

Summary of the doctoral dissertation

Author: mgr Małgorzata Skawińska

Dissertation thesis: "The crime of abuse of trust on the grounds of the Italian crime *infedeltà patrimoniale*"

Promoter: Prof. zw. dr hab. Andrzej Zoll

The subject of the doctoral thesis is devoted to criminal responsibility for the crime referred to in the literature as "abuse of trust", "criminal mismanagement" or "manager's mismanagement". As the title of the work indicates, criminal regulations which define the crime of abuse of trust in the Polish criminal law and the crime of *infedeltà patrimoniale* in the Italian legal system have been adopted as the subject of research and scientific deliberations.

The main purpose of the dissertation is to conduct a dogmatic analysis of article 296 k.k. (Polish Penal Code). The type of the crime which is regulated in article 296 k.k., provides a wide range of interpretation issues, but the greatest controversy seems to be raised by the subject of elementary meaning, i.e. how to define the field of criminality in that case, which is narrowly understood by some representatives of the criminal law doctrine, and by others much more broadly. The analysis of the indications of the Italian crime *infedeltà patrimoniale* is not the aim in itself, but serves as a measure leading to a concrete, more practical purpose, which is to seek solutions for the issues and doubts which are described in the dissertation.

The doctoral dissertation is divided into four chapters and numerous subsections. The work begins with a chapter devoted to the historical introduction, in which the analysis of the provisions that preceded article 296 k.k. is performed with the accordance to the Penal Code of 1932¹, the Penal Code of 1969² and the Act on the Protection of Business Activity of 1994³. The further part of the work contains the genesis of regulation of article 296 § 1a k.k., which has been introduced into the Penal Code of 1997 by the Act of June 9th 2011 amending the Act - Penal Code and certain other acts⁴. Therein, the accompanying amendments, doctrinal statements and selected opinions in the discussion on amending the provision of article 585 k.s.h. (Polish Commercial Code) have been presented, and also this article itself has been analyzed in detail. For the full presentation of the historical background of the crime listed in article 296 § 1a k.k. the analysis of article 300 and article 482 of the former

¹Decree of the President of Poland of July 11th 1932 – Penal Code (Dz.U. 1932, no. 60, sec. 571 with further amendments).

²Act of April 19th 1969 – Penal Code (Dz.U. 1969, no.13, sec. 94 with further amendments)

³Act of October 12th 1994 on Protection of Business Activity and amendments of Penal Code provisions (Dz.U. 1994, no. 126, sec. 615 with further amendments.).

⁴Dz. U. 2011, no. 133, sec. 767.

