

Author: Katarzyna Doroszevska-Chyrowicz

Title of the work: The right to the protection of human dignity and the possibility of disposal of this right in a criminal law perspective

Faculty of Law and Administration, Jagiellonian University

Department of Criminal Law

Promoter: prof. dr. hab. W. Wróbel

The submitted doctoral dissertation concerns the issue of disposal of the right to protection of human dignity in the perspective of criminal law in the Polish and German legal systems. The main research issue was to answer the question whether it is possible to dispose of the right to the protection of human dignity in the form of giving consent to the violation abrogating the criminal responsibility of the perpetrator. For this purpose it was necessary to undertake such research tasks as determination of the extra-legal meaning of human dignity, elaboration of the possibility of legally relevant violation of human dignity and determination of the limits of consent of the disposer of legal goods on the ground of Polish law, determination of the character of the right to the protection of dignity in Polish criminal law. The research on legal protection of human dignity was carried out on the basis of Polish and German legal system.

The work was divided into seven chapters, introduction and summary. Chapter I contains preliminary analyses of the extra-legal meaning of human dignity, including philosophical and linguistic approaches. Particularly important is the philosophical account, capturing the development of the meaning of human dignity, as philosophical theories are the basis for the creation of legal protection. The most important role in the development of the concept of human dignity is played by the theory of I. Kant and the resulting prohibition of objectification of the individual. Also important in the context of the philosophy of law is the concept of M. Piechowiak, dealing with the assumptions of human rights. The study is based on a dogmatic analysis of the statements of the Polish and German doctrine and a comparative analysis of the regulations of both mentioned legal systems.

The second chapter contains a presentation of human dignity in international law, especially in conventions concluded by European countries, including the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Charter of Fundamental Rights of the European Union, and Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

The third and fourth chapters concern the understanding of human dignity in German and Polish constitutional law. After the end of World War II, the wording of Art. 1 GG was decided, according to which human dignity is the most important value in German law. This provision was

supposed to indicate a change in the state's approach to the individual and became the basis for the whole concept of human and civil rights in Germany. This chapter will discuss the most important concepts of understanding the concept of Menschenwürde and the judgments of the Federal Constitutional Court (Bundesverfassungsgericht). In the Polish Constitution the protection of human dignity is provided for in article 30. This paper analyzes the initial concepts of rights included in the Polish Constitution, including those included in the first drafts and discussed during the meetings of the Constitutional Committee, the judgments of the Constitutional Tribunal and statements of doctrine concerning the constitutional meaning of human dignity. The subject of the research on the constitutional law was the process of creating the current constitution in the aspect of the right to the protection of dignity. Another issue examined on the grounds of both legal systems was the possibility of establishing the principle of dignity protection as an independent constitutional standard, which still remains a controversial issue.

The next part of the paper deals with the meaning of legal good in criminal law. This analysis serves to answer the question whether human dignity can be considered a legal good within the meaning of criminal law. This is necessary to ascertain the conditions of violation of human dignity and protection of dignity by criminal law. For this purpose, research was conducted on the basis of statements of the doctrine of Polish and German criminal law. The conclusion is made that in relation to the right to the protection of human dignity also can be considered to have the character of a legal good.

The sixth chapter concerns the consent of the disposer of a legal good to its infringement. Due to the specificity of this institution, the individual's consent to the violation of his or her legal good best reflects the extent of the individual's autonomy in influencing the criminal liability of the violator. Thanks to the reference to this institution it will be possible to answer the main research question about the scope of the autonomy of an individual in relation to the criminal law protection of human dignity.

The final seventh chapter includes a description of situations in which a violation of human dignity may occur, which is relevant from the point of view of criminal law. First of all, the areas in which the violation of human dignity relevant from the point of view of criminal law may occur have been distinguished. On the basis of the analysis of the main acts of criminal law, further research areas have been identified, i.e. the violation of dignity in the form of good name (insult, defamation of another person), acts related to sexual freedom (the issue of admissibility of prostitution) and acts related to the development of medical technology.

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