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Investigating practical applications for the provisions regulating the protection of the cultural heritage in the Polish legal framework has been the purpose of the doctoral dissertation “The Crime of Destroying or Damaging a Monument”.

Legal protection of the cultural heritage ought to be one of the most significant fields of state activities.

Broadly defined protection of the cultural heritage also includes the protection of monuments, which is regulated not only by the provisions of the act on the protection of monuments, but also by other legal acts referring to monuments, including provisions from the civil, administrative, and criminal law.

This doctoral dissertation aims to answer the question why criminal law protection of monuments – in particular their integrity and inviolability – is hardly satisfactory even though destroying or damaging a monument has been a crime since 1962 and the penalty for this crime has been relatively high since 2015 when it was raised to 8 years of imprisonment.

The beginnings of the protection of monuments in the Polish legal system date back to 1918 when a Decree of the Regency Council was issued that included first norms connected with the protection of monuments as well as criminal law provisions that accompanied the Decree. Subsequent changes to the protection of monuments came with the Order issued by the President of the Republic of Poland in 1928 on the protection of monuments, and after WWII, with the act of 1963 on the protection of cultural heritage. The act of 2003 on the protection of monuments introduced significant changes to the protection of monuments.

This paper has been divided into theoretical and research parts so as to investigate the problem in the best possible way.

The theoretical part features a historical outline of the development of the protection of monuments in the criminal law focusing on the provisions concerning destroying or damaging that were included in subsequent legal acts. The following parts of the paper feature an attempt at characterising the object of protection and a mutual relation of the concept of monuments, goods of special importance for culture, goods of culture, and works of art. Respective marks of the crime of destroying or damaging a work of art were also analysed based on article 288 of the Criminal Code.

Provisions included in the Criminal Code, also definitions of crimes connected with damaging property that are qualified owing to a special nature of ‘goods of culture’, have been presented in order to analyse the problem more deeply rather than merely focus on criminal law solutions from the act on the protection of monuments. Further deliberations concerned legal

acts connected with damaging a monument in connection with construction work, and with legal provisions on the protection of nature. The research also included activities connected with destroying objects of culture during war activities. Problems of the activities regulated in article 52 of the Act on the National Archive Resources were also presented in order to provide a better picture of the problem. Based on these subject an analysis was performed of possible convergence of legal provisions and crimes.

The research part of this dissertation consisted in looking into the practical application of article 108 of the Act on the Protection of Monuments on the basis of the records from the bindingly closed proceedings performed in the domain of the Regional Prosecution Office in Lublin and registered between 2008 and 2018. Special analysis was performed for the issues concerning crimes against architectural monuments, the problems of a victim, and issuing opinions in such cases. Finally, criminal law from selected European countries was presented which concerned the protection of monuments.

Key words: monuments, goods of special importance for culture, goods of culture, a work of art, compensatory damages, obligation to repair a damage.