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„Transnational crimes in the Polish criminal law”

Summary

This dissertation undertakes the issue of transnational crimes in the Polish criminal law. The following main research problem was formulated: *To what extent does the Polish legislator implement, in the domestic criminal law, international obligations to penalize specific types of conduct, imposed by adopted international conventions?* On the basis thereof, the following main research thesis was adopted: *The Polish legislator to the full extent implements in the domestic criminal law obligations to penalize specific types of conduct, resulting from adopted international conventions.*

The main research problem implied posing questions providing for specific research problems. In response thereto, specific theses were formulated, indicating the further course of the research process. The following research methods were used in conducting the research: historical and legal-historical, legal-dogmatic, legal-theoretical, analytical, comparative legal, as well as desk research.

The dissertation is composed of five chapters, preceded by an introduction and closed with the conclusion. Since, according to the domestic doctrine, transnational crimes lie within the scope of international criminal law, the first chapter is devoted to definitional and systemic issues thereof. The attention is paid to the contentious nature of its concept and problems resulting therefrom. The attempt is made to develop the definition of international criminal law consistent with the current worldwide doctrine, as well as to determine its subjective and objective scopes. The catalog of crimes falling within international criminal law, i.e. international crimes, is presented and described.

The second chapter undertakes definitional and systemic issues of transnational criminal law, covering transnational crimes. The term and definition of this, relatively new to the Polish doctrine and staying outside its mainstream, branch of law are discussed. The reasons for distinguishing transnational criminal law as a separate legal domain are given, its distinct features are presented, as well as differences between transnational criminal law and international criminal law are discussed.

The third chapter discusses sources of transnational criminal law's application in the light of principles of domestic criminal law's application. The sources of Polish criminal law are presented, with particular consideration given to the place and role of international conventions within that system. The principles of criminal act's application with respect to time, place and toward people are described, highlighting the key, from the perspective of transnational criminal law, principle of universal jurisdiction.

In the fourth chapter, an assessment is made of the implementation, by the Polish legislator, obligations imposed by adopted international conventions, to penalize actions against the interests protected by the Polish criminal code. Using the systematics adopted by the code, crimes against interests protected under the law, provided for in adopted international conventions, are presented. Domestic code provisions, meeting the obligation to penalize these crimes, are described and their consistency with the treaty norms is assessed.

As a result of research conducted in the fourth chapter, a catalogue of international conventions obliging Poland to penalize actions against interests protected by the criminal code is compiled, along with penalized transnational crimes, and is enclosed, in the form of the table, with the dissertation.

The last chapter, fifth, is devoted to non-code transnational crimes penalized in the Polish criminal law. Apart from, traditionally typified in acts different than the criminal code, slavery, drug crimes and a crime of pollution of the sea, also crimes related to infringements of copyright and related rights committed by means of a computer system are addressed.