

## **DESCRIPTION FOR THE GENERAL PUBLIC**

### **The objective of the project:**

The objective of the project is to analyze in detail and present theoretical and dogmatic basis of criminal liability for attempt as a form of committing a crime consisting of directly pursuing its commission. Findings achieved in this way, having a general nature, will be referred to the selected types of crimes and offenses, allowing to show the diversity of the model of liability for attempt depending on the prohibited act, which the perpetrator intends to commit.

### **The research to be carried out:**

The theoretical part of the project requires to use the latest achievements of theory and philosophy of law in criminal law. Within this part it shall also be necessary to translate standards set by the constitutional norms for criminal liability. Such an approach will require to look to a large extent interdisciplinary, since it shall make to look at the attempt as a figure typical of criminal law, but also available to refer to other branches of law, such as civil law or administrative law or even typical for the entire legal system. This will require verification of the use of the term “an attempt to violate a rule of law” and, in case of positive verification of that point, determination whether so described behavior is unlawful and where one can possibly seek the sources of its illegality.

The dogmatic part of the project shall in turn require the analysis of Polish regulations of criminal law: the Criminal Code, the Fiscal Criminal Code and the Code of Offenses. It will be carried out on the legal-comparative background, in comparison with regulations applicable in other countries. The dogmatic analysis in conjunction with the previous theoretical analysis will determine whether these two parts are coherent with each other and will enable answering a series of detailed questions concerning the problems of normative analysis of attempt, attempt as an act, separating two types of attempt: possible attempt and inept attempt.

Findings determined in the theoretical and dogmatic part of the project will require a detailed verification by referring them to the selected types of crimes stated in the special part of the Criminal Code. The conclusions of this part of the project will be able to be compared with the approach, which judicial practice represents in relation to these issues. This comparison will be able to be made by an analysis of court records in which an act being a subject to judgment was qualified as an attempt.

### **Reasons for choosing the research topic:**

With regard to the issue of attempt there are no current and comprehensive studies in the scientific literature. In particular, there has not been presented any comprehensive theoretical analysis of this structure, there focused mainly on the dogmatic analysis, based on the interpretation of the provisions of criminal law. It is worth to verify the hypothesis whether it is justified to perceive attempt as an institution typical also for other branches of law and perhaps even for the entire legal system.

The issue of attempt is so highly important, because in case of not penalizing perpetration (which is prior to attempt) – which is the principle in Polish criminal law – it is the opportunity to qualify one’s behavior as an attempt that enables the public authority to intervene in the sphere of the freedom of the perpetrator with the usage of the instruments of criminal law. Moreover, the construction of the attempt itself still rises fundamental disagreements among theorists and practitioners of law. Resolving many of them may be facilitated with the openness to modify the rules of the general part of criminal law, depending on the type of crime stated in the specific part of criminal law, to which these rules are to be referred.