

In everyday life, there are situations in which people, by their behaviour, violate or expose to danger different legally protected interests. This happens during such prosaic activities as doing sports, raising children, or even celebrating. For example, during a football match one player may cause health impairment to another. A parent taking care of a child sometimes deprives the latter of freedom, by compelling them to stay home rather than go out with friends. An adherent of the wet Easter Monday tradition violates bodily integrity of other persons by splashing them with water on Easter Monday. These acts, in the opinion of most criminal law scientists, are not crimes because they are committed in the framework of so called non-statutory countertypes. According to these academics, such countertypes make circumstances, unnamed in any legislative act, legalizing behaviour prohibited by law. However, not all authors agree with that opinion. Few criminal lawyers believe that acts committed in such circumstances are permissible from the beginning, and there is no need for their legalization (something that is legal may not be positively legalized). Others are of the opinion that so called non-statutory countertypes are incompatible with the Constitution of the Republic of Poland because they have not been provided for in any universally applicable piece of legislation and make a mere invention of lawyers.

The author of this project assumes that circumstances collectively defined by most criminal lawyers as non-statutory countertypes are heterogeneous in nature. A part of them may refer, as argued by some representatives of the doctrine, to primarily legal acts. Then, the perpetrator's behaviour, as long as certain conditions are met, does not violate any legal prohibition, and is neutral from the criminal law perspective. On the other hand, it is not excluded that a part of those circumstances involve situations in which the act violates a prohibition – and is unlawful. Then, they may exclude unlawfulness. If it so turns out, it must be decided if, in the context of provisions of the Constitution and international law, it is admissible for courts to take advantage of so called non-statutory countertypes. In the mind of the author, as long as the above question is not resolved, there are no grounds to use the concept of non-statutory countertype without putting into question the legitimacy of such usage. For the above reason, in the application, the author uses the term **so called** non-statutory countertypes.

To solve the problem outlined above, the author will characterize selected, most frequent in practice, so called non-statutory countertypes, namely consent, custom, punishing of minors, sport risk and artistic activity from the point of view of his previous assumptions and findings. He will do this by analysing pieces of universally applicable legislation and studying literature and court decisions, which form the principal source of so called non-statutory countertypes. Additionally, he will invoke the history of the discussed criminal law institutions to properly depict their shape, taking into consideration the transitions taking place in the society and law. The conditions influencing legality of an act, as reconstructed in the Polish law, will be compared with their counterparts in other countries.

The results of the implemented research will make a voice in the discussion about the concept of crime and circumstances which give rise to the possibility of being held criminally liable or exclude such option. In the literature, there are no holistic studies of the undertaken topic. The undertaken subject is highly important for every individual who may get in trouble with the law in their everyday life. The results of the project will show which behaviours are permissible from the legal perspective and which may give rise to criminal liability. The fact that the project concerns “criminal law in everyday life,” that is situations faced by people on everyday basis – when expressing consent to violation of their legal interests, punishing of children, doing sports – means that the outcomes of the research may prove significant not only in the scientific discourse but also in the journalistic one and be useful for citizens who are not legal professionals.