

SUMMARY

The subject of this dissertation is "Criminal law issues of deprivation of financial benefits obtained from crimes". The forfeiture of property is nothing more than a legal possibility to deprive the criminals of the profit they have obtained from the crime. The motive of many crimes is the desire to achieve financial gain. The desire to achieve financial gain as a driving force of crime has always existed.

The first chapter discusses the regulations of the institution of forfeiture in the penal code of 1932 and 1969. Extra-code regulations are also presented. It was pointed out that the legislator was inconsistent and used two terms interchangeably until 1969: forfeiture and confiscation. The original regulation of the institution of forfeiture in the Penal Code of 1997 was also discussed. Historical regulations significantly affect the current shape of this institution.

The second chapter is devoted to EU and international standards and the impact of these standards on the development of the institution of forfeiture in Poland after 1997. The last 25 years have seen significant changes in the regulations of this institution. Some EU and international regulations are criticized in the Polish doctrine as inconsistent with the Polish constitution, such as those regulated in art. 45 § 2 of the Penal Code a legal presumption, called extended forfeiture by some.

The third chapter is devoted to the current regulations of the institution of forfeiture in the Penal Code. The differences between the forfeiture of the fruits of crime and the forfeiture of profits are discussed. An analysis of the forfeiture of the equivalent of pecuniary benefits and the issue of legal presumptions was made. The issue of the forfeiture of the subject of the crime of money laundering and the forfeiture of the enterprise was also presented.

The next chapter deals with the procedural and executive aspects of the institution of forfeiture. In this part of the work, the focus is on the activities enabling the provision of property security. Attention was drawn to the problems preventing the effective disclosure of financial benefits obtained by the criminals. The issues of enforcement of forfeiture ordered by the court and legal presumptions at the enforcement stage were also discussed.

The last chapter is an attempt to assess the effectiveness of forfeiture in Polish criminal law under the Penal Code of 1997. The results obtained in the field of property

security by individual Police units were compared and practical problems in the field of effective property security were indicated.

The thesis is advanced that while the provisions of substantive law regarding the regulation of the institution of forfeiture are in principle complete, the basic law enforcement agencies, such as the Police and the prosecutor's office, do not have the tools necessary to effectively secure property.

12.09.2023
K. Rylov