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Title of dissertation: “Environment as subject-matter of criminal law protection”

ABSTRACT

The dissertation focuses on the concept of the environment as subject-matter of protection in Polish substantive criminal law. Addressing the indicated issue is justified by the fact that against the background of the current state of the law, there has not yet been a comprehensive and coherent elaboration of this subject. This topic should be considered important, in view of the increasing number of legal norms (including criminal law) aimed at protecting individual components of the environment. It is necessary to shape regulations that will ensure the proper state of the environment as the basis for a safe and harmonious existence and its development. At the same time, in this regard, the dependence of criminal law on environmental law is apparent, setting the standard for permissible interference with this legal good.

The research problems undertaken in the dissertation revolve around the understanding of the concept of the environment in Polish criminal law and, to the necessary extent determined by the specific research questions, the protection of this legal good, given its complexity. The main research problem, however, is the question of how the environment is viewed as a subject-matter of protection in Polish criminal law and what is its substance. To this aim, the main research hypothesis was established, expressed in the claim that the environment is not taken as a comprehensive and homogeneous generic subject of criminal law protection as a whole (complex). Rather, this term should be understood as individual elements (components) of the environment, of natural and biological origin, animate or inanimate, including in the form transformed as a result of human activity.

The analysis is divided into 5 main chapters, preceded by an introduction and summed up by a summary. The first chapter addresses the content of the concept of the environment in international and constitutional law. The second chapter touches on the issue of legal liability regimes in environmental protection and how they determine the understanding of this legal good. The third chapter focuses on to the content of the concept of the environment in international and European criminal law, considering EU law. The fourth and fifth chapters are strictly related to the issue of the environment as a general object of protection in criminal law. In the fourth chapter, the analysis is conducted from the perspective of the subject of the legal

act in which environmental crimes are legislated. In turn, in the fifth chapter, the research perspective is to analyze the specifics of the statutory elements of types of crimes against the environment.

The question raised in the dissertation makes it possible to conclude that the environment as a subject of criminal law protection is a non-homogeneous and open concept. Its meaning in comprehensive (holistic) terms is impossible to determine. Rather, the term environment in the context of the general subject of protection should be understood as individual components of the human environment, of natural and biological origin, in animate or inanimate form, including those transformed by human activity. In addition, *de lege lata*, the environment should also be understood as norms of conduct that define the rules of interference, exploitation, processing or, more broadly, use of the natural resources of the human environment. As a result, the main subject of criminal law protection is not the environment as a legal good but ensuring compliance with norms of a technical-regulatory nature (as a rule, of administrative origin), which regulate the rules of conduct with individual elements of the environment.