Annex no 4

Dr Joanna Piórkowska-Flieger

Scientific and research achievements

1. Name and surname: Joanna Piórkowska-Flieger

2. Diplomas, scientific / artistic degrees - giving the year and place of obtaining them and the title of the doctoral dissertation

1988 -1993 studies at the Maria Curie-Skłodowska University in Lublin, Faculty of Law and Administration, field of study: law

1993 - Master's exam at the Faculty of Law and Administration of UMCS in Lublin, direction: right, composed of a very good result

2003 - public defense of the doctoral dissertation, pt. "False document in Polish law at the Faculty of Law and Administration of UMCS in Lublin, supervisor: Prof. dr hab. Tadeusz Bojarski, reviewers: Prof. dr hab. Barbara Kunicka-Michalska, Prof. dr hab. Andrzej Wąsek, Prof. dr hab. Andrzej Zoll

3. Information about previous employment in scientific / artistic units

- from 1.09. 1994 - assistant at the Criminal Law and Criminology Department of the Faculty of Law and Administration of UMCS in Lublin

- from January 1, 2003 - adjunct in the Department of Criminal Law and Criminology at the Faculty of Law and Administration of UMCS in Lublin

from 1.10. 2016 to 30/09. 2018 r. - assistant in the Department of Criminal Law and Criminology at the Faculty of Law and Administration of UMCS in Lublin

from 1.10. 2018 - senior lecturer at the Department of Criminal Law and Criminology at the Faculty of Law and Administration of UMCS in Lublin

4. Indication of scientific achievement resulting from art. 16 sec. 2 of the Act of 14 March 2003 on academic degrees and academic title as well as degrees and title in the field of art (Journal of Laws No. 65, item 595, as amended)

The Effect of a Prohibited Act in Polish Criminal Law, Lublin 2019, UMCS Publishers, ss.521, ISBN 978-83-227-9207-0

The work covers issues concerning the statutory character of an offense. The undertaking of this issue resulted from the fact that there is no comprehensive discussion in the karnistic literature, and moreover, it involves a number of contentious issues that divide criminal law theorists and are also dealt with in judicial decisions. So the subject seemed interesting and worth a closer look.

The aim of the work is to present the effect of a prohibited act on the basis of the institutions of the general part and under the special criminal law. The purpose thus set has caused a wide range of issues to be analyzed, which is closely related to the multifaceted criminal-law nature of the effect of a prohibited act. My intention was also to present my own position regarding these problems connected with the effect of the effect, which are not uniformly interpreted in the doctrine of criminal law and the practice of justice. The work consists of an introduction, ten chapters and final remarks

Chapter I is not juridical. It covers, first and foremost, considerations regarding the understanding of the effect in Polish common language and the formulation of the effect and its relation to the cause on the ground of philosophy, as well as the question of causality in logic. The most attention was paid to the perception of causality in philosophy, because in this field of science the problem of causality is one of the most thoroughly analyzed. The considerations contained in this chapter led to the conclusion that the problem of causation and its elements is subject to a more varied assessment in philosophy than in the doctrine of criminal law. It seems that this results from the fact that in philosophy, as in probably none of the fields of science, the view on specific issues depends on the position held by the viewer, regarding, for example, freedom of man's will and its impact on reality, and the nature of the relationship between different phenomena occurring in reality.

Chapter II is devoted to the characteristics of effect as the statutory hallmark of a forbidden act. As a result, the perpetrator's behavior or his change in reality was determined within the limits set by the legal good, protected by a provision establishing a specific offense, which is separate from the perpetrator's behavior, both temporally and locally. The first aspect of separation means that the result may, although it does not have to survive the act itself, and the second that the effect is something other than the behavior itself. Such an understanding of the effect also includes in its scope danger and mental experiences, which is questioned by some authors. Formally, the effect of a prohibited act is a mark whose occurrence determines the recognition of a prohibited act, in the description it describes, as made. The same is true for succession, which is a special type of effect. From the so-called the ordinary result differs

from the fact that he is a qualifying sign whose occurrence entails, in accordance with art.9 § 3 of the Penal Code more severe criminal liability. The qualifying sequence follows the implementation of the so-called an act of departure which may cause a "normal" effect. A significant difference between the indicated categories of effect lies at the level of the subject side. The so-called. the usual effect may be deliberate or unintentional, and the consequence is always caused by the perpetrator unintentionally. It is not worth accepting the view presented by some authors that the qualifying sequence may also be intentional. Linguistic interpretation and historical interpretation support this position. In Article 9 § of the Penal Code as regards the consequences, the words "anticipated or could have foreseen" were used, the same as those described in Article 9 § 2 inadvertently. Referring to the historical interpretation, it should be noted that according to rthe Art. of the Penal Code from 1969: "The perpetrator of a delinquent crime bears more severe responsibility, which the law makes dependent on a specific consequence of the act, if at least he should have and could have foreseen it." The condition relating to the consequence that "the perpetrator should have been able to foresee it at least that the consequence must have been at least inadvertent in the form of negligence. It could therefore also be affected by recklessness or intent. Article 8 of the Penal Code from 196 was the basis for distinguishing deliberately-involuntary and intentional-deliberate crimes qualified by succession. In Article 9 § 3 of the Penal Code, there is no indication "at least" indicating the establishment of a minimum non-invasive threshold with respect to the qualifying mark and the unintentional nature of the consequence is explicitly provided for.

Analysis of the statements of the representatives of the criminal law doctrine proves that to a lesser extent it results in a difference in criminal law, the significance of the effect, but often understood differently is the causative act indicated in the description of the prohibited act, which results in different determination of effect in the case of certain prohibited acts.

It seemed justified to determine the relationship between the effect of a prohibited act and the object of the act and the legal good protected by a provision providing for a specific offense. It should be emphasized that not always the enforceable act of an act must exist in the case of a crime of consequence. The resulting change is in fact set by the boundaries of a legal good protected by a provision providing for the type of consequence of a crime.

The doctrine of criminal law generally accepts the division of crimes into crimes of violation of a legal good and crime from exposing a legal good to danger. Such a division seems unjustified. Countering crimes of violation of a legal right to crime from exposing a

legal good to danger means that this first category of offenses does not include criminal offenses that are rightly considered by most of the criminal law professionals to be crimes of consequence. Therefore, despite the occurrence of the effect, it is assumed that the legal good has not been infringed. This approach to the problem raises important reservations. Challenging the division into crimes of violation of a legal good and offense from exposing a legal good to danger justifies also some crimes from exposure to abstract danger are of effective nature. An example of such an offense is the material falsity of a document. In this case, the danger of legal certainty is the motive for the criminalization of this act, at the same time this act has the effect of being a counterfeit or converted document.

One of the problems included in chapter II is, moreover, the location of the effect of a prohibited act in the structure of a criminal law norm. In the case of the adoption of a two-part or three-part legal structure, this issue is not questionable. The effect of a prohibited act is put at its disposal. Currently, however, the concept of coupled norms is widely accepted, according to which a sanctioned, sanctioning and possibly competence standard is distinguished. Sometimes, the distinctions between the deeds that determine the unlawfulness of an act and the indications of its criminal nature are also made. This first group of birthmarks is located within the sanctioned norm and the second group within the scope of the sanctioning norm. The effect of an offense in this approach is treated as a prerequisite for criminality, not illegality, so it is placed within the sanctioning norm. Leaving the effect outside the sanctioned norm does not seem right. It leads to the "breaking" of a set of marks characterizing the subject of a prohibited act and the artificial separation of the external behavior of a person from the resultant effect.

Decoded from Art.148 § 1 of the Penal Code the sanctioned norm: "do not kill" can be replaced by the wording: "do not cause fatal consequences". It is not possible to describe the behavior described as "killing" as "causing death", and thus just as a result of the effect in the form of death. The effect should be, just like other signs of the object of the prohibited act, to the scope of the sanctioned standard's instruction. The ban on causing a criminal effect, like the ban on other socially harmful behaviors, is directed to the public. Therefore, it is not right to place an effect on the sanctioning norm, which is directed to the judicial authorities.

There is no generally accepted classification of the effect of a prohibited act in the criminal law doctrine. I presented my proposal in this respect in Chapter III, in which I distinguished 9 categories of effect, i.e. a physiological effect of an economic nature, concerning the human psychological sphere, as well as effect in the form of a specific

behavior, irreversible and reversible effect, a measurable and immeasurable effect. and the effect of a prohibited act which does not constitute its statutory mark. The individual types of effect have been subjected to general characteristics, but they have also been illustrated by examples of specific types of crime. Among them were also those that are considered by some authors to be formal. The analysis of the separated types of effect led to the conclusion that also in the case of crimes commonly included in material categories, the effects belonging to their characteristics are sometimes interpreted differently.

The penal law uses different ways of expressing the effect of a prohibited act. Such character is determined by the use of such terms in the description of the act as, for example, "causes", "leads to", "does", "changes", "destroys", "damages", "makes it unusable", "makes useless", "produces", "creates", "perpetuates", "boils down to", "makes", "draws", "exerts influence", as described in chapter IV. In principle, there is no doubt that the verb "causes" means the effect. On the basis of the penal code, one can find an example of an act in which the description "causes" is found, but it is a formal offense. This act is described in art.263 § 4 of the Penal Code, according to which the penalty is executed by the person who unintentionally causes the loss of firearms or ammunition, which, according to the law, remains at his disposal. In this case, it is not possible to separate the behavior of the perpetrator from the effect, because the behavior itself is based on a specific effect, i.e. the loss of firearms or ammunition. Therefore, it is a formal offense. Chapter V covers a wide range of issues. The division of crimes into material and formal is in principle widely accepted. The concepts of "material crime" and "formal crime" do not raise any doubts as to their definition. The statutory description of a material offense includes the effect whose occurrence allows the offense to be considered as made. On the other hand, formal crime does not include statutory effects and is made when the perpetrator completes his or her behavior.

One should accept the view that material crimes are an example of a clear typification of a prohibited act, because the occurrence of an effect in the statutory description of the act essentially guarantees the clarity of the provision. According to the principle of nullum crimen sine lege certa, all crimes should be constructed as crimes of significant consequence. However, this is hampered by legislative difficulties, difficulties in evidence, the protective (preventive) aspect of criminal law and the specificity of certain offenses. Legislative difficulties occur in those cases where the negative effects of prohibited behaviors are rather intuitive, so you can guess them more than to know what they are in reality or when the effects in the form of physical or mental feelings are so complex and subtle that they can not

be precisely defined in a criminal provision, and moreover, the condition of proving them in a criminal trial would lead to drastic proceedings against the aggrieved party. Difficulties of evidence, on the other hand, are related to the nature of the effect, namely, when the effects are more hidden or transient, for example in the case of psychological feelings. Then, there is not only a difficulty in proving the occurrence of such an effect, but above all in demonstrating the causal relationship between a particular behavior and the effect of that kind. Of course, not in every case, when the effect of a prohibited act is a psychological feeling, that action should be constructed as a formal offense. Then, however, the elimination of possible evidence difficulties may be provided by the appropriate formulation of the description of the act, in which the effect is somehow "rebuilt" with an additional sign, eg in the case of persistent harassment, a sense of danger must be justified by the circumstances. Due to the protective aspect in favor of creating formal types of crimes, the protective function of criminal law is emphasized, since punishing the element of retribution in punishment for the first time results in punishing. Also, the specific nature of certain offenses may support creating formal types. Provisions providing for crimes against the Republic of Poland are protected by legal goods such as independence of the state and its constitutional system. Dependence on the recognition of such offenses as having occurred since the occurrence of an effect in the form of, for example, the loss of independence would in fact mean that it would not be possible to perform criminal responsibility for these crimes.

One of the problems raised in Chapter V is the causality of omission, which has been the subject of a dispute among law theorists for years. It seems that no reason justifies the position that only action can be the cause of the effect. Abandoning the same way as action can affect reality, change it, and thus create a new state of affairs. One can not agree with the position that the content of Article 2 of the Penal Code, according to which: "Criminal liability for a violation of crimes committed by omission is subject only to those who have a legal duty to prevent the effect," strengthens the view the non-incidence of omission, because if the omission should be considered as causal, then this fact would be sufficient to justify liability and it would not be necessary to introduce this regulation. The content of art.2 of the Penal Code does not prejudge the issue of causality or illegality of omission, but indicates only the narrowing of the group of entities that could be held criminally responsible for the offense resulting from omission. It also proves the specific nature of the obligation imposed on the guarantor. The wording "preventing the effect" means that the guarantor has the duty to protect against the consequences resulting also from the behavior of other people, for example, under Article 96 § 1 of the Family Code on parents is obliged to custody of the

child, which includes his protection. in. against negative effects caused by other people. The non-harming of the effect is contrasted by the supporters of the illegitimacy of giving up the effect. It seems, however, that the difference between these two determinations of the behavior of the perpetrator is a manifestation of a different look on him. One can look at such behavior from the normative side (legal obligation to act) and from the ontological side (the relationship between non-compliance with the obligation to act and the occurrence of an effect).

The condition of incurring criminal liability as a result of a prohibited act is to establish a causal relationship between human behavior and effect. Various concepts of causation have been developed in the doctrine of criminal law. These include: the theory of equivalence, the theory of an adequate causal relationship, the theory of relevance, the theory of the consequences of necessary and accidental theory of socially dangerous societies and the theory of the proper condition (theory of condition corresponding to the empirically confirmed regularity). In recent years, more and more supporters have gained the view that in determining criminal responsibility for the effect should not be limited to causation testing and it is necessary to take into account some normative link between the act and the effect, which follows specific criteria. This concept is called the science of objective attribution. According to its assumptions, two levels of valuation are distinguished, that is ontological and normative one. On the ontological level, a causal relationship is established between the behavior of the potential perpetrator and the resultant effect. The position prevails, according to which the determination of the existence of a causal relationship should be based on the theory of a condition corresponding to the empirically confirmed regularity. The next stage of evaluation takes place on the normative level and consists in establishing a normative link between human behavior and effect. Opting for ineffectiveness of omission leads to making arrangements in this case only on the normative level.

Among the criteria for an objective attribution of the effect, there is an infringement of the rules of conduct with the legal good or the rules of prudence. Often, these terms are used interchangeably. Although in the penal code, failure to observe the caution required under given circumstances is related only to a prohibited act committed unintentionally, in the opinion of some authors, this carelessness is also characterized by prohibited acts committed intentionally. In the karnistic literature, rules of the subject's qualifications, features of the used tool, and the way of performing activities are usually mentioned among such rules. Pursuant to the requirement provided for in the Act, violation of the prudence rules in genere should only refer to inadvertently committed offenses. This does not mean, however, that by

committing some intentional act, the perpetrator can not violate any precautionary rules. This is the case, for example, when the landowner applied a strong herbicide contrary to the instructions for its use (he violated the required precautionary principle in the circumstances), wanting the substance to spread to the neighbor, destroying its crops or anticipating such a state of affairs and accepting this. Violation of the required precaution is not, however, a constitutive element of the subject of the acts committed intentionally, in the case of which it would be often difficult to form a violated precautionary principle. In addition, it should be noted that it is not right to identify the rules of prudence with the rules of dealing with the legal good. The rules of conduct have a wider scope. Within them there are rules of caution. With regard to certain behaviors, determining what precautionary rule has been violated by the perpetrator may cause difficulty, eg when the perpetrator commits a murder by firing at the victim's head with a firearm. Such behavior does not violate the rule of caution, but the rule of conduct towards good, which in essence means a ban on its violation.

The subject of Chapter VI is to determine the proportion between material and formal offenses in the special part of the penal code. The evaluation of crimes according to the criterion of effect led to the conclusion that the majority of offenses provided for in the specific criminal code is material. Of the 547 types of crime, 293 belong to the material category, and 174 types are formal offenses. These numbers refer to crimes that are "purely" material and "purely" offenses. Apart from them, mixed crimes have been separated, in the case of which there are various variants of forbidden behavior, both of effective and ineffective nature. They cover 80 types of crimes. Even after adding them to the category of formal crimes, material crimes are still superior.

Most out-of-crime cases are among crimes against life and health (chapter XIX of the Criminal Code), which results from the nature of attacks on legal goods protected in this part of the criminal law, which deprives the value or damage in value corresponding to the legal good or exposure to these values to danger. Certain offenses in this category are also crimes qualified by succession and therefore have a double effect.

The predominance of material crimes over formal crimes deserves a positive evaluation, not only because of what was mentioned earlier, that material crimes are a manifest form of an act, but also an expression of ultima ratio of criminal law, which can be understood in this case as a need criminal law, first of all, when there is a socially harmful effect. It is also important that the dependence of the punishment of an act on causing a negative effect is for the general public a clear justification for penalizing certain behaviors.

A wide range of issues is addressed in Chapter VII, because this part of the work shows the effect of a prohibited act on the background of the stadium forms and phenomenal phenomena of crime.

The assignment of criminal responsibility for a resultant offense takes place on an objective and subjective basis. The first is connected with the causal relation between human behavior and effect. The theory of equivalence, which results will be corrected by referring to the concept of average causality (adequate causation), may be useful for its finding. The "normality" of the effects of behavior should be assessed according to objective criteria, based on scientific knowledge or life experience. The subjective criterion in the form of knowledge or life experience of a person whose criminal responsibility we are considering is taken into account only on the subjective level, including the subjective side and guilt.

The theory of an adequate causality in the presented approach brings the understanding of causality to the theory of a condition corresponding to the empirically confirmed regularity. Knowledge and life experience, to which reference should be made in determining the "normal" effect, indicate certain causal laws occurring in the surrounding reality. Causal laws, and therefore regularities, which determine that event A causes event B is determined, depending on the actual state of affairs, reaching to a specific field of knowledge, eg medicine or physics. It is not always necessary to refer to specialist knowledge in this respect, because certain causal relationships are constantly observed, and so we are embracing the experience of life with awareness of their occurrence.

The most contentious issues presented in Chapter VII include the resultant or ineffective character of incitement and aiding. The position that incitement is formal is correct. Recognition as a result of inciting the intention to commit a prohibited act induced in a criminal law sometimes presented in the doctrine may be questioned due to the fact that the effect of a special kind, hence having a form of mental experience related to interaction with another person, should be clearly displayed in the Act. As in the case of a criminal threat, for example. The difficulties of evidential nature are also significant. Difficulties in proving that the instigator induced in the intended intention to commit a prohibited act will not be in principle when the person is being urged to intimidate it in any way, eg by undertaking preparatory activities in order to commit a prohibited act. It is also not justified by the position presented by some authors that the effect of inciting, as well as assisting, is to commit an offense by the direct perpetrator. Such a standpoint is inconsistent with the essence of the structure of intermittent cooperation adopted in Polish criminal law, which consists in the fact

that the instigator and the assistant commit their own crime and do not participate in the offender's crime. Unlike incitement, help is of a material nature. The result of the aiding is the state in which the perpetration of an offense by the direct perpetrator has become easier. The formal character of the assistants should be adopted if the statutory description of assistance only states that it consists, for example, in providing the instrument with the intention that another person should commit an offense. Meanwhile, the help was defined as the behavior consisting in the fact that the helper "in the intention that another person would commit an offense, by its behavior facilitates its commission", and providing the tool is only one of the aforementioned ways to facilitate the offense of another person.

Chapter VIII presents the significance of the effect of an offense in the framework of such criminal law institutions as the place of committing a prohibited act, active regret and prescription.

When referring to the place of perpetration of a prohibited act, it should be emphasized that one can not agree with the opinion that the place of committing a transit crime is also a place where only causation occurs, because the causal relationship is an element of effect. The causal link is not part of the effect, it only combines the forbidden behavior with effect, and therefore does not correspond to any of the criteria for determining the place of perpetration of the offense provided for in Article 6 § 2 of Penal Code

Active grief occurs on the basis of the Criminal Code in various forms. In connection with the problem of the effect of a prohibited act, one should indicate an active regret in the form of: preventing the result or seeking to prevent the effect of a prohibited act (art. 15 of the Penal Code), repairing the damage or agreeing on the way the victim and the perpetrator remedies, making efforts by the perpetrator for damaging or preventing it (Article 60 § 2, points 1-2 of Penal Code.), repealing the imminent danger (eg Article 160 § 4 of Penal Code.). Preventing the effect does not have to be the result of the perpetrator's behavior alone. So he can use the help or mediation of another person in this regard. In some cases it will even be necessary, namely when the prevention of the effect requires knowledge or skills that the perpetrator does not have. Then, however, it is necessary that the perpetrator launches a casualty string leading to non-termination of effect.

With reference to offenses, the law establishes the principle according to which "if the act of crime depends on the occurrence of the effect specified in the act, the limitation period starts from the time when the effect occurred" (art.101 § 3 of Penal Code). This is the right solution, among others because of the social aspect. As is sometimes noted in the doctrine, if the

disclosure of the crime will only occur after a certain time, which was related to the occurrence of the effect, although in accordance with the criminal law the time of committing the offense is the time of action or omission, but in the public opinion such a crime will be considered to have been committed while the leap effect occurred. If, after the occurrence of a criminal effect, the period of limitation had expired, this fact could negatively affect the social sense of justice.

Chapter IX includes considerations regarding compensatory obligations in criminal law, and therefore presents in it the provisions of the penal code, which serve the implementation of restitution by criminal law. It should be emphasized that damage as an effect constituting a statutory mark of a prohibited act can be said not only in relation to those acts in which the statutory description expressly refers to the concept of damage, but always when there has been loss or damage in the area of legal good. Such a situation takes place in the event of damage to property or when there is a loss of life or damage to health or health disorder, unpleasant experiences or damage (non-material damage). Such understanding of damage refers to civil law, in which damage to property and personal injury is specified, and property damage and non-property damage are distinguished, in which harm is distinguished.

The effects of a prohibited act, in the form of damage or harm, constitute the basis for taking civil proceedings in order to fulfill the liability for damages. However, also the regulations of the penal code mean that the aggrieved party in the course of criminal proceedings can obtain not only moral satisfaction, which results from the sentence of the perpetrator of a prohibited act, but also the material compensation associated with such an act. This is an expression of the criminal law's enforceability of the compensation function so accentuated in recent years. The formal sign of this is the separation in the penal code under the Act of 20 February 2015 on the amendment to the Penal Code and some other acts (Journal of Laws of 2015, item 39) of Chapter V and pt. "Forfeiture and compensatory measures." The adoption of a narrow understanding of compensation, which includes compensation by the perpetrator of a crime to the victim of the crime, means limiting compensatory measures to the obligation to repair the damage and compensation for harm suffered and wins. These institutions can be used not only in the event of a conviction for an offense. It may also happen in the event of a formal offense to cause damage or harm. Premises for declaring the obligation to repair the damage or compensation for the harm suffered is to establish a causal relationship between the offense and the result in the form of damage or harm and the existence of damage at the time of adjudication. Therefore, it is not possible to declare the obligation to repair the damage if it has been repaired in advance, eg as a result of an agreement between the perpetrator and the victims.

A positive assessment should be made of the amendment to Article 46 of Penalty Code, according to which civil law provisions are applied when adjudicating the obligation to repair the damage or compensation for the harm suffered (the civil provisions on the possibility of awarding the pension still apply). In this way, some disputes about the application of civil law provisions on the basis of these institutions were cut. Some, because it still divides the representatives of the criminal law doctrine, is the question whether interest can be subject to the obligation to repair the damage or compensation for the harm suffered. It seems that Article 481 § 1 of the Civil Code, according to which: "If the debtor is in default of the cash benefit, the creditor may demand interest for the delay, even if he has not suffered any damage and even if the delay was due to circumstances for which the debtor is not liable 'Shall not apply to the obligation imposed by a criminal court to make good damage or compensation for non-pecuniary damage. Interest is connected with damage (harm) only by declaring the obligation to repair it (compensation), which is not implemented on time. The interest relationship to the detriment does not make it part of it.

In terms of the second compensatory measure, that is, there are also different views expressed in relation to the lower limit, because it was not provided for in the penal code. It should be assumed that if, according to the applicable regulations, the smallest monetary unit in force in the Republic of Poland is 1 grosz, then its lower limit should be determined at this particular ceiling.

The last, X chapter, is devoted to the significance of the effect of a criminal act in the scope of punishment. In the case of material crimes, the principle that non-retention of effect should automatically affect a more lenient punishment towards its perpetrator can not be accepted. The reason for not joining the effect may be different, and therefore this fact should have a different impact on the punishment size in relation to the perpetrator who stopped at the stage of attempting a predicate offense. Another solution was adopted on the basis of fiscal penal law, because in accordance with art.21 § 2 k.k. for attempted sanctions, a penalty of up to two-thirds of the upper limit of the statutory threat for a given offense may be imposed. Although there is no limitation in the penal code as to the scope of the sentence for attempted attempts, in principle the non-execution of the offense, including the non-criminal effect, is reflected in the assessment of punishment and penal measures. The court, when administering a penalty, takes into account the degree of social harmfulness of the act (art.53 § 1 of Penal Code), which includes the extent of the damage done or threatened (art.115 § 2 of Penal Code.), and also takes into account the type and size of the negative consequences of the crime (Article 53 § 2 of Penalty Code.). The negative consequences of a crime mean both

the consequences in the sense of the statutory features of material crime and other consequences of a prohibited act. These include moral harm, the loss of the victim's authority, the breakdown of family ties. The disclosure of some of the consequences of a crime can be considerably distant in time, so as a result of the penalty, the consequences will not be taken into account by the court. They will not affect the punishment, which will not be conducive to satisfying the sense of justice of the aggrieved party. This is one of the unintentional but sometimes unavoidable consequences that may arise in the event of a fine in each case.

4. **Discussion of other scientific, research and artistic achievements**

a) Authorship or co-authorship of scientific publications in journals included in the Journal Citation Reports (JCR) database.

Due to the specifics of my scientific field, ie Polish criminal law, I did not publish in magazines included in this list. This is due to the fact that English-language magazines are devoted to English and American law, and the specificity of common law means that, as a rule, they do not publish studies on the dogma of Polish law.

b) Criteria for evaluation in the field of scientific and research achievements in the areas of knowledge including:

1. authorship or co-authorship of monographs, scientific publications in international or national magazines other than those contained in databases or on the list referred to in § 3 of the Regulation for a given area of knowledge

2. authorship or co-authorship respectively for a given area: collective studies, catalogs of collections, documentation of research works, expert opinions, works and artistic works

Due to the fact that some of the publications may meet the criteria from both of the above points, the achievements in this respect will be discussed together.

At the beginning, mention should be made of the monograph Fri "False document in Polish criminal law" published by Zakamycze Publishing House in 2004. It is a shortened version of the doctoral dissertation. The considerations in the monograph refer to the issue of

material and intellectual falseness of the document and the unauthorized completion of the form, as well as the use of a forged or altered document or document containing the untruth test and an unauthorized blank. The main remarks contained in this study are supplemented with the general characteristics of crimes against the credibility of documents. Chapter I is devoted to presenting the concept and types of document falsity as well as the social and legal significance of protecting the credibility of documents. It also presents the dimensions of crime directed against documents. Statistical data in this area cover the years 1980-2001. Chapter II presents the development of legal protection of the document, from the Code of Hammurabi, to the legislation in force in Poland until 1932. Chapter III covers the analysis of the concept of a document, not only in the sense of criminal law but also other areas of law, e.g. civil law and in the sense of forensics. The topic of the fourth chapter is the general characteristics of crimes against documents in Polish penal codes, from 1932, 1969 and on the basis of the binding penal code. Chapter V, on the other hand, includes considerations regarding the object of protection of provisions providing for crimes against documents, which is the evidential value of documents. The following chapters present statutory hallmarks of falsification of the document (chapter VI), unauthorized fulfillment of the signed form (chapter VII), false intellectual document (chapter VIII) and the use of counterfeit or reworked document, an unauthorized form and a document containing the untruth test (chapter IX). The analysis of statutory features of these offenses is based on the scheme: the subject of protection of the provision providing for a prohibited act, the subject of the prohibited act, the subject and the subjective side of the prohibited act. Chapter X is devoted to specific issues related to criminal liability for the falseness of the document, i.e. the forms of the stadium, intermittent cooperation, the coincidence of regulations and the coincidence of crimes and the error. Chapter XI presents issues related to the statutory penalty and criminal policy in the field of document fraud.

The problems of criminal liability for crimes against documents also apply to my other works published after the defense of my doctoral dissertation. These are: "Evolution of the concept of a document in Polish penal codes", in: In the circle of theory and practice of criminal law. Book dedicated to the memory of Professor Andrzej Wąska, edited by L.Leszczyński, E.Skrętowicz, Z.Hołda, Lublin 2005, pp.509-519; "Suggestions for revision of art.270 k.k.- attempt to evaluate", in: Criminal law reform. Suggestions and comments. Memorial book of Prof. Barbara Kunicka-Michalska, edited by J.Jakubowska-Hara, C, Nowak, J.Skupiński, Warsaw 2008, pp. 187-197; "Confirmation of untruth by a notary public as the basis of his criminal and disciplinary liability", Rejent, March 2010, pp. 219-232;

"Criminal liability of a notary in the light of the Supreme Court's jurisprudence", in: Criminal liability of a notary public, ed. A.Oleszko, Warsaw 2010, pp. 247-290; Chapter XII titled "Crimes against the credibility of documents", in: Criminal law system, vol. 8. Offenses against the state and collective good, ed. L.Gardocki (edition 1, Warsaw 2013, pp. 975-1070, 2nd edition, Warsaw 2018, pp. 1057-1165) and gloss to the resolution of the Supreme Court of 30 June 2004, I KZP 12/04, Judicature of Polish Courts 2005, number 3, item 41, pp. 171-173; gloss to the resolution of the Supreme Court of 17 March 2005, I KZP 2/05, Jurisprudence of Polish Courts 2005, number 11, item 133, pp. 603-605; gloss to the decision of the Supreme Court of November 29, 2006, I KZP 27/06, Judicature of Polish Courts 2007, notebook 7-8, item 92, pp.570-572; gloss to the verdict of the Supreme Court of November 26, 2014 (II KK 138/14) The Judicature of Polish Courts 2015, number 9, item K 81, pp. 1207-1211.

My other scientific interests also included other issues from the scope of the special part of the penal code. Their reflection is reflected in such publications as: "Protection of a witness in Polish criminal law" (co-author A. Michalska-Warias), in: Problems of the application of court law. Book given to Professor Edward Skrętowicz, editor: I.Nowikowski, Lublin 2007, pp. 54-66; "An offense of insulting the President of the Republic of Poland" (co-author of S.Patyra), Prosecutor's Office and Prawo 2012, No. 3, pp.5-28; "A crime of performing a medical treatment without the consent of the patient against the background of selected regulations of medical law", in: Penal sciences against fast sociocultural changes. Jubilee Book of Professor Marian Filar, ed. A.Adamski, J.Bojarski, P.Chrzczonowicz, M.Leciak, vol. I, Torun 2012, pp. 43-45; "Criminal liability for a crime of defamation (art.212 k.k.)", in: Crimes against honor and bodily invulnerability, ed. M.Mozgawa, Warsaw 2013, pp. 191-146.23; "So-called perimrostitution crimes (art.204 k.k.)" (co-author K.Wala), in: "Prostitution", ed. M.Mozgawa, Warsaw 2014, pp. 72-94. Two other publications deal with the issue of crimes qualified by the succession. They are: "Crimes qualified by consequences", in: Development of penal sciences in the 60th anniversary of the Faculty of Law and Administration of UMCS. Materials from the scientific conference: "Development of penal sciences in the sixty years of the Faculty of Law and Administration of UMCS", Lublin, 23-24 April 2009, organized by the employees of the Department of Criminal Law and Criminology, ed. T.Bojarski, K.Nazar-Gutowska, A. Nowosad, A.Michalska-Warias, J.Piórkowska-Flieger, A.Sośnicka, M.Szwarczyk, D.Firkowski, Lublin 2009, pp. 37-49; "Disputes around qualified crime types", in: Theoretical and practical problems of contemporary criminal law. A Jubilee Book dedicated to Professor Tadeusz Bojarski, ed.

A.Michalska-Warias, I.Nowikowski, J.Piórkowska-Flieger, Lublin 2011, pp. 267-285. In addition, I am the co-author of the publication: "Penal Code. Commentary ", ed. T.Bojarski (co-authors T.Bojarski, A.Michalska-Warias, M.Szwarczyk), issue 1, Warsaw 2006, pp. 746; 2nd edition, Warsaw 2008, pp. 776; ed. 3, Warsaw 2009, pp. 828; ed. 4, Warsaw 2011, pp. 901; ed. 5, Warsaw 2012, pp. 984; issue 6 Warsaw 2013, pp. 1060; Wyd.7, Warsaw 2016, pp. 105). In this publication, I developed a commentary to fourteen chapters of the special part of the penal code and 7 provisions in various chapters of the special part and four provisions contained in the general part of the penal code.

One publication refers to issues related to the law of offenses. This is "Code of offenses. Commentary ", ed. T. Bojarski (co-authors T.Bojarski, A.Michalska-Warias, M.Szwarczyk), ed. 1, Warsaw 2007, pp. 513, ed. 2, Warsaw 2009, pp. 590; 3rd edition, Warsaw 2015, pp. 682. I am the author of the commentary on the provisions of the four chapters of the special section of the Code of Petty Offenses and the eleven rules contained in the three chapters of the Code of Petty Offenses.

In my research I also dealt with the issue of juvenile responsibility, which was reflected in two articles, ie: "The role of the placement in a juvenile institution (correctional institution) against other measures in juvenile cases", in: Problems of reforming proceedings in juvenile matters. Materials from the scientific conference: "Problems of the reform of proceedings in juvenile cases" Lublin, 18-19 September 2008, ed. T.Bojarski, Lublin 2008, pp. 145-164; "The proposed changes to the model of proceedings in juvenile cases (co-author A. Michalska-Warias), in: Theoretical and practical problems of contemporary criminal law. Materials from the Lublin conference on September 26-27, 2011, edited by T.Bojarski et al., Lublin 2011, pp. 259-272.

I am also a co-author of the publication: "Review of the Supreme Court jurisprudence in the field of substantive criminal law for the first half of 2011" (co-author P.Kozłowska-Kalisz), Law in Action. Criminal cases 2013, No. 13, pp. 75-198; "Review of the Supreme Court jurisprudence in the field of substantive criminal law for the second half of 2011" (co-author P.Kozłowska-Kalisz), "Law in action. Criminal cases "2014, no. 19, pp. 247-275.

In the study: Professors of the Faculty of Law and Administration of UMCS 1949-2009. Anniversary book on the occasion of the 60th anniversary of the Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin, ed. A.Przyborowska-Klimczak, Lublin 2009 I presented the figure of Doc. Anny Gimbut (pp. 63-74).

I also published reviews of books: "Alternatives to imprisonment in Polish criminal policy", ed. J.Jakubowska-Hara, J.Skupiński, Warsaw 2009, State and Law 2010, z.10, s.123-126;

"Identity of Polish criminal law", ed. S.Pikulski, M.Romańczuk-Grącka, B.Orłowska-Zielińska, Olsztyn 2011 (co-author K.Nazar-Gutowska), Ius Novum 2012, No. 2, pp. 180-189.

The didactic preparation is the position: "Criminal law. Tests ", ed. T.Bojarski (co-authors: A.Michalska-Warias, K.Nazar-Gutowska, A.Nowosad), ed. 1, Warsaw 2010, pp. 223, ed. 2, Warsaw 2012, pp. 216.

The problem of the effect of a prohibited act is devoted to two of my works: "Doubts about the effect or the ineffectiveness of selected types of crime", in: Problems of criminal justice. Jubilee Book of Professor Jan Skupiński, edited by A. Belachio-Parzych, J.Jakubowska-Hara, J. Kosonoga, H.Kuczyńska, Warsaw 2013, pp.146-158 and accepted for publication in the Studio Iuridica Lublinensia gloss to the judgment of the Court of Appeals in Warsaw of 31 March 2017 (II AKa 450/16) concerning the nature of incitement on the basis of the criterion of effect.

I also published reports on the conference: Theoretical and practical problems of contemporary criminal law, Lublin, 26-27 September 2011 "(co-author: A.Michalska-Warias), State and Law 2012, item 5, pp. 122-124; "Current problems of the science of crime in the criminal law of Poland and Ukraine", Kazimierz Dolny, May 20-21, 2013 (co-author K.Wala), Prosecutor's Office and Law 2013, No. 12, pp.192-199; "VI Lublin Karnistic Seminar entitled "Euthanasia", Prosecutor's Office and Law 2015, no. 12, pp. 1979-1991.

1. managing international or national research projects or participating in such projects - lack

2. international or national awards for activity respectively: scientific or artistic:

2005 - Individual Award of the Minister of National Education and Sport for the book entitled "False document in Polish criminal law"

2010 - Individual Rector's Award of the UMCS Rector for outstanding work in the last academic year

2012. -Medal brown for many years of service

3. deliver papers at national or international thematic conferences

1. "New Polish Criminal Code of 1997 (basic assumptions)", international conference "Problems of science and law reform", Minsk, October 29-30, 1999.

2. "The role of the placement in a juvenile institution (correctional institution) against other measures in juvenile cases", international conference "Problems of reforming proceedings in juvenile cases", Lublin, 18-19 September 2008.

3. "Crimes qualified by consequences", international conference "Development of penal sciences in the 60th anniversary of the Faculty of Law and Administration of UMCS", Lublin, 23-24 April 2009.

4. "Design changes to the model of proceedings in juvenile cases (co-author A. Michalska-Warias), international conference" Theoretical and practical problems of contemporary criminal law ", Lublin, 26-27 September 2011.

5. "Criminal liability for a crime of defamation (art.212 k.k.)", international conference IV Lublin Karnistic Seminar" Crime against honor and bodily integrity ", Lublin, December 10, 2012.

6. "So-called perimrostitution crimes (art.204 k.k.)" (co-author of K.Wala), international conference V Lublin Karnistic Seminar "Prostitution", Lublin, December 9, 2013.

7. "Limits of necessary defense" (co-author A. Michalska-Warias), international conference "Defense necessary in Polish and Ukrainian criminal law", Lublin, November 5, 2018.

1. **a) evaluation criteria for didactic and popularizing achievements as well as international cooperation of a postdoctoral student in all areas of knowledge**

   2. participation in European programs and other international programs - none in international or national scientific conferences or participation in organizational committees of such conferences (Annex No. 8)

   3. managing projects implemented in cooperation with scientists from other national and foreign centers, and in the case of research applied with entrepreneurs - lack of

   4. participation in editorial committees and scientific councils of magazines - none

   5. membership in international or national organizations and scientific societies - none

6. didactic achievements and in the field of popularization of science or art (Annex No. 7)

7. scientific care for students and doctors in the course of specialization - lack

8. internships in foreign or domestic academic or academic centers - no job

9. making expert opinions or other studies at the request of public authorities, local self-government, entities carrying out public tasks or entrepreneurs-none

10. participation in expert and competition teams - none

Lublin ..26. kwietnia 2019r.....

signature