

CURRENT PROBLEMS OF THE PENAL LAW
AND THE CRIMINOLOGY

AKTUELLE PROBLEME DES STRAFRECHTS
UND DER KRIMINOLOGIE

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PREFACE

This volume of “Current Problems of the Penal Law and Criminology” is a continuation of the series started by the book edited by Professor Piotr Hofmański nearly fifteen years ago¹. Back then, the Faculty of Law, which was still in the structures of the Warsaw University, comprised three criminal law divisions: Division of Criminal Law (headed by Professor Piotr Hofmański), Division of Criminal Procedure (headed by Professor Piotr Kruszyński²), and Division of Criminology and Organized Crime Issues (that I had the pleasure to be the head of). The aforementioned volume allowed the staff of those Divisions to present their achievements and the current directions of their research. Their papers focused mainly on the criminal law reform that was being prepared, due to the ongoing discussion on the published drafts of criminal law statutes. The assumption was that the first volume would start a new series which should also include papers by authors from other universities, to include foreign ones.

That idea was achieved in the next volume which had a new formula and whose title, for obvious reasons, was supplemented³. This time, the 26-person team of contributing authors included, in addition to leading Polish representatives of the sciences of criminal law and criminology, also professors considered to be the leading international authorities in these fields. The foreign authors represented such countries as Australia, Austria, China, Germany, India, Italy, Japan, Switzerland, and the United Kingdom. The United Nations was also represented.⁴ The foreign authors submitted papers in either German or English, while Polish authors – in Polish. Eventually, all the papers were published in their original language versions. Each paper written in German or English had a summary in Polish, and those written in Polish had summaries in English, German, or French. The volume was published at a special time, as on 1 October 1997, an act was passed on transforming the Białystok branch of the Warsaw University into an autonomous university, the thirteenth in Poland.

1 Piotr Hofmański, ed., *Z problematyki prawa karnego* [On the problems of criminal law] (Białystok: Temida 2, 1994).

2 He was later replaced by Professor Andrzej Bulsiewicz from the Mikołaj Kopernik University in Toruń.

3 Emil W. Pływaczewski, ed., *Aktualne problemy prawa karnego i kryminologii*. Current Problems of the Penal Law and Criminology. Aktuelle Probleme des Strafrechts und der Kriminologie (Białystok: Temida 2, 1998), 622.

4 Crime Prevention and Criminal Justice Branch, United Nations Office at Vienna.

The next volume⁵ was published in the period after profound structural changes were implemented in the Faculty of Law of the University of Białystok. On 1 September 2002, Chairs were established at the University, to include the Chair of Criminal Law consisting of the Division of Criminal Law and Criminology⁶ and the Division of Criminal Procedure⁷. The intention of the editor of that volume was to present, in the first part of the book, the current directions of research conducted by the staff of the Chair of Criminal Law. The other part of the volume was to include papers submitted by distinguished professors representing selected Japanese and German universities who have maintained very intensive academic contacts with the staff of the Chair of Criminal Law.

This volume is being published after new structural changes have been implemented in the Faculty of Law of the University of Białystok, resulting from academic promotions among the Faculty's staff. The changes include, first, the establishment of the Chair of Criminal Procedure⁸ and, second, the establishment of the Division of Criminal Policy within the Chair of Criminal Law⁹. It needs to be highlighted that the Chair of Criminal Law has significant achievements in its research, which confirms its leading role in studies on terrorism and organized crime and on broadly defined issues of homeland security in Poland. It was the Chair that conducted, in the years 2003-2006, the largest ordered research project so far in Poland¹⁰, titled "**Legal and organizational-technical solutions in countering organized crime and terrorism with special emphasis on the problems related to trial evidence and the institution of immunity witness**". It was the first joint undertaking of academic circles and bodies of law enforcement and administration of justice. The project, that I had the honor to lead, involved the participation of approximately 140 representatives of the Police, public prosecutor's office, courts, and the science of criminal law. In October 2007, I was entrusted with the position of the director of another ordered research project titled "**Monitoring, identification, and countering threats to citizens' security**" to be conducted in the years 2007-2010. The project is performed by the consortium established by the University of Białystok and the Military University of Technology in Warsaw. It involves 400 participants who are both representatives of academic circles (including many well-known pro-

5 Emil W. Plywaczewski, ed., *Aktualne problemy prawa karnego i kryminologii. Current Problems of the Penal Law and Criminology. Aktuelle Probleme des Strafrechts und der Kriminologie* (Białystok: Temida 2, 2005), 468.

6 The author became the head of both the Chair of Criminal Law and the Division of Criminal Law and Criminology.

7 The head of the division is Professor Cezary Kulesza.

8 The Chair was established on the basis of the Division of Criminal Law and Criminology and its head was Professor Cezary Kulesza.

9 The head of this Division is dr hab. Mirosława Melezini, (associate) professor of the University of Białystok.

10 Financial means are granted to projects of this type in the framework of a competition where the ordering party (the State Committee for Scientific Research) provides financing to the leading Polish academic centers which can demonstrate their achievements in the proposed research area.

fessors in legal and technical sciences) and practitioners from bodies of law enforcement and administration of justice.

The research project is an integral part of the **Polish Platform for Homeland Security (PPHS)** – Scientific University Network, a unique initiative that has been well-evaluated by the European Commission and the European Parliament. The principal aim of this project is to create integrated computer tools to support various activities in the area of public security. The research projects (a total of fifteen) performed in the framework of the PPHS focus, on the one hand, on using modern technology to support the work of the police, public prosecutors, and security services and, on the other hand, on supporting efforts to enhance security and to counter crime committed by using modern technologies and, in particular, the Internet. Thus, the projects increase the efficiency of the work of the state services and bodies responsible for the security of citizens and the state.¹¹

This volume of the book presents selected results of the work performed on the project titled “**Monitoring, identification, and countering threats to citizens’ security,**” especially the work performed by the staff of the Chair of Criminal Law and the Chair of Criminal Procedure. The group of 44 authors of papers presented in the volume consists predominantly of foreign authors whose papers provide a good basis for comparison with the research conducted on the project. The foreign authors, who traditionally include such international authorities in the field of criminal law and criminology (some of them hold *honoris causa* doctorates of foreign universities), come from such countries as Australia, Austria, China (Hong Kong, Macao), France, Germany, Japan, New Zealand, Russia, South Africa, Switzerland, Turkey, and the United States. The United Nations (*United Nations Office on Drugs and Crime*, Vienna, Austria) is also represented.

The broad scope of problems presented in the book, as well as the number of presented concepts concerning issues that are very important to both the theory and the practice of the criminological sciences makes the book as interesting as the previous editions not only to scientists in these fields but also to large groups of readers, especially practitioners, students, and postgraduate students who are interested in an optimal functioning of bodies of law enforcement and administration of justice.

by Emil W. Pływaczewski

¹¹ More on the **Polish Platform for Homeland Security (PPHS)**: see Emil W. Pływaczewski, Z. Rau, *The Polish Platform for Homeland Security – a pioneer initiative for up-to-date security in the European Union*, p. 445.