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CRIME OF ABUSE IN THE LIGHT OF UNIVERSITY STUDENTS' OPINIONS AND COURT STATISTICS

PRZESTĘPSTWO ZNEĆCANIA SIĘ
W OPINII STUDENTÓW UCZELNI
WYŻSZYCH I NA PODSTAWIE
STATYSTYK SĄDOWYCH

ABSTRACT

The article is based on empirical data, and it presents the results of a public opinion survey on suggested penalties for the crime of abuse and comparison of those results with legally binding regulations as well as sample police statistics. It also provides the statistics of penalties imposed by courts for crimes under Article 207 of the Penal Code in the years 2016-2020. The research was aimed at understanding the viewpoint of the general public in the scope of the preferences regarding the minimum and maximum penalty of imprisonment for crimes specified in Article 207 of the Penal Code.

The survey was conducted in March 2024 on the basis of the author's own questionnaire, and it covered a group of 236 respondents – students. In addition, the article also refers to the amendment to the Penal Code of July 7, 2022, regarding Article 207 of the Penal Code.

Opinions expressed by the respondents on criminal liability for the above-mentioned prohibited acts vary significantly from the limits specified in the Penal Code as well as from actual penalties imposed by courts. Survey results clearly show that the respondents demonstrated great severity in their views, which is particularly evidenced by the fact that as regards the maximum penalty from among the highest indicated to be imposed under Article 207 of the Penal Code, they primarily opted for the penalty of life imprisonment, which significantly exceeds the currently applicable penalties. Although, the introduction of new statutory limits of penalties for acts punishable by imprisonment under Article 207 § 3 of the Penal Code may undoubtedly be assessed positively, in view of the results of the survey conducted for the purposes of this article, the indicated penalties still seem to be too low. The respondents expressed their preference for long-term penalties of imprisonment, and even occasionally opted for the introduction of death penalty, which is currently not envisaged by Polish legislation.

STRESZCZENIE

Artykuł głównie o charakterze empirycznym, przedstawia wyniki badania opinii społecznej odnośnie wymiaru kar za przestępstwo znęcania się oraz porównanie ich z prawnie obowiązującymi regulacjami ze wskazaniem statystyk kar wymierzanych przez sądy za przestępstwa z art. 207 kk w latach 2016-2020 oraz przykładową statystyką policyjną. Celem przeprowadzonego badania było poznanie światopoglądu opinii publicznej w zakresie preferencji co do wymiaru najniższej i najwyższej kary pozbawienia wolności w zakresie przestępstw określonych w art. 207 k.k.

Badanie sondażowe zostało zrealizowane w marcu 2024 r. w oparciu o autorski kwestionariusz ankiety na grupie 236 respondentów – studentów. Poza tym w artykule wspomniano o nowelizacji Kodeksu karnego z 7 lipca 2022 r. w zakresie art. 207 kk.

Wskazane przez ankietowanych opinie o karalności za powyżej wskazane czyny zabronione znacznie odbiegają od granic określonych w kodeksie oraz od kar orzeczanych przez sądy w praktyce. Jednoznacznie widać, że respondenci charakteryzowali się dużą surowością w swoich poglądach, co szczególnie można zauważyć w tym, że odnośnie górnej granicy kary jako najwyższej ze wskazanych do wymierzenia z art. 207 k.k. zaznaczali przede wszystkim karę dożywotniego pozbawienia wolności, co znacznie przekracza dostępne obecnie sankcje. Z pewnością określenie nowych granic ustawowego zagrożenia karą pozbawienia wolności z art. 207 § 3 k.k. należy ocenić pozytywnie, jednakże patrząc na wyniki ankiety opracowanej na rzecz niniejszego artykułu, wskazane sankcje są i tak za niskie. Preferowane przez w/w. były długoterminowe kary pozbawienia wolności, a nawet sporadycznie wprowadzenie kary śmierci, której obecnie nie ma w ustawodawstwie polskim.

KEYWORDS: *domestic violence, amendment, penalty, court and police statistics, penal code, student opinions survey*

SŁOWA KLUCZOWE: *znęcanie się, nowelizacja, wymiar kary, statystyka sądowa i policyjna, kodeks karny, opinia studentów, badanie sondażowe*

INTRODUCTION

The crime defined in Article 207 of the Penal Code (Act of 06.06.1997) is a criminal offence involving a complex subject of protection. The main subject of protection here is the family and its well-being, the upbringing of children and protection of vulnerable persons as well as persons dependent on the perpetrator (Kosonoga, 2023, p. 1444).

Domestic violence has catastrophic consequences for victims. These include, among others, lowered self-esteem, problems in establishing interpersonal relationships, the risk of repeated victimization as well as the risk of similar crimes being committed by former victims. In relationships based on a cycle of violence, it is especially women who being victims of violence themselves, tend to create a family model that can generate further victims or perpetrators of intra-family violence (Kałdon, 2022, p. 538). It is noteworthy that domestic violence is a cyclical process with a tendency to repeat itself, and if not stopped, it intensifies (Kowalewska, 2012, p. 28).

Understanding the essence of this problem and implementing appropriate legislative measures is crucial to providing victims with real help from the state and thus help prevent lowered self-esteem, depression, anxiety or other types of disorders. The indicated circumstances have long-term consequences for the mental health of victims, the problem of social reintegration and establishing interpersonal relationships by victims, the risk of repeated victimization, the risk of an increasing number of similar crimes committed in the future by former victims, a crisis of trust in state institutions, the lack of authorities and a small number of positive campaigns promoting the activities of institutions providing support to victims of domestic violence.

The article is based on empirical data. It covers crimes specified in Art. 207 of the Penal Code, including the amendment to the Penal Code of July 7, 2022, i.e., hereinafter referred to as *Zmkk2022* (Ustawa 07.07.2022). The aim of the research was to find out the opinions of students regarding hypothetical penalties that should be imposed for crimes specified in Art. 207 of the Penal Code and to compare them with legally binding regulations. The main research problem can be brought down to the questions: What penalties should be imposed on perpetrators of crimes specified in Art. 207 of the Penal Code?; Are the current penalties applicable to the above-mentioned crimes consistent with the opinions of the respondents?; Would the respondents support reinstating the capital punishment in Polish legislation for the discussed crimes?; Does the amendment to the *Zmkk2022* provide sufficient protection for victims of prohibited acts specified in Art. 207 of the Penal Code? According to the author, opinions regarding penalties due for the crime of abuse are much more severe than the applicable code regulations or the penalties imposed in court.

The author based her research on the survey method and on the interpretative-descriptive methodology, specific primarily to legal professions (Dobosz, 2001, p. 24), using the purposive method of interpretation, which consisted in defining the legislator's purpose of implementing the regulation (Łętowski, 1995, p. 45). The article is based on the technique of document analysis and the author's own questionnaire served as the research tool.

Statistical data prove that the problem of domestic violence is still relevant, and the actions that have been taken for years to prevent this phenomenon fail to bring the expected results. For example, the report on the national program

for counteracting domestic violence (Sprawozdanie, 2021, pp. 1-127), shows that the number of people affected by domestic violence in the years 2015-2021 approximates 200,000 and in subsequent years it remains at a comparable level, with the exception of 2021, when it amounted to just over 168,000. In the vast majority of cases, people affected by domestic violence are adults. The lowest percentage of adults affected by domestic violence was recorded in 2018 (70.7%), while the highest in 2015 (77.4%). Particularly disturbing is the fact that among those affected by domestic violence, there is also a relatively large share of children. The lowest percentage of children affected by domestic violence was recorded in 2015 (22.6%), while the highest in 2018 (29.3%). It is also worth noting that from 2015 to 2018 the number of children affected by violence increased significantly, while from 2019 to 2021 this number decreased by over 20,000. When analysing the data contained in the statistics, it should also be noted that these data do not include the so-called dark figure of crimes, i.e. those crimes about which law enforcement agencies are for various reasons not notified.

It is also worth taking into account the research conducted by Beata Gruszczyńska on violence experienced by women in Poland. Based on it, it can be stated that 12.6% of respondents admitted that they experienced physical violence in the form of kicking, beating, punching and slapping, and 15.6% admitted that they experienced physical violence in its various forms from a partner (Gruszczyńska, 2007, pp. 58-60). Another interesting research on this topic was conducted by Jadwiga Mazur, who comprehensively discussed the possibilities and methods of providing support for victims of domestic violence (Mazur, 2002, pp. 142-198).

INTRODUCTION OF THE CRIME OF ABUSE INTO POLISH LEGISLATION AND ITS EVOLUTION

The crime of abuse was introduced into Polish law by Article 184 of the Penal Code of 1969 (Ustawa 19.04.1969). According to its § 1, *Whoever physically or morally abused a member of their family or another person remaining in a permanent or temporary relationship of dependence on the perpetrator or a minor or a helpless person, was subject to the penalty of imprisonment*

from 6 months to 5 years. In turn, § 2 refers to a qualified type of crime and it reads as follows: *If the consequence of the act was the injured party's attempted suicide or if the perpetrator acted with particular cruelty, they were subject to a penalty of imprisonment from one to 10 years.*

In accordance with the original version of Article 207 of the Penal Code of 1997 (Ustawa 06.06.1997) it read as follows: § 1. *Whoever physically or mentally abuses a person most closely related to them or another person who is in a permanent or temporary relationship of dependence on the perpetrator, or who is a minor or a person who is helpless due to their mental or physical condition, shall be subject to the penalty of deprivation of liberty from 3 months to 5 years. § 2 If the act specified in § 1 is combined with the use of particular cruelty, the perpetrator shall be subject to the penalty of deprivation of liberty from one year to 10 years. § 3 If the consequence of the act specified in § 1 or 2 is an attempted suicide of the injured party, the perpetrator shall be subject to the penalty of deprivation of liberty from 2 to 12 years.*

Significant changes in the content of the prohibited act in question took place in 2017 (Ustawa 11.04.2017) and, consequently, § 1 was formulated as follows: *Whoever physically or mentally abuses a person most closely related to them or another person remaining in a permanent or temporary state of dependence on the perpetrator shall be subject to the penalty of deprivation of liberty from 3 months to 5 years.* Below § 1, § 1a was added in the following wording: *Whoever physically or mentally abuses a person who is helpless due to their age, mental or physical condition shall be subject to the penalty of deprivation of liberty from 6 months to 8 years.* On the other hand, § 2 was formulated as follows: *If the act specified in § 1 or 1a is combined with the use of particular cruelty, the perpetrator shall be subject to the penalty of deprivation of liberty from one to 10 years, and § 3 was formulated as follows: "If the consequence of the act specified in § 1-2 is the injured party's attempted suicide, the perpetrator shall be subject to the penalty of deprivation of liberty from 2 to 12 years.*

AIMS OF THE AMENDMENT TO THE PENAL CODE OF 7 JULY 2022 REGARDING ARTICLE 207 OF THE PENAL CODE

Pursuant to the Zmkk2022 amendment, the legislator changed the statutory penalty stipulated in the provision in § 3. The previous wording *from 2 to 12 years* was replaced with *from 2 to 15 years*, thus increasing the maximum penalty of imprisonment. As the penalty of 25 years of imprisonment was eliminated from the penalty system, it was necessary to make adjustments consisting in removing the penalty of 25 years of imprisonment from the content of these provisions, where it exists as a type of punishment separate from an ordinary term imprisonment. Following the amendment of Art. 37 of the Penal Code consisting in extending the upper limit of the penalty of imprisonment up to 30 years, new limits of the statutory penalty of imprisonment were introduced based on Art. 207 § 3 of the Penal Code.

In addition, it is worth noting the newly added § 3a in Art. 101 of the Penal Code, which specifies the method of establishing the limitation period for criminal offences committed over a period longer than one day. This applies to multiple offences, such as abuse (Art. 207 kk). The statute of limitation for criminal offences of this type is counted from the end of the last day on which the perpetrator's conduct fulfilled the features of the offence (Bogacki, Olęzałek, 2023, p. 254).

CHARACTERISTICS OF THE GROUP UNDER RESEARCH

The group of survey participants comprised 236 students of higher education institutions in Poland. Most of them were students of Cardinal Stefan Wyszyński University in Warsaw (approx. 41%) and the University of Warsaw (approx. 14%). The group under research consisted of 35% men and 65% women. The age of the respondents ranged from 18 to 52 years. The median age was 21, while the average age was 22.

Students represented various fields of study, including psychology and pedagogy, computer science, language studies, economics, medicine, engineering, internal security and law.

A significant part of the respondents declined to answer the question about their profession or indicated that they were unemployed. Those who indicated their type of employment include, among others, a customer advisor, salesperson, receptionist, uniformed services officer, lawyer, office worker, catering worker, and a barista. Such a diversity of professions was intentional, and it was aimed at gathering the possibly most differentiated group of respondents for the conducted research. Additionally, gathering students of various fields of study helped to obtain a more thorough view on this environment, instead of focusing only on, for example, law students.

RESEARCH METHODOLOGY

Data for this research were collected using a questionnaire in the Microsoft Forms application. The link to the questionnaire was made available to randomly selected students. The questionnaire contained close ended questions with pre-defined responses and consisted of two parts. The first one concerned information about the respondents, such as their gender, age, university and field of study. The second part of the questionnaire contained questions about the respondents' opinions regarding the possible minimum and maximum penalty for acts specified in Art. 207 of the Penal Code.

The questionnaire allowed for the selection of responses from a closed set of options. The answers additionally included the death penalty, which is currently not envisaged in Polish legislation. This was done to check the respondents' opinions on the hypothetical possibility of introducing such a severe sanction for crimes specified in Art. 207 of the Penal Code to the catalogue of penalties.

The results of the research are presented below in the form of tables.

SURVEY RESULTS

CRIMES UNDER ARTICLE 207 § 1, § 1A, § 2, § 3 OF THE PENAL CODE

Table 1. *Survey results on the minimum and maximum penalties for crimes under Article 207 § 1, § 1a, § 2, § 3 of the Penal Code presented in percentage*

Imposable penalty	Art. 207 § 1 PC		Art. 207 § 1a PC		Art. 207 § 2 PC		Art. 207 § 3 PC	
	min.	max.	min.	max.	min.	max.	min.	max.
1 month of imprisonment	0	0	0	0	0	0	0	0
3 months of imprisonment	3	0	2	0	0	0	0	0
6 months of imprisonment	6	0	3	0	1	0	0	0
1 year of imprisonment	7	1	4	1	2	0	2	0
2 years of imprisonment	10	2	9	1	4	1	3	0
3 yrs of imprisonment	12	3	10	2	5	0	3	1
5 years of imprisonment	17	6	17	3	11	3	10	3
8 years of imprisonment	13	4	11	5	10	3	12	1
10 years of imprisonment	11	9	13	8	15	6	15	3
15 years of imprisonment	8	23	10	16	17	8	12	9
20 years of imprisonment	6	12	12	15	9	12	12	7
25 years of imprisonment	3	13	3	13	10	14	9	11
30 years of imprisonment	3	10	2	11	8	10	8	12
life imprisonment	0	15	4	23	7	39	13	42
death penalty	0	2	0	3	0	6	1	10

Source: Own study based on the author's questionnaire.

Based on the above table, it can be noted that, according to the respondents, the minimum penalty imposed under Article 207 § 1 of the Penal Code should be 5 years of imprisonment, which is currently the upper limit of the statutory penalty, while the highest hypothetical penalty should be 15 years of imprisonment, which significantly exceeds the statutory penalty for the indicated prohibited act. The situation is similar with regard to the minimum penalty under Article 207 § 1a of the Penal Code, although the indicated penalty falls within the current statutory penalty, and significantly exceeds the upper limit of the indicated hypothetical penalties, because the respondents opted for life imprisonment, which, in this case, is not provided for in the Penal Code. In terms of the types of crime specified in § 2 and § 3 of this article, most respondents indicated the lowest and highest hypothetical penalties for the indicated prohibited acts, that significantly exceed the current statutory penalty. The indicated data are presented below in the form of a graph.

STATISTICAL STUDIES ON PENALTIES IMPOSED BY COURTS AND SAMPLE POLICE STATISTICS

This section presents statistics of penalties imposed by courts for crimes under Article 207 of the Penal Code in the years 2016-2020 as well as police statistics of initiated proceedings and crimes identified under Article 207 of the Penal Code for the years 2016-2023. There are no more recent statistics available as of the date of preparing this article.

The most frequently imposed penalty based on Article 207 § 1 of the Penal Code in the years 2016-2019 was the penalty of 7 to 11 months of imprisonment, while in 2020 it was the penalty of 1 year of imprisonment. Sporadically, penalties of 1, 2 months of imprisonment and from 5 to 8 years of imprisonment were imposed. Of the non-custodial penalties, the most frequently imposed penalty was the penalty of limitation of liberty. The below data indicate that the problem of abuse is still valid, and the measures taken by the state are insufficient to substantially minimize the problem.

Table 2. *Number of persons convicted for the crime under Article 207 § 1 of the Penal Code by type of penalty.*

Imposed penalty	Art.207 §1 of the Penal Code				
	2016	2017	2018	2019	2020
solely-imposed fine	357	338	405	368	390
limitation of liberty	1 702	1 791	1 931	2 117	1 993
mixed penalty	194	206	226	220	208
1 month of imprisonment	1	2	0	2	0
2 months of imprisonment	4	2	1	2	3
3 months of imprisonment	255	235	228	251	3
from 4 months to 5 months of imprisonment	681	595	673	721	203
6 months of imprisonment	1 870	1 687	1 911	1 868	652
from 7 months to 11 months of imprisonment	2 777	2 617	2 704	2 597	1 640
1 year of imprisonment	2 252	1 940	1 989	1 819	2 376
from over 1 year to 2 years of imprisonment	551	414	367	374	1 528
2 years of imprisonment	138	84	97	104	355
from over 3 years to 5 years of imprisonment	25	20	29	31	82
3 years of imprisonment	22	20	23	21	31
from over 3 years to 5 years of imprisonment	6	16	12	15	17
from over 5 years to 8 years of imprisonment inclusively	1			1	10

Source: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie>. Opracowanie Ministerstwa Sprawiedliwości Prawomocnie skazani dorośli wg rodzajów przestępstw i wymiaru kary – czyn główny w latach 2008-2020. Accessed on: 13.06.2024.

Table 3. *Number of persons convicted for the crime under Article 207 § 1a of the Penal Code by type of penalty.*

Imposed penalty	Art.207 §1a of the Penal Code			
	2017	2018	2019	2020
solely-imposed fine	0	5	3	10
limitation of liberty	1	42	83	73
mixed penalty	0	15	20	29
1 month of imprisonment	0	0	0	0
2 months of imprisonment	0	0	0	0
3 months of imprisonment	0	0	1	2
from 4 months to 5 months of imprisonment	0	1	2	0
6 months of imprisonment	1	50	101	106
from 7 months to 11 months of imprisonment	3	97	238	226
1 year of imprisonment	1	92	182	241
from over 1 year to 2 years of imprisonment	0	22	42	67
2 years of imprisonment	0	5	21	15
from over 2 years to 3 years of imprisonment	0	3	4	9
3 years of imprisonment	0	3	6	12
from over 3 years to 5 years of imprisonment	0	5	4	7
from over 5 years to 8 years of imprisonment inclusively	0	0	0	1

Source: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie>. Opracowanie Ministerstwa Sprawiedliwości Prawomocnie skazani dorośli wg rodzajów przestępstw i wymiaru kary – czyn główny w latach 2008-2020. Accessed on: 13.06.2024.

Under Article 207 § 1a of the Penal Code, in 2017 there were single convictions from 6 months to one year of imprisonment and one penalty of limitation of liberty. In the years 2018-2019, the most common penalty was from 7 to 11 months of imprisonment, and among non-custodial penalties – the penalty of limitation of liberty (similarly to the following year). In turn, the most common penalty imposed on perpetrators in 2020 was the penalty of 1 year of imprisonment.

Table 4. Number of persons convicted for the crime under Article 207 § 2 of the Penal Code by type of penalty.

Imposed penalty	Art.207 §2 of the Penal Code				
	2016	2017	2018	2019	2020
solely-imposed fine	0	0	0	0	0
limitation of liberty	0	0	0	0	1
mixed penalty	0	0	0	1	0
1 month of imprisonment	0	0	0	0	0
2 months of imprisonment	0	0	0	0	0
3 months of imprisonment	0	0	0	0	0
from 4 month to 5 months of imprisonment	0	0	0	0	1
6 months of imprisonment	0	0	0	0	1
from 7 months to 11 months of imprisonment	0	0	1	1	1
1 year of imprisonment	1	3	1	2	2
from over 1 year to 2 years of imprisonment	1	3	1	2	1
2 years of imprisonment	5	4	2	2	1
from over 2 years to 3 years of imprisonment	0	2	3	6	0
3 years of imprisonment	2	1	1	3	1

from over 3 years to 5 years of imprisonment	3	2	5	7	7
from over 5 years to 8 years of imprisonment inclusively	2	1	1	1	3
from over 8 years to 10 years of imprisonment inclusively	0	1	0	1	0
from over 10 years to 15 years of imprisonment	0	0	0	0	1

Source: [https://isws.ms.gov.pl/baza-statystyczna/opracowania-wieloletnie.Opracowanie Ministerstwa Sprawiedliwości Prawomocnie skazani dorośli wg rodzajów przestępstw i wymiaru kary – czyn główny w latach 2008-2020](https://isws.ms.gov.pl/baza-statystyczna/opracowania-wieloletnie.Opracowanie%20Ministerstwa%20Sprawiedliwi%C5%9Bci%20Prawomocnie%20skazani%20doro%C5%9Bli%20wg%20rodzaj%C3%B3w%20prze%C5%9Bstw%20i%20wymiaru%20kary%20-%20czyn%20g%C5%82%C3%B3wny%20w%20latach%202008-2020). Accessed on: 13.06.2024.

Based on the table above, it can be noted that in the years 2016-2020 there were single convictions based on Article 207 § 2 of the Penal Code. In the years 2016-2017, the penalty imposed was mainly that of 2 years of imprisonment, while in the years 2018-2020, it was the penalty of from 3 to 5 years of imprisonment.

Table 5. Number of persons convicted for the crime under Article 207 § 3 of the Penal Code by type of penalty.

Imposed penalty	Art.207 §3 of the Penal Code				
	2016	2017	2018	2019	2020
solely-imposed fine	0	0	1	0	0
limitation of liberty	0	0	0	0	0
mixed penalty	3	4	3	6	2
1 month of imprisonment	0	0	0	0	0
2 months of imprisonment	0	0	0	0	0
3 months of imprisonment	0	0	0	0	0
from 4 months to 5 months of imprisonment	0	0	0	0	0
6 months of imprisonment	0	1	0	1	0
from 7 months to 11 months of imprisonment	0	2	1	0	2

1 year of imprisonment	2	9	2	4	3
from over 1 year to 2 years of imprisonment	0	0	0	0	0
2 years of imprisonment	21	16	9	8	10
from over 2 years to 3 years of imprisonment	2	1	6	3	4
3 years of imprisonment	2	4	3	2	1
from over 3 years to 5 years of imprisonment	2	1	2	1	5
from over 5 years to 8 years of imprisonment inclusively	0	0	3	0	0

Source: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie>. Opracowanie Ministerstwa Sprawiedliwości Prawomocnie skazani dorośli wg rodzajów przestępstw i wymiaru kary – czyn główny w latach 2008-2020. Accessed on: 13.06.2024.

Similarly to the previous table, the above table also shows a rather limited number of convictions as regards perpetrators of the prohibited act specified in Article 207 § 3 of the Penal Code. The largest number of convictions during the indicated period was 2 years of imprisonment, and the largest number of such cases occurred in 2016.

Arkadiusz Grządkowski notes that the number of convictions for qualified types of the crime of abuse is a disturbing manifestation of progressing brutalization of family life and the use of violence in the family (Grządkowski, 2010, pp. 167-168). In addition, the Author also draws attention to the relationship of convictions with Art. 207 § 1 in connection with § 2 and 3 of the Penal Code, which indicates various consequences of abuse, including the victim's attempted suicide, which is the most severe consequence of these acts (Grządkowski, 2010, pp. 167-168). This is consistent with the view of Radosław Krajewski, who believes that the very act of abusing a person most closely related, a dependent or helpless person, can lead to even worse consequences, including the most tragic one, when the victim decides to take their own life (Krajewski, 2017, p. 14). According to the author, *even if it did not lead to their death, one can only talk about 'luck' in a tragic situation – the luck of preserving one's life in the misfortune of being a victim of abuse* (Krajewski, 2017, p. 14).

Table 6. *Proceedings initiated and crimes identified under Article 207 of the Penal Code for the years 2016-2023.*

Year	Number of proceedings initiated	Number of crimes detected
2023	29471	14110
2022	26979	14494
2021	28834	16278
2020	28912	16259
2019	30456	16416
2018	28786	15269
2017	28608	15824
2016	26633	14513

Source: <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-7/6350,Znecanie-sie-art-207.html>. Access: 16.11.2024.

As can be seen from the above table, the largest number of proceedings initiated in the years 2016-2023 was in 2019 and 2023. In turn, the largest number of crimes detected in the indicated time period took place in the years 2019-2021. There is a clear disproportion in the number of proceedings initiated and crimes detected, mainly due to the continuation of proceedings initiated in the next calendar year.

SUMMARY

In cases of domestic violence, the scope and effectiveness of crisis intervention depend largely on socio-political, economic and cultural factors. There are different types of institutional assistance offered to persons affected by domestic violence, and persons using such assistance face its many limitations. This at times renders their psychological situation very difficult leading to alienation and even self-destructive behaviour (Terelak, 1995, p. 343).

The conducted research was aimed at understanding the viewpoint of the general public in the scope of preferences regarding the minimum and

maximum penalty of imprisonment for crimes specified in Article 207 of the Penal Code. The opinions expressed by the respondents regarding the possible penalties for the above-mentioned prohibited acts vary significantly from the limits specified in the Code as well as from actual penalties imposed by courts. In sentencing practice, the most frequently imposed penalty in the above-mentioned time period for the act specified in Article 207 § 1 and § 1a of the Penal Code is the penalty of 1 year of imprisonment, from 7 to 11 months of imprisonment and restriction of liberty. In the scope of § 2, it is a penalty from over 3 to 5 years of imprisonment, and in the scope of § 3 – a penalty of 2 years of imprisonment.

It is evident that the respondents demonstrated great severity in their views, which is particularly evidenced by the fact that as regards the maximum penalty from among the highest indicated to be imposed under Article 207 of the Penal Code, they primarily opted for the penalty of life imprisonment, which significantly exceeds the currently applicable penalties. It should be noted, however, that the research group was characterized by their in-depth knowledge of criminal liability and trends in the legislation of other countries, and their desire to tighten penalties is well-established and substantiated. It is difficult to find clear explanation as to the reasons for the expressed views that are so harsh and so widely divergent from the applicable provisions on penalties for the above-defined crime. An attempt to define those reasons is beyond the scope of this article. Among the hypothetical reasons, one can indicate the influence of the information media reports on such prohibited acts. It is worth pointing out that the results obtained from the conducted survey prompt the need for further study and in-depth analysis of the discussed problem. It is interesting whether representatives of other disciplines would show a similar level of severity in their opinions. Confronting the views of people with higher legal awareness with those of *laymen* could result in presenting an approach to punishing by people having knowledge in this area based on scientific premises and not on the penal populism characteristic of Polish society.

Although, the introduction of new statutory limits of penalties for acts punishable by imprisonment under Article 207 § 3 of the Penal Code may undoubtedly be assessed positively, in view of the results of the survey conducted for the purposes of this article, the indicated penalties still seem to be too low.

The respondents expressed their preference for long-term penalties of imprisonment, and even occasionally opted for the introduction of death penalty, which is currently not envisaged by Polish legislation. The conducted survey was also aimed at examining the opinions of respondents regarding the introduction of the death penalty into Polish law for the discussed crimes. With view to the fact that respondents occasionally indicated this option, the purposefulness of including is among the predefined set of responses of questions seems justified.

In the discussed context, it is worth noting the report on empirical research on domestic violence, according to which the largest percentage of respondents were of the opinion that court sentences in Poland are too lenient for perpetrators of crimes. Respondents were much more inclined to critically assess the adequacy of sentences in domestic violence cases than in relation to court rulings in general. According to the authors of the report, it should be assumed that the respondents' determination rather than reflecting their knowledge of the line of jurisprudence, is a manifestation of the tendency to severely punish certain categories of perpetrators, regardless of the circumstances of the case, the chances of repairing the situation, correcting the perpetrator's attitude and similar factors (Burdziej, Branicka, Hofman, 2022, p. 24).

General punitiveness affects the sentence proposed by the respondents. As many as 12.2% of those who agreed with the statement that Polish court sentences are too lenient considered the most appropriate punishment for the perpetrator of violence to be 10 years of imprisonment, which goes beyond what is allowed by the law as the maximum sentence (Burdziej, Branicka, Hofman, 2022, p. 30). The indicated studies confirm the relative punitiveness of Polish society. The belief that courts are too lenient to perpetrators, especially combined with the conviction of the high crime level, leads preference for harsh sentences. It can be noticed that knowledge of the context of the case increases the willingness to consider mediation, which suggests that punitiveness is not a good predictor of attitudes towards punishment (Burdziej, Branicka, Hofman, 2022, p. 30). Various researchers claim that the assessment of the aforementioned phenomenon is not entirely obvious (Stępień, 2022, p. 112).

According to Marek Bielecki, legislative actions taken by the legislator in the field of domestic violence should go in several directions.

According to the Author, in the first place, protection should be provided to victims of crimes, and these initiatives should be carried out in a comprehensive manner and embrace all crime victims (Bielecki, 2024, p. 53). In addition, legislative solutions should effectively deter potential perpetrators from committing crimes. Another crucial question is the need to educate society from an early age through appropriately adapted curricula (Bielecki, 2024, p. 53). Moreover, according to Bielecki, the state should also support various types of organizations and initiatives whose activities are aimed at combating the phenomenon of domestic violence (Bielecki, 2024, p. 53).

Substantive criminal law provides the judicial system with a wide range of means of criminal law response with a high potential for effective impact in the field of both justice and prevention (Pohl, 2024, p. 114). The overall positive assessment of Polish regulations presented here does not imply that the current state could not be improved in this respect (Pohl, 2024, p. 114). Moreover, the social importance of the issue of criminal domestic violence is so indisputably serious that it is necessary to seek criminal law solutions with a higher degree of effectiveness in counteracting it as a permanent fundamental subject of investigation of the criminal law doctrine (Pohl, 2024, p. 114).

REFERENCES

- Bielecki, M. (2024). Przeciwdziałanie przemocy domowej w perspektywie aksjologii konstytucyjnej i praw człowieka. in: M. Poniatowski, N. Maciejczyk-Krysiak, J. Starybrat (ed.), *Wybrane aspekty prawne przeciwdziałania przemocy domowej*, 11-62. Wydawnictwo Instytutu Wymiaru Sprawiedliwości.
- Bogacki, P., Olężałek, M. (2023). *Kodeks karny. Komentarz do nowelizacji z 7.7.* Wydawnictwo C.H. BECK.
- Burdziej, S., Branicka, Z., Hofman, D. (2022). *Wymiar sprawiedliwości wobec przemocy domowej. Raport z badań empirycznych.* Wydawnictwo Fundacja Court Watch Polska.
- Dobosz, P. (2001). *Problemy metodologii współczesnej nauki prawa administracyjnego na tle metody historyczno-prawnej*, 1(1), 9-47. *Kwartalnik Prawa Publicznego.*
- Gruszczyńska, B. (2007). *Przemoc wobec kobiet w Polsce. Aspekty prawno-kryminologiczne.* Wydawnictwo Wolters Kluwer.
- Grządkowski, A. (2010). *Przestępstwo znęcania się w praktyce wymiaru sprawiedliwości – wybrane zagadnienia*, 13, 167–168. *Studia Iuridica Lublinensia.*
- Kałdon, B. M. (2022). Kobieta jako ofiara przemocy domowej. in: D. Jaroszevska-Choraś, A. Kilińska-Pękacz, A. Wedeł-Domaradzka (ed.), *Kobieta i prawo*, 528-539. Wydawnictwo Difin.
- Krajewski, R. (2017). *Targnięcie się na życie jako skutek przestępstwa znęcania*, 4, 5-15, Prokuratura i Prawo.
- Kosonoga, J. (2023). Przestępstwa przeciwko rodzinie i opiece. in: R.A. Stefański (ed.), *Kodeks karny. Komentarz*, 6 wydanie, 1439-1477. Wydawnictwo C.H. BECK.
- Kowalewska, A. (2012). Przemoc w rodzinie – aspekty psychologiczne. in: E. Kowalewska-Borys (ed.), *Problematyka przemocy w rodzinie. Podstawowe środki prawne ochrony osób pokrzywdzonych*, 27-38. Wydawnictwo Difin.
- Łętowski, J. (1995). *Prawo administracyjne dla każdego.* Wydawnictwo Ecostar.
- Mazur, J. (2002). *Przemoc w rodzinie. Teoria i rzeczywistość.* Wydawnictwo Akademickie Żak.
- Pohl, Ł. (2024). Przeciwdziałanie przemocy domowej w prawie karnym. in: M. Poniatowski, N. Maciejczyk-Krysiak, J. Starybrat (ed.), *Wybrane aspekty prawne przeciwdziałania przemocy domowej*, 63-116. Wydawnictwo Instytutu Wymiaru Sprawiedliwości.
- Stępień, J. (2022). *Populizm penalny. Definicja, przejawy, ocena*, 3, 97-119. *Przegląd Legislacyjny.*
- Terelak, J. F. (1995). *Stres psychologiczny.* Wydawnictwo Branta.

LEGAL ACTS

- Ustawa z dnia 19 kwietnia 1969 r. Kodeks karny. Dz.U. z 1969 r. nr 13 poz. 94, tekst jednolity. [Act of 19 April 1969 – Penal Code. Journal of Laws of 1969, No. 13, item 94, consolidated text].
- Ustawa z dnia 6 czerwca 1997 r. Kodeks karny. Dz.U. z 2024 r. poz. 17, tekst jednolity. [Act of 6 June 1997, Penal Code, Journal of Laws of 2024, item 17].
- Ustawa z dnia 11 kwietnia 2017 r. Zmiana ustawy – Kodeks karny, ustawy o postępowaniu w sprawach nieletnich oraz ustawy – Kodeks postępowania karnego. Dz.U. z 2017 r. poz. 773, tekst jednolity. [Act of 11 April 2017 Amending the Act – Penal Code, the Act on Juvenile Delinquency Proceedings and the Act – Code of Criminal Procedure. Journal of Laws of 2017, item 773, consolidated text].
- Ustawa z dnia 07.07.2022 r. o zmianie ustawy Kodeks karny oraz niektórych innych ustaw. Dz.U. 2022 poz. 2600, tekst jednolity. [Act of 7 July 2022 amending the Act Penal Code and certain other acts, Journal of Laws 2022, item 2600].

NETOGRAPHY

- Opracowanie Ministerstwa Sprawiedliwości Prawomocnie skazani dorośli wg rodzajów przestępstw i wymiaru kary – czyn główny w latach 2008-2020. Accessed on: 13.06.2024. Source:<https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie>.
- Sprawozdanie z krajowego programu przeciwdziałania przemocy w rodzinie. Accessed on: 13.06.2024. Source:<https://www.gov.pl/web/rodzina/sprawozdanie-z-krajowego-programu-przeciwdzialania-przemocy-w-rodzinie-2021>.
- Statystyka policyjna – Postępowania wszczęte i przestępstwa stwierdzone z art. 207 kk za lata 2016-2023. Accessed on: 16.11.2024. Source:<https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-7/63507,Znecanie-sie-art-207.html>.