

## Doctoral Dissertation Abstract

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**Topic of the doctoral dissertation: Non-punitive detention with regard to individual rights and freedoms**

The subject matter of this doctoral dissertation is the institution of non-punitive detention, with particular focus on administrative ('for the purpose of a person's sobering-up'), penitentiary, preventive and stadium disorder detention. The need to take a closer look at the topic of non-punitive detention stems from the fact that in the Polish legal literature this subject has not aroused much interest so far. There have been some articles about various types of non-punitive detention but there are not so many elaborations that give an overall picture of the problem. Therefore, it is necessary to fill, at least to some extent, this gap by creating a comprehensive and reliable study regarding the institution of non-punitive detention, its basic functions and tasks.

It should be stressed out that there are many legislative acts in Polish law governing non-punitive detention for purposes not directly related to the criminal process. Therefore, apart from detention for legal proceeding purposes, which is regulated by the Code of Criminal Procedure, there are some types of detentions distinguished in the legal literature, in most cases referred to as non-punitive detention that is broadly discussed in this doctoral dissertation.

The aim of this paper is to answer the question regarding the place of non-punitive detention in the Polish legal system, as well as what distinguishes it from punitive detention. It has already been stressed out that punitive detention has been the subject of academic interest on a much larger scale than the concept of non-punitive detention. Another factor that should not be ignored is the definition of mutual relations between the legal regulations governing the institution of non-punitive detention with regard to human and citizen's rights and freedoms. The elaboration of this topic is dogmatic. The main research method used in this dissertation is the analysis of the legal text, extended by an analysis of the views of representatives of the doctrine of law, an analysis of the guidelines of the justice system and judicial practice and the jurisprudence of the Constitutional Tribunal, the Supreme Court, as well as common and international courts.

The main research hypothesis, that has been subject to verification, is the view that there is a need for regulation of the institution of non-punitive detention under ordinary legislation. At the same time, it should be recognised that the regulations contained in the provisions of particular acts related to non-punitive detention constitute, as a rule, an adequate, although not always perfect, the legislator's response

