convicts. When the case files contained the documents that included the information in question its verification was possible.