Summary of the doctoral dissertation:

"Criminal liabillity for acts committed abroad"

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The disseration concerns the issue of the substantive criminal law aspects of a criminal responsibility for acts committed abroad. The consideration are conducted from the perspective of the theory of law, the international public law, the Polish constitutional law and the Polish criminal law.

The order and the scope of work are determined by adoption the thesis that in the case of the criminal law the subject of evaluation is not an ontological behaviour of a perpetrator, but an act which violates the norm (an illegal act). The verification of such act from the perspective of punishability is possible only if the illegality of act had been established.

In these perspective were defined the two main problem of the research. The first refers to the issue of limits of the scope of validity in space the non-penal norms (sanctioned norms) which are adressed to the individuals. The second can be reduced to a question about scope of the applicability of the penal norm (sanctioning norms) which provides obligation of punishing violations of non-penal norms. All analysis presented in disseration were conducted with taking into account the above mentioned aim – establishing the metod of reconstruction of the sanctioned and sanctioning norms in the case of crossborder crimes or crimes committed abroad. Both the limitation of validity and applicability of norms in space were focused on achieving such purpose.

The problem of validation of non-penal norms was analysed form the perspective of the theory of law, intenational public law and Polish non-penal regulations. The achievements of criminal law doctrine were considered only in their regulatory aspect. The argumentation were conducted in this way that the most general theoretical premises were discussed at the beginning of work as an background for more detailed problems of doctrine of international law and the Polish domestic regulations.

Theoretical analysis was aimed to determine the general conditions of validation and application of legal norms. As a starting point was taken the assumption of validity of norm N, which is created by fulfilling two minimal formal requirements: a proper promulgation and a lack of derogation. In this part were presented also the theoretical basis of the arguments

against the above assumpion, which have to be supplemented with dogmatic elements.

In the field of public international law considerations were focused on the delimitation of legislative jurisdictiona of a state. Because of the fact, that all competences of country are rooted in sovereignty and because that all of them are limited only by sovereignties of other countries and *ius cogens* norm of international law, this two factors were taken into account in a proces of limitation of legislative jurisdiction. In this perspective the norms of public international law are an instrument of protection of internationally recognized values, for example sovereignties of states, human dignity or natural enviroment. Using the conception of principle reasonablessness, with measuring the power of jurisdictional links, it is possible to indicate the limits of jurisdictional power of a state. In this way we can answer the question, if particular situation can be regulate by domestic law of *forum* state. If the legislative jurisdiction is not entitled, the established norm will be not in force.

Considerations on the limitation of the Polish norms non-penal are divided into two parts. In the first subject of analysis is a Constitution, as an act, which is indirectly determining the content of other normative acts and which could determine the territorial scope of their validity. The second describes the arguments which have to be taken into account in a proces of determining the territorial scope of the validity of norms on the basis of particular normative acts.

Above criteria of validation were put into the model of decoding the sanctioned norms, which is presented in a separate chapter of work.

In the aim of establishing the method of interpretation of the sanctioning norms the analisys of provision of the Polish Criminal Code (art. 5, art. 6, art. 109, art. 110, art. 111, art. 112, oraz art. 113 k.k.) was conducted. Above articles describe the six jurisdictional principles: territoriality, active personality, passive personality, protective principle, universal principle and principle of vicarious jurisdiction. Taking into account, that the Polish solutions are in a fact only implementation of the customary international law, research in this extent were preceded by the analysis of international law – both in historical and dogmatic perspective.

By connection of all of above elements it was possible to carry out a critical analysis of the mentioned provisions of the Criminal Code and to propose a proper method of their interpretation. The achieved results were compared with legal solutions functioning in other states (England, Germany, France and Russia). The comparative analysis created a background for evaluation the Polish solutions.

The dissertation is divided into twelve chapters. The 1th is introduction; the 2th

concerns the issue of theory of law; the 3th, 5th and 6th – describe the problems of international law; the 4th discusses the spatial scope of domestic non-penal law. The norms of criminal law sensu stricto were the subject of the chapters 7th, 8th, 9th and 10th. The comparative analisys was conducted in the chapter 11th. The last chapter contains the de lege ferenda propositions and the final summary of work.

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