

## **The summary of a doctoral dissertation**

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### **"The execution of penalties and isolation measures against soldiers"**

The aim of this dissertation is to present theoretical, legal and practical problems related to the execution of penalties and the measures of solitary isolation measure applied to soldiers. The above issues are considered from a perspective of strict and even absolute military discipline requirement, which results from the intended use of the Polish Armed Forces.

The main dogmatic and legal problem is to examine the functioning of separate regulations concerning the execution of custodial sentences served by soldiers, and in particular military detention. Among the basic research problems a great deal of attention is given to the analysis of specific features of military law, performed functions and reasons for isolation.

Further issue of interest is determining whether and to what extent the principles of criminal liability of soldiers differ from those contained in the general part of criminal law. Legislation specific to the military part concerning the application of penalties to soldiers will be presented, not only in the form of the aforementioned military detention center, but also in the form of isolation measures applied under the Military Discipline Act.

Chapter One characterizes the Armed Forces of the Republic of Poland as an institution for whose efficient functioning it is required to maintain internal order, observe order, respect rules and norms strictly as well as to follow orders and decisions efficiently. The existence of different rules of responsibility, adjudication and execution of penalties against soldiers is also subordinated to this goal.

The system of Polish criminal law is shaped by three acts (codes) regulating material and procedural issues as well as the execution of penalties. There is a separate military part in each code: the Penal Code, the Code of Criminal Procedure and the Executive Penal Code. In the scope of responsibility for offenses committed, the military part appears only in the Code of Conduct for misdemeanors. It should be clearly emphasized that this is a specialized field in terms of the subject and method of regulation, it is, however, covered by the general framework of criminal law. The provisions of substantive and procedural criminal law within the scope of separate jurisdiction apply the subject-subject criterion. The criterion for separating the military part in enforcement proceedings is purely subjective.

A key issue in comparative law research is to present solutions regarding the criminal liability of soldiers and what penitentiary systems are in force in selected countries. The source of this research were available official documents and legal acts regarding the subject matter.

Chapter Two presents a historical outline of a separate system of executing penalties in the army. The query is started by the period of the Piast state; then solutions functioning during the knightly period are presented, followed by the Enlightenment era, partitions, times after Poland regained independence, during World War II and at present times.

Chapter three focuses on the issue of punishment and isolation measures against soldiers. Depending on the purpose of use, we include: imprisonment, military detention, pre-trial detention, imprisonment, detention and disciplinary preventive measures. The chapter also presents the functioning of detention centers and a separate penitentiary supervision system in relation to punishments and isolation measures applied to soldiers.

Chapter Four is an empirical part of the work focused on several basic research problems: the dynamics and structure of penalties and isolation measures for soldiers; enforcement of penalties and measures; penitentiary supervision exercised by a military penitentiary judge; effectiveness of conducted interactions, expectations and assessment of the military environment, and the impact of legal solutions applied on the number of the Polish Armed Forces.



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