

Maciej Błotnicki

**Protection of money, securities and other means of payment  
under Article 310 of the Criminal Code.**

Over the centuries, money has evolved in tandem with humanity's needs and continuous technological advances. The introduction of virtual currencies and digital forms of payment requires a review of the effectiveness of measures to protect money and its surrogates. In the face of significant changes, criminal law should adapt to the new realities and develop to include the criminalization of forgery and behavior related to the counterfeiting of money and its equivalents. The question then arises, will the Polish criminal law system meet the new challenges that money and its surrogates are subjected to? In this particular context, inconspicuous money acquires a new meaning for criminal law analysis, the subject of which will be Article 310 of the Criminal Code.

The purpose of this paper is to analyze the criminal acts stipulated in Article 310 § 1-4 of the Criminal Code. Although the normative constructions have evolved over the years, they are essentially familiar solutions, functioning both in the Criminal Code of 1932 and the Criminal Code of 1969. This fact has not affected the intensification of interest in the criminal legal protection of money and its surrogates in the theoretical and dogmatic field.

The dissertation is mainly dogmatic in nature. It is essentially devoid of theses and research hypotheses, the prior formulation of which could presuppose a degree of apriorism - an undesirable phenomenon in legal analysis. The basic research method used in the work is primarily based on a formal-dogmatic analysis of legal regulations. Due to the specific nature of the research, the comparative legal method proved essential. The dissertation also uses the legal-historical method.

The layout of the dissertation results primarily from the subject and scope of the research conducted. The dissertation consists of seven chapters, which are preceded by an Introduction and closed by a Summary. Chapter I presents the evolution of the basis for criminal liability for crimes relevant to the dissertation since the time of the first Piasts. Chapter II presents the various forms of involvement of the international community aimed at protecting money and its surrogates in circulation. Chapter III analyzes the hallmarks of the type under Article 310 § 1 of the Criminal Code. A significant part of the chapter was devoted to the sign of the generic and individual objects of protection of the type, which were significantly redefined. Moreover, an important section was devoted to the sign of the objective side, in particular, the causal action, the object of the executive action, and the effect. The chapter concludes with the problems of the concurrence of laws and the concurrence of crimes. In Chapter IV, the characteristics of the criminal act of releasing counterfeit money or its surrogate, or the actions preceding/enabling this, were analyzed. A significant part of the chapter boiled down to the characteristics of the objective side. Interesting remarks on the subject of the crime were exposed. Finally, reference was made to the issue of concurrence of provisions and concurrence of crimes. In Chapter V, an outline of the model approach to the institution of an accident of lesser gravity in the system of Polish law was presented. Against the background of the above, the special construction provided for in Article 310 § 3 of the Criminal Code was set. In Chapter VI, the motives behind the criminalization of the foregrounding of the commission of a criminal act are analyzed first. A significant part of the chapter is devoted to the substantive side and subjective side of the preparation of acts stipulated in Article 310 § 1 and 2 of the Criminal Code. In Chapter VII, penalties, punitive measures, and other means of criminal legal response provided for the perpetrators of crimes included in the various editorial units of the typifying provision are described.

