

Summary

The subject of the dissertation is the statutory role of the Military Police in the shaping of military discipline in the Polish Armed Forces. The first aim of the dissertation is to attempt to identify the essence of military discipline in the light of the existing legal norms. The second aim concerns the assessment of the legal solutions currently in force with respect to the effective shaping of the military discipline by the Military Police. The analysis focused primarily on the following legal acts: the act of 9 October 2009 on military discipline (Journal of Laws of 2017 item 2024, as amended), the act of 24 August 2001 on the Military Police and military law enforcement units (Journal of Laws of 2019 item 518, as amended), the provisions of criminal, substantive and implementing laws, other acts concerning the functioning of the Armed Forces, the regulations and ordinances issued on the basis of the latter, as well as the rules of procedure. The above provisions were assessed from the perspective of the entitlements and responsibilities of the Military Police soldiers.

The validity of the subject of research transpires from the fact that the last comprehensive set of legislative changes on discipline were introduced in connection with the enactment of the act of 9 October 2009 on military discipline (Journal of Laws of 2009 No. 190 item 1474). It was then that, among others, the act of 21 November 1967 on the common obligation to defend the Republic of Poland (Journal of Laws of 2004 No. 241 item 2416, as amended), the act of 24 August 2001 on the Military Police and military law enforcement units (Journal of Laws No. 123 item 1353, as amended), the act of 6 June 1997 – Criminal Code (Journal of Laws No. 88 item 553, as amended), the act of 6 June 1997 – Code of Criminal Procedure (Journal of Laws No. 89 item 555, as amended), the act of 20 May 1971 – Misdemeanour Code (Journal of Laws of 2007 No. 109 item 756, as amended) and the act of 24 August 2001 – Code of Procedure in Petty Offence Cases (Journal of Laws of 2008 No. 133 item 848, as amended). Since then, the above normative

acts, as well as all the other laws, have been revised on numerous occasions. However, the legal changes were not so comprehensive. Among the more important changes one should include the extension of procedural powers of the Military Police in criminal matters on grounds of the act of 27 September 2013 on the amendment to the Code of Criminal Procedure and certain other acts (Journal of Laws of 2013 item 1247) and the revision of the forms of performing military service due to the establishment as of 1 January 2017 a new type of Armed Forces, i.e. the Territorial Defence Forces under the act of 16 November 2016 on the amendment of the common obligation to defend the Republic of Poland and certain other acts (Journal of Laws of 2016 item 2138).

The dissertation consists of the following parts: introduction, three chapters, conclusion, postulates *de lege ferenda* and bibliography. The first chapter focuses on the issues regarding the essence of military discipline in the Polish Armed Forces. The analysis concentrated on the concept of the soldier, order and decision issued for professional purposes. Moreover, the authority to give orders by the superiors, higher in rank and soldiers of the Military Police was also described. Next, the analysis included the issues of disciplinary responsibility and awarding soldiers, as well as various forms of disciplinary response.

The second chapter concentrates on a range of acts *sensu stricto* and *sensu largo* against the military discipline isolated from the list of crimes, offences, fiscal crimes and fiscal offences. The study also includes an examination of penalties and penal measures as provided for in law strictly for soldiers in active service.

The third chapter focuses on the legal grounds behind the actions undertaken by the Military Police with a view to providing military discipline. Given the vast scope of the subject matter, a detailed analysis and assessment of the utility of the legislative solutions concern primarily only selected issues, such as preventive measures in the form of performing patrolling activities and applying the measure of detention. Further, the subjective and objective procedural entitlements of the Military Police in cases of crime, offences, fiscal crimes and fiscal offences also came under scrutiny.

The conducted analysis provided grounds for the formulation of important conclusions and postulates *de lege ferenda*.