

## Relative grounds of appeal in the Polish criminal trial

The goal of this doctoral dissertation is to show that relative grounds of appeal hold a central, and unique position in the criminal proceeding. It should be noted that Polish code of criminal procedure stipulates that a court ruling can be reversed or changed only if it will be found that: 1) the provisions of substantive law regarding the legal qualification of committed crime were violated, 2) the provisions of substantive law in a different case than indicated above were violated, unless, despite an incorrect legal basis, the decision complies with the law, 3) the provisions of procedural law were violated, if this might have affected the contents of the judgment, 4) the findings on which the judgment is based were established incorrectly, if this might have affected the contents of the judgment, 5) the imposed penalty is vividly disproportionate.

The relative grounds of appeal determines the cases in which the judgment may be reversed or changed, so basically it indicates the type of decision of the court of appeal. At the same time, the relative grounds of appeal give guidelines for the court of the first instances how to hold court hearings and how to apply the law, if they do not want their rulings to be changed or reversed.

It should be highlighted that from a theoretical point of view, the relative grounds of appeal are unique because this institution combines within itself the subject of substantive law, procedural law, legal findings, factual findings, and also they are of great practical importance.

For the reasons that are given above a diverse research method was adopted, including the method typical for procedural criminal law, substantive criminal law, and law in action.

The work is divided into seven chapters which correspond to the presentation of relative grounds for appeal in the Code of Criminal Procedure. The first chapter is devoted to preliminary issues and the methodology adopted in the work. The second chapter describes the relative grounds of appeal regarding the offense of substantive law from the perspective of legal norms and the application of these norms in the process of judicial application of the law. It should be noted that in this chapter it is analyzed and strongly criticized the recent amendment to the Code of Criminal Procedure which directly refers to the relative grounds of appeal. In the third chapter of the Ph.D. thesis the violation of procedural law is analyzed from two points of view: firstly from the point of legal norms, secondly in accordance with procedural acts. The fourth chapter is devoted to the

problematic relations between the statutory model of conducting court hearings and obtaining correct factual findings. In the fifth chapter are explored ties between procedural criminal law and substantive criminal law from the point of view limits of judicial freedom in choosing the appropriate punishment. In other words, in this chapter, it is analyzed to what extent the court is bound by statutory recommendations regarding the type and size of the sentence. The subject of the sixth chapter is whether or not the legal catalog of relative grounds for appeal is open or closed. The seventh chapter is dedicated mostly to the practical aspect of formulating pleas in law.