

The Lazarski University
Faculty of Law and Administration
mgr Dagmara Florek-Kleşk

**SUMMARY OF
DOCTORAL DISSERTATION**

**"Law and criminal aspects of common communication safety"
written under the guidance of prof. nadzw. dr hab. Czesław Klak**

The subject of the doctoral dissertation is the issue of safety in common communication.

An inspiration to start working on this dissertation were the persistent, despite numerous amendments to the provisions of the Criminal Code, still high statistical data on the number of road accidents, their victims, as well as convictions for communication crimes. From the day of entry into force of the Criminal Code, i.e. on 1 September 1998, the provisions regulating criminal responsibility for crimes against safety in public communication were amended several times. These amendments, however, were not preceded by a reliable analysis of data relating to various aspects of transport safety. Hence the need to make an assessment of individual provisions from this perspective. Both politicians and the public perceive that the number of accidents on Polish roads is far too large. Hence, more and more emphasis is placed on ensuring that participants of public communication are safe. However, there is a lack of comprehensive and up-to-date (mainly including the legal and criminal aspect) criminalization, which was an additional incentive to undertake work on the research.

The main purpose of the dissertation is to define legal and criminal activities aimed at reducing the amount of road crimes in Poland, as well as an assessment of their current functioning. The goal was realized on two levels - theoretical and empirical ones. The theoretical analysis presents a dogmatic analysis of the regulations and the subject literature regulating the issue of safety, common communication and accidents against safety in common communication. In the empirical part, police statistics on road accidents and rulings related to crimes against safety in public transport were analyzed.

The thesis of the dissertation is an approach that tightening legal and criminal regulations is an adequate response of the state to the threats to the safety of common communication. The goal was realized on two levels - theoretical and empirical ones. In the

theoretical analysis a dogmatic analysis of the regulations and the subject literature regulating the issue of safety, common communication and accidents against safety in common communication were presented. In the empirical part, police statistics on road accidents and rulings related to crimes against safety in public transport were analyzed.

In the dissertation there were used two research methods: dogmatic-legal and empirical. The greatest part of the dissertation are considerations of a dogmatic and legal character, hence the main research method was the analysis of the legal text, and the analysis of the scientific achievements of the representatives of the criminal law doctrine and judicial decisions. The empirical part of the dissertation is an application of the statistical method, which was supplemented with the analysis of the results of the research conducted. The research material were statistical data of the Police Headquarters and the Ministry of Justice for the years 2007-2017. They provided the basis for analyzing the scale of road crime and an assessment of the functioning of criminal regulations in the practice of justice. The analysis included, in particular, the number of road offenses, the number, type and size of penalties passed by common courts for the most common road offenses.

The dissertation consists of an introduction, 4 chapters and conclusions.

Chapter I contains considerations on the concept of safety, its types, threats and factors determining it.

Chapter II contains considerations on safety in communication in the context of a good which is the subject of criminal law protection. This chapter analyzes the literature on the subject, decisions regulating the issue of the legal good and its types. The chapter contains considerations on the notions of safety in land, water and air communications - both under Polish law, as well as international and EU law.

Chapter III concerns applicable legal regulations in the field of crimes against safety in public communication. In this chapter, a detailed description of the crimes from Chapter XXI of the Criminal Code was made.

Chapter IV is empirical. It shows the scale of crimes against safety in common communication based on statistical data. The main source of information is the statistical data of the Police regarding the number of accidents, and the Ministry of Justice regarding legally valid convictions for crimes against the safety of common communication issued by ordinary courts. The number of judgments as well as types of penalties and penal measures imposed for these crimes were shown. The dynamics and tendencies of convictions were examined. The main assumption, however, was to show whether the amendments to the Criminal Code affect the reduction in the scale of communication crimes.

The whole dissertation closes the summary, which is an analysis of the conclusions from statistical research. In addition, an attempt was made to indicate further legal and criminal activities aimed at improving the effectiveness of combating road crime.