

"No man is an island," Ernest Hemingway wrote in his novel "For Whom the Bell Tolls." Christian personalism suggests that every individual is a relational being, i.e. created to live in a community as a human being functioning in a network of various relationships with other people. Given that all individuals live in relation to others, they must assume responsibility for their actions towards others. Only in such a system can the individual's actions be subject to a specific assessment (moral, legal, social).

When individuals 'act,' their activity leads them to achieve the intended result, either positive or negative. In contrast, where a person "does not act," such omission may lead as a result to the occurrence of a specific, most frequently negative effect. Truly, both positive and negative effects can be more easily linked to action rather than to omission. The individual who committed an omission resulting in the occurrence of effect defends oneself by stating 'I did not do anything,' and *ex nihilo nihil fit*.

Although omissions will most often be regarded negatively in criminal law, they do not always have to draw condemnation. Criminal law admonition is the ultimate last resort (*ultima ratio*). Therefore, the attempts by the legislator to limit the number of entities capable of bearing liability for omission that produces a result do not come as a surprise.

The rational formulation of the limits of criminal liability within the indicated area appears to be a formidable task. As a matter of fact, it requires resolving, for instance, the following practical and tangible doubts: Are parents always the guarantors of safety for their children? Are both the parents equally responsible in a situation where one of them works abroad and only the other takes actual care of the child? In what circumstances is a doctor obliged to give the patient assistance simultaneously putting his own life in jeopardy? Is a driving instructor always the guarantor of road safety and is any failure to exercise supervision over the learner going to result in criminal liability of the instructor? When is the failure to inform the concerned person of being infected with venereal disease going to lead to a charge of exposure to infection? Should a physical education teacher bear criminal liability for any negative effects that may befall his primary school children doing exercises on the wall bars?

The aim of this research project is to provide the answers to the above questions as well as to reconstruct the optimal model of criminal liability for consequence crimes committed by omission which produces a negative effect. Particular attention will be given to the construction of the so-called guarantor, i.e. the person obliged to undertake desired action and the conditions regulating its existence.

In order to reconstruct an adequate model, the analysis will focus on the normative regulations and dogmatic opinions expressed in the Polish science as well as in the science of three German-language states (i.e. Austria, Germany and Switzerland) due to their deep rootedness in the continental legal system and common historical and legislative tradition in the indicated area. The work plan foresees tracing the evolution of the construction of criminal liability for omission undertaken from the historical perspective and in reference to the applicable constitutional standards. Apart from the literature on the subject, the statutory regulations, constitutions or, alternatively, international agreements in the absence of a relevant model in the constitution of the selected states will be subject to examination. In order to complete the planned tasks and verify the obtained results, a scientific internship in a foreign center (Germany) as well as dialogue visits (Austria and Switzerland) are scheduled to take place.

The main reason for undertaking research on criminal liability for consequence crimes committed by omission is the growing anticipation in the doctrine of criminal law for a specific Copernican revolution. It is awaited due to the deficiencies in the normative solutions proposed thus far by science and the emergence of new challenges that call for urgent decisions. This concerns in particular the issue of proportionality, namely, whether the limitation of the obligation to act on the part of the guarantor does not infringe on the legal rights of potential victims who are protected by constitutional norms. The above condition undoubtedly favors the development of new and bold proposals.

The proposed research project will allow for the identification of similarities and differences in the evolution of the approach to criminal liability for consequence crimes committed by omission and the development of a universal model of liability in the indicated area, which will be of immense importance not only for the Polish, but also Austrian, German and Swiss law as well as for other states that draw profusely from the output of the above states.