

DESCRIPTION FOR THE GENERAL PUBLIC

In the changing social reality, the classic structure of the criminal proceedings with their characteristic scheme of the relationship between the state managing this process and the parties involved in doesn't longer meet the needs of effective but fair procedural response to the criminal acts. This presents legislators with the task of searching for new procedural solutions, which, however, seem to be moving in a common direction. The objective of a research project is an analysis of privatisation phenomenon (also called in the literature as the phenomenon of civilization) of criminal proceedings and determination of its permissible limits as regards to the requirement of effectiveness and fairness of the justice system. A starting point of the researches is an assumption of current increasing transfer of tasks and functions traditionally reserved for state authorizes, to non-institutional participants in proceedings. It needs to be point out, that these changes are most fully reflected by the rise in the importance of consensual and contradictory elements in the latest amendment of the Polish Code of Criminal Procedure, the significant expansion of the possibilities of submitting so-called private evidence and the strengthening of the victim's influence on the proceedings. Similar tendencies can also be observed in the criminal procedures of other states, because they - as the author will attempt to demonstrate - stem from broader political, economic and social causes, including primarily the re-evaluation of the role of the state and the concept of discourse and restorative justice. The project therefore aims to investigate the origins and the current scope of the process of privatization. Procedural institutions which are subject to privatisation in the system of Anglo-Saxon law (USA, England, Wales), German and Italian and the Polish law will be indicated. One may initially assume that aspects of privatisation of criminal procedure in current Polish model of criminal action apply to four scopes :

- Privatisation in the area of prosecution of crimes (procedure in cases prosecuted by private accusation, mediation, so-called "compensatory discontinuation")
- Privatisation in the area of evidence law and procedure of taking evidence
- Privatisation concerning judicial decisions
- Privatisation of penal system (enforcement proceedings)

At the same time the comparative plane allows us to refer to changes - of analogous foundations and direction - in other selected procedural systems, giving rise to more general conclusions on the existence of certain privatization trends in the area of process response to the committed crime. Finally, extracting the factors determining privatization and confronting them with the basic objectives and principles of the criminal proceedings, will enable us to answer to the question of whether privatization could provide a solution to the existing problems in the criminal process, and what are the limits within which we are willing to accept that phenomenon.