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An abstract of a Ph.D. dissertation titled

**POSTPONEMENT OF THE CUSTODIAL SENTENCE EXECUTION IN POLISH
LAW**

Pursuant to art. 45 section 1 of the Constitution of the Republic of Poland, everybody has the right to a fair and open case hearing without undue delay by a competent, independent and impartial court. Elaboration on that rule may be found, among other sources, in a provision art. 9 § 1 of the Penal Enforcement Code, which makes a rule of instituting immediate execution proceedings in case the decision becomes enforceable. This rule gains the most value when it becomes necessary to execute the custodial sentence. The postponement of this penalty does not serve the purpose of the rule of humanitarianism, among other things.

While making the above-mentioned rule, the legislator has to expect a possibility of exceptional circumstances in the life of a convicted person or their relatives, making an immediate execution of the sentence an inhumane act. Thus it is entirely understandable that a convicted person needs to be provided with means to minimize the negative effects of such extraordinary circumstances, while judicial bodies need to be provided with proper judicial remedies for occurrences of that kind.

Among legal institutions over which the legislator gave the above assumption priority, postponement of the custodial sentence execution acquired special significance.

The title institution has existed for a long time since it had already been known on Polish territory during the Partitions of Poland. At first, it was primarily regulated with the law of practice provisions included in the Code of Criminal Procedure of 1928. However, since the 1969 codification, it has been included in the Penal Enforcement Code.

Despite the fact that postponement of sentence execution has always existed in current Polish law, the preliminary research leads to a conclusion that this issue has never been discussed in any monograph. The author intends to fill in the gap mentioned above with this dissertation. It constitutes an attempt to comprehensively analyze provisions connected with the postponement of the custodial sentence execution and proceedings on its matter. The analysis includes the following aspects: dogmatic, prescriptive, historical and pragmatic. Evaluation of the current prescriptive model was complemented with suggestions to solve the most significant interpretative problems which could be distinguished in this area.