

The main hypothesis of this research project is that the principle of human dignity is not only a source of human rights and freedoms, but also constitutes a legal concept highly relevant in the process of legislating and enforcing criminal law.

The Constitution of the Republic of Poland is the overarching piece of legislation in the Polish legal system, an act capable of direct application. This feature is not only formal in nature, as a consequence of which the constitution may be placed at the top of the hierarchy of legal enactments. More importantly, it also has substantive implications as it introduces into the system a set of principles and goods connected thereof, realisation and protection of which is the aim of particular dogmatic branches of law. A special role in this process, especially in the field of criminal law, is left for Chapter 2 of the Polish Constitution, which proclaims a catalogue of rights, freedoms and duties of a person and of a citizen. These delineate the bounds of criminalization, but also they declare the goods deemed most important in a polity, goods which sometimes – when subjected to a proportionality test – shall be protected by instruments of criminal law. At the top of the hierarchy of goods lies human dignity, a good which facilitates resolution of conflicts between other goods and one which has been recognized as innate and inalienable. Beside its own content, it also serves as a source of other human rights and freedoms.

Personal human dignity, which points to one's subjectivity, is strictly tied to one's right to life and it appears to be a good which has profound influence upon criminal law and its concepts. The question of the interplay between human dignity and criminal law must be examined from at least two distinct perspectives. First, human dignity may be perceived as a certain standard of behaviour towards the actors in a criminal trial, or – more broadly – towards people who happen to interfere with goods protected by criminal law. An aspect worth looking at is the possibility of precise reconstruction of this standard so as to ensure that criminalizing decisions and resolutions adopted in the general part of criminal law are shaped soundly, as well as that they are applied and enforced appropriately by relevant public authorities. This perspective turns on considering dignity as a negative criterion in the sense that it hinders the omnipotence of the state and therefore enhances protection of the most sensitive areas of human existence. Second, the relation between human dignity and criminal law shall be expounded in the positive sense, i.e. by striving to find a platform for harmonization and promotion of human dignity in criminal law. Examples of this analysis include the concepts of defences (e.g. necessity, self-defence) and exculpatory circumstances (insanity, mistake) which refer directly to human rationality and subjectivity, characteristics underlying human dignity. Another question, which is contained within the scope of the research to be undertaken, is the breadth of the specific part of criminal law. Incorporation of the notion of human dignity into the analysis of criminal legal constructs allows verification of whether it is sufficiently protected, so whether the criminal legislator correctly formulated the elements of criminal offences (*actus reus* and *mens rea*). In other words, it becomes possible to undertake an analysis of the scope of criminalization from the human dignity perspective.