

Abstract of doctoral dissertation

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Title of doctoral dissertation: Criminal liability vs. construction of partnership in process of formation

The matter under consideration undertaken in the doctoral dissertation is the issue of criminal liability in the phase of the existence of a partnership in the process of formation. The aim of the doctoral dissertation is to present the problem of criminal liability of a partnership in the post-contractual stage and before the entry in the National Court Register under criminal law, the Code of Commercial Companies, the Penal and Fiscal Code and the Act on the Liability of Collective Entities for Acts Prohibited Under Penalty.

These fundamental consideration for the doctoral dissertation were preceded by the analysis of the problem of criminal liability against the background of other types of repressive liability. The research is also focused on a partnership - especially its legal capacity against the background of historical, comparative and constructional nature, which is important from the point of view of criminal liability.

The analysis of the issue of criminal liability against the background of other types of repressive liability is discussed in Chapter I. In this Chapter is presented, among others, the concept of legal liability, repressive liability and criminal liability with the division into its types. The rules of criminal liability on the grounds of the Constitution of the Republic of Poland are also discussed.

The historical overview is presented in Chapter II. In this Chapter, particular attention is paid to changes in the Commercial Code and the Code of Commercial Companies in the scope of the moment of establishing partnership.

Provisions regarding partnerships in process of formation as well as its name are not settled in The Code of Commercial Companies; there is therefore a fundamental difference between partnerships and companies in this respect. The above state of affairs was assessed in the doctrine as leaving the open problem of partnerships in process of formation by the Code of Commercial Companies, for several reasons, namely: due to the generally shorter and less complicated process of forming partnerships due to the lack of legislative models, as well as

