THE SYSTEM OF PENALTIES IN THE 1969
POLISH CRIMINAL CODE*

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1. Introduction

The Polish Criminal Code of 19 April 1969,¹ which came into force on 1 January 1970, superseded the Criminal Code of 1932, which had been frequently modified and amended by supplementary laws and decrees. Many of the changes introduced into Polish criminal law are still insufficiently known outside of Poland. Although it is, of course, impossible to discuss in a single article all the salient features and new rules of the Polish criminal law and I am therefore forced to adopt a selective approach, I should like to introduce to the readers the system of sanctions established in the Polish criminal law.²

My choice is justified by the fact that the system of sanctions is a central problem in criminal law and therefore always attracts interest. Moreover, with the entry into force of the new criminal code, numerous and substantive changes have been carried out in this domain.

The account of the system of sanctions provided for in Polish criminal law against criminal offenses must be preceded by the following caveats and explanations:

First – this will of necessity be an abbreviated account, presenting but an outline of the system of sanctions, without an in-depth analysis. More particularly, a discussion of the problems underlying the sentencing policy has been omitted, as well as of those relating to the numerous legal institutions

¹ Translated by Ania van der Meer Krok-Paszkowska.
² For the system of sanctions provided for in Poland for offenses, see A.J. Szwarc, "Strafen und andere Mittel im polnischen Übertretungsrecht", Osteuropa Recht 1981 No.1, 38-46.
associated with the application of given measures, although their knowledge is necessary for a full comprehension of the system of sanctions;
Second — in the account below, changes have been taken into consideration in provisions of the criminal code with regard to fines and pecuniary awards (nawiazka), which came into effect on 7 June 1982 on the basis of a Law of 26 May 1982 on changes in certain provisions of criminal law and the law on petty offenses;¹ as well as changes in regulations on proceedings against minors including, inter alia, regulations on measures provided for minors, which came into effect on 13 May 1983 on the basis of a Law of 26 October 1982 on proceedings in cases involving minors.⁴ The Law of 31 January 1985 on the prevention of drug addiction⁵ as well as changes in the provisions of the criminal code brought about the Law of 10 May 1985 on amendments to some of the provisions of criminal law and law on petty offenses;⁶
Third — the expression "system of sanctions" used in this article, includes not only penalties (basic and supplementary), but also other measures, which are not penalties and which in certain cases are applied in Poland for offenses in place of or in conjunction with penalties (pecuniary awards, preventive measures, guaranty, supervision, duties imposed in case of conditional discontinuance of legal proceedings, conditional suspension of the implementation of the penalty and conditional release before expiration of term, measures applied to recidivists as well as measures applied to minors);
Fourth — in the present article statistical data are quoted on the application in practice of certain penalties. Although such information is not complete, it nevertheless provides a general impression of the structure and practical significance of individual penalties.

2. Penalties

The criminal code differentiates between basic penalties and supplementary penalties, each list including several penalties. In principle, the basic penalty is the one which should always be applied to offenses, even though in certain cases, the provisions allow for the possibility to waive the imposition of this penalty. A supplementary penalty is applied together with the basic penalty, but in exceptional cases, the court may waive the imposition of a basic penalty and the supplementary penalty alone is applied.

³. Dz.U. 1982 No.16 item 125.
⁴. Dz.U. 1982 No.35 item 228.
⁵. Dz.U. 1985 No.4 item 15.
⁶. Dz.U. 1985 No.23 item 100.