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Preventive measures and protective methods of dealing with a perpetrator in Polish and Irish penal law.

Summary

The dissertation consists of the introduction, five substantive chapters, conclusions and a bibliography.

The first chapter contains an in-depth analysis of two legal systems, the Roman, also defined as continental, which Poland belongs to, and the precedent based legal system, also defined as the Anglo-American or common law system, which Ireland predominantly belongs to.

The main area of research in the second chapter includes the juridical analysis of the key normative concepts related to subjective defectiveness of shaping and executing the decision of will, which have influence on criminal liability in Poland and Ireland. The key normative concepts include insanity, diminished responsibility and the intoxication. The scope of interest for research in this part of the study encompasses the issue of the assessment of the mental health of the perpetrator in the moment of the act as well as the role of witness experts in defining mental health.

The third chapter is devoted to the forms of criminal and legal responses towards mentally disturbed perpetrators of crime and prohibited acts and their scope. The author has analyzed both Polish and Irish tools of criminal justice policy in dealing with perpetrators.

In the fourth chapter, the author analyzed fundamental Polish preventive detention measures and Irish protective methods of dealing with perpetrators. Assumptions defined in such a way were emphasized as a result of research into forced psychiatric detention in Poland and Ireland, Electronic Surveillance (EKMP) administered as protective measure and electronic monitoring administered as an aid to probationary measures or non-self-existent preventive measures. The last subsection was devoted to therapy and addiction therapy, imposed as preventive measures and probation measures.

The fifth chapter is devoted to the analysis of selected criminal justice tools in Poland and Ireland. The theoretical foundation for the first subsection is research and comparison of post penal and post delinquent normative instruments in both countries., namely preventive surveillance and post penal detention in the National Center for the Prevention of Dissocial Behaviour in Gostynin, and orders for sex offenders and drug traffickers. The last subsection

was devoted to similarities and differences between the preventive measures and the chosen protective methods for dealing with perpetrators.

The conclusion which is a recapitulation of the presented considerations contains the synthetic arrangement based on verified research hypothesis along with a response to the research questions posed in the dissertation.