

In 2017 alone in Poland, the number of persons convicted of the crime of rape, theft or fraud exceeded the total number of 43 thousand. Unfortunately, the consequence thereof is also a huge number of victims who suffer health, moral and financial losses. In order to reduce further harm inflicted to these people, it seems reasonable to construct a convenient judicial route which repairs and compensates for all negative consequences resulting from the suffered damage.

However, by analyzing the currently applicable provisions, one might claim that the role of a victim in the criminal proceeding is a secondary issue. In its traditional meaning, rather than compensating for all the negative crime consequences a victim has suffered, criminal law is to a greater extent aimed at punishing the perpetrator. The possibility of adjudging damages to a victim in a criminal proceeding is very limited. In the vast majority of cases, the only way to fully meet the needs of a victim is to run a parallel civil case, regardless of the criminal case. This system is completely ineffective. Apart from purely economic reasons related to the overloaded system of justice, psychological reasons should also be indicated – a victim is involved in two long-term court cases. In one of them a victim acts as a witness of a crime, in the other – as a petitioner seeking damages. It should be indicated here that the majority of citizens do not understand the assessment of the event itself in two court cases (criminal and civil). What is more, this system does not provide adequate protection for victims.

Therefore, it is necessary to develop a model of a court case in which during one court proceeding all crime consequences are solved in a comprehensive manner. Not only those that are aimed at finding a perpetrator guilty of the act as charged, but also those which make it possible for a perpetrator to fully repair the damage suffered by a victim. This is also the main purpose of this research project.

However, it is possible to carry it out only by taking a global approach towards law and merging institutions which traditionally belong to different fields of law into one court proceeding. It is equally important to re-interpret the concepts used in the criminal legislation in such a way as to fully reflect the function they perform. As a consequence, it will be possible to develop a model of a court case that will be applied for all crimes that lead to suffering damage, will better protect the rights of a victim (i.a. by preventing a victim from further suffering related to a number of court hearings and long-term court cases), increase trust and confidence in state institutions and the judiciary, as well as limit the costs borne by the State Treasury and parties to the proceedings. Two proceedings will be replaced by one – a specialist one.