

Humanity is looking for an answer to the question of what justice is from time immemorial. A special aspect of the great scholars' consideration was finding the criteria of just law. Of course, this issue is still open and is constantly discussed, not only in the scientific world, but also in the social and political world. It is commonly and intuitively accepted that we can not talk about just law in the case when it treats people in similar cases in different ways.

Unfortunately, empirical studies show that factors such as race or gender influence the punishment. For example, in the United States, it has been noticed that black citizens are sentenced to significantly longer penalties for committing similar crimes than white Americans, while women are punished by gentler sentences than men. A similar problem has also been noticed in other countries.

This phenomenon, called sentencing disparities, was first noticed in the United States in the twentieth century and since then has been the subject of broad debate, not only in the US, but also in other countries of the common law system. Also in the countries of the continental law system, which occurs in most European countries, the problem of sentencing disparities in scientific papers has been raised, and this is increasingly the subject of discussion. The reason for the occurrence of this phenomenon is not constituted law, which in a democratic state of law treats citizens equally, but the law in practise. Due to a certain freedom of the judges to determine the penalty, they can treat similar cases in different ways, based mainly on subconscious cognitive errors.

Experts in the issue claim that as long as there will be discretion in shaping the penalty, we will be exposed to sentencing disparities. However, of course, leaving judges the freedom to decide also has its rational justification. The problem is therefore a proper balancing of both these values and shaping the scope of discretion of the judge's power in the most appropriate way.

In common law countries, in particular in the United States and the United Kingdom, to counteract this phenomenon, the judge's power was limited in determining the penalty by introducing strict guidelines (so-called sentencing guidelines). In the countries of the continental system, especially in Poland, the judge has more freedom in shaping the sentence, because the guidelines (the so-called penalties directive) are much looser.

The aim of the project is, on the one hand, to investigate the occurrence of sentencing disparities in Poland, and, on the other, to analyze the models of the judge's discretion in the scope of penalties and attempt to find the most appropriate, adapted to current reality. The analysis of legal, domestic and foreign regulations, analysis of literature in the field of criminal law and process, criminology, constitutional law, theory and philosophy of law, but also psychology and cognitive science as well as the method of examination of court files and survey among judges will be used for this purpose. Research is therefore empirical, comparative and interdisciplinary. They have value, not only for national science, but also for international science as well as for the society.