https://doi.org/10.34862/rbm.2023.2.9
recived: 25 IV 2023, accepted: 20 XII 2023

Robert Bobkier
Abraham & Ben Hadar Law and Audit
robert.bobkier@gmail.com
https://orcid.org/0000-0001-8212-6309

Piotr Herman
Abraham & Ben Hadar Law and Audit
piotrherman@o2.pl
https://orcid.org/0000-0002-4245-6167

Terrorist Crime in the Polish Legal System (until 2004)

Abstract: In this article, the authors attempted to analyze the regulation of terrorist offenses in the provisions of Polish law before the entry into force of the amendment to the Criminal Code of 2004, which introduced the legal definition of such offenses in Article 115 Paragraph 20. It is believed that until the beginning of the 21st century, Poland had no legislation strictly aimed at combating terrorism. In the legal system of the Second Republic of Poland, the issues of terrorism were completely ignored. The article analyzes the legal acts implemented after the Second World War, after the communists seized power, reconstructing the chronological order of legal language from the concept of 'terrorist occurrence' (1945) through the 'terrorist act' (1946) to the 'terrorist attack' (1951), concluding that in the years 1952-1970 the term 'terrorist attack' had a legal definition in Polish law. Since 1970, the definition gap has made the semantic scope of the concept of 'terrorist attack' or 'terrorist act' unclear in the 1969 and 1997 Criminal Codes. Despite the lack of a statutory definition of a terrorist offense until 2004, there was a belief in the literature that Polish criminal legislation is sufficiently adapted to the need to combat the manifestations of terrorism. The Republic of Poland, adapting its provisions to international law requirements, finally introduced in 2004 the definition of terrorist offenses to the Criminal Code of 1997.

Keywords: terrorism, terrorist crime, terrorist attack, terrorist act, terrorist occurrence, criminal code, definition of terrorist crime

Przestępstwo o charakterze terrorystycznym w polskim systemie prawnym (do 2004 r.)

Abstrakt: W niniejszym artykule autorzy dokonali analizy regulacji przestępstwa o charakterze terrorystycznym w przepisach prawa krajowego przed wejściem w życie nowelizacji Kodeksu

karnego z 2004 r., wprowadzającej w art. 115 § 20 definicję legalną takiego przestępstwa. W literaturze przedmiotu uważa się, że w Polsce do początku XXI wieku nie było ustawodawstwa stricte ukierunkowanego na zwalczanie terroryzmu. W systemie prawnym II RP zagadnienia terroryzmu były całkowicie pomijane. Artykuł analizuje akty prawne wprowadzane w życie po II wojnie światowej, po przejęciu władzy przez komunistów, rekonstruując chronologiczny porządek języka prawnego, od pojęcia „zdarzenia terrorystycznego" (1945), poprzez „akt terrorystyczny" (1946) do „zamachu terrorystycznego" (1951), dochodząc do konkluzji, że w latach 1952–1970 pojęcie „zamachu terrorystycznego" posiadało w polskim prawie definicję legalną. Istniejąca od 1970 r. luka definicyjna sprawiła, że zakres semantyczny pojęcia „zamachu" czy „aktu" terrorystycznego był niejasny i pozbawiony wyjaśnienia w kodeksach karnych z 1969 r. oraz 1997 r. Pomimo braku ustawowej definicji przestępstwa o charakterze terrorystycznym do 2004 r., w piśmiennictwie wyrażano przekonanie, że polskie ustawodawstwo karne jest w wystarczającym stopniu dostosowane do potrzeby zwalczania przejawów terroryzmu. Rzeczpospolita Polska, dostosowując swoje przepisy do wymogów międzynarodowoprawnych, ostatecznie wprowadziła w 2004 r. definicję przestępstwa o charakterze terrorystycznym do Kodeksu karnego z 1997 r.

Słowa kluczowe: terroryzm, przestępstwo terrorystyczne, zdarzenie terrorystyczne, zamach terrorystyczny, akt terroryzmu, kodeks karny, definicja przestępstwa terrorystycznego

Introduction

From Poland's independence in 1918 until the beginning of the 21st century, no legislation strictly aimed at combating terrorism was created in the definition of substantive and procedural criminal law and administrative law in the broad sense. Either counteract or fight against the phenomenon was based on regulations to react to any crime set (Gabriel-Węglowski, 2018, p. 29).

The situation has changed due to Poland's accession to the EU. One of the conditions of this accession was the implementation of the Council Framework Decision on 13 June 2002 on combating terrorism (Council Framework Decision, 2002; Michalska-Warias, 2018, p. 103). An expression of the implementation of this requirement was the definition of a terrorist offense introduced into Polish criminal law by the Act of 16 April 2004, amending the Law – Criminal Code, and Certain Other Laws (Act amending the Criminal Code, 2004) which entered into force on 1 May 2004.

Therefore, R. Kokot stated that this crime as a legal concept 'has no significant achievements in the national legal order' and accused the Polish legislator of tardiness and long-term lack of a normative reaction to the phenomenon of terrorism (Kokot, 2018, p. 31).

In the first place, therefore, an attempt should be made to analyze the relationship of national law to terrorism before the entry into force of the abovementioned

provisions of the Law Amending the Criminal Code 2004. The choice of the topic of the publication confirms the fact that since the 1940s, the concept of 'terrorist occurrences' and 'terrorist acts' has been present in the Polish legal language, and since the 1950s - the concept of 'terrorist attack' was introduced in the years 1952–1970, to the legal definition. In the 20th century, the concepts of 'terrorist activity,' 'terrorism,' 'terror,' 'terrorism offence,' 'terrorist occurrence,' and 'terrorist act' additionally appeared in national legal acts.

This article aims to present the chronology and evolution of legal regulations for 'terrorist activities' in the provisions of national law of the last century. This presentation seems necessary to understand the concept of 'terrorist offences,' which was introduced as a legal definition in Art. 115 § 20 of the Penal Code only in 2004. The justification for adopting a time limit describing the legal regulations until 2004 is that after the legal definition of a terrorist offence was introduced into the Polish Penal Code, the issue of the legal status de lege lata was the subject of numerous works research (Rosicki, 2023; Michalska-Warias, 2019; Marciniak, 2018; Zwierz, 2018; Smarzewski, 2017; Czarny, 2015; Sońta, 2009; Barcik, 2007). However, the legislation of the 20th century, especially that of the 1940s and 1950s, was not given special attention in the literature.

The study uses the descriptive method as a research method, analyzing and criticizing legal acts and literature. At the same time, it should be noted that the research problem of this article has not yet been the subject of in-depth analysis in Polish scientific literature, except for the main work by Kokot (Kokot, 2018). Moreover, it should be taken into account that although there was a legal definition of a terrorist attack in the years 1952–1970, it was almost completely ignored in the literature.

The Period of the Second Polish Republic. Criminal Code 1932

In the legal system of the Second Polish Republic, terrorism has been omitted. Interestingly, however, it was introduced into the legal language by an international agreement. It is true that the concept of 'terror' came true, but the content of this formulation was different from the present one. Namely, the agreement between the Republic of Poland and the Czechoslovak Republic on legal and financial matters of April 23, 1925 (Agreement, 1925) in Chapter II, transferring the issue of deposits referred to in Article 69 (6): 'Declaration that the export of values, taking into account section 1, if it occurs during the storage of persons not listed

in this paragraph, will apply analogously to the change that they are not subject to terror.' Of course, the intention of the contracting Parties was to refer to 'terror' as state violence or state sanctions.

However, the Regulation of the President of the Republic of Poland of 11 July 1932 – Criminal Code (Criminal Code, 1932) listed several offenses that, from today's perspective, were terrorist. In particular, this category includes high crimes from Chapter XVII of this code, that is to say, attempts to deprive an independent state of existence or tear out part of its territory (Article 93 § 1), attempts to change the state system by force (Article 93 § 2), life or the health of the President of the Republic of Poland (Article 94 § 1), attempts to overthrow the President of the Republic of Poland or to seize power or exert influence by force or unlawful threat on his activities (Article 94 § 2), attempts to remove by force the government, minister or courts of the Sejm, Senate, National Assembly or taking over their power (Article 95), as a punishable preparation to commit these crimes and concluding a settlement to do them with other persons (Articles 96–97), including a person acting in the interest of a foreign state or an international organization (Article 98). This category also includes certain crimes against the external interests of the state and international relations, as well as against authorities and offices from chapters XVIII and XXI, such as active assault on the head or a certified diplomatic representative of a foreign state (Article 111 Paragraph 1), active assault on the person of the President of the Republic of Poland (Article 125 Paragraph 1), use of force or a punishable threat to influence the official activities of the Government, minister or court (Article 126).

Noteworthy are the views of the pre-war judiciary, defined in criminal proceedings against members of the Communist Party of Poland (CPP). Namely, in the judgment of January 13, 1937, the Supreme Court stated that 'accession to the Criminal agreement under Articles 97 and 93 of the Criminal Code may take place not only through the formal performance of activities related to it, but also through participation in its activities without formal affiliation, and thus this participation may prove direct assistance to other people in reaching an agreement of this kind belonging in their activities to achieve one of the purposes provided for in Art. 93 of the Criminal Code (Judgment, 1937). Paying attention to the strict jurisprudence of the criminal courts of the Second Republic of Poland in political matters, it can be concluded - from the justification of this judgment – that the provisions of the Criminal Code 1932 could also provide a basis for

punishing such form (quoting the judgement 1937) 'helping even one member in his subversive activities,' i.e. financial support.

However, in 1935, Lemkin called 'the co-creator of international criminal law' (Redzik, 2017; Kornat, 2008, pp. 79–100), postulated the amendment of the Criminal Code 1932 by recognizing a new type of crime: terrorist crime. Lemkin stated that terrorism 'is about intimidating people with acts of violence. It can take different forms depending on the object against which it is aimed and the perpetrator's intention.' According to Lemkin, the first form of terrorism would be terrorism carried out for financial gain, which is a common crime punishable in all criminal systems. The second is 'those forms of terrorism whose perpetrators claim to act for collective, public, let's say political purposes.' Within the latter form, the author distinguished internal terrorism, which are 'acts causing damage to the state on whose territory the crime has been committed, and external terrorism, meaning threatening the international legal order.' In connection with the above, Lemkin proposed 'introducing the facts of domestic and international terrorism (treated as a common crime) into the criminal codes' (Lemkin, 1935, pp. 561–564).

These postulates of Lemkin regarding the closure of terrorism within the normative framework have not been recognized by the pre-war legislator. It may be a surprise, but undoubtedly, the terrorist threat, especially from the East, was noticed by building a whole system of physical protection for members of the authorities and implementing several legal regulations regulating the travel of persons holding the highest state positions to provinces particularly affected by terrorist activity (Marszałek, 2009, pp. 13–35).

Decrees of the Post-War Period

Sońta expressed the view in 2009 that 'concepts such as a terrorist crime, an act of terror, terror, or terrorism before the entry into force of the Act Amending the Criminal Code 2004 did not have a precise meaning in the Polish law system. Even so, some of them had normative meaning much earlier' (Sońta, 2009, p. 148).

We can agree with the last sentence of this opinion only. It seems, however, that in Polish law since 1952, there was a definition of a terrorist attack, probably omitted in Polish literature. To prove the validity of our reasoning, this should be noted that the political and legal changes that have taken place in Poland since 1944 have given the concept of a terrorist attack a new meaning. Its typification

had a perceptible ideological etiology, and its overriding goal was the fight against counter-revolution, an idea – as Kuczur points out – 'extremely broadly and freely understood' (Kuczur, 2022, p. 59).

Chronologically the first regulation in this regard was the Decree of the Polish Committee for National Liberation of September 23, 1944 – Criminal Code of the Polish Army (CCPA). However, in accordance with Article 5 thereof, the application CCPA was subject to a limitation to soldiers of the Polish Army; obliged to military or auxiliary service at the time of appointment; prisoners of war and hostages, under the supervision of military administration; other persons, in cases specified by law. A certain clause extending the application of CCPA to persons outside the above-mentioned circle was provided for in Article 6, providing that a person who is involved in a military offense with those listed in Article 5 is punishable under CCPA. It should be pointed out that the CCPA contained, like the Criminal Code 1932 discussed above, Chapter XVII of the 'High crimes,' while the provisions of the 'terrorist' nature were stylized in both codes in a mostly convergent way, also in terms of sanctions. For example, Article 85 of the CCPA was equivalent to Article 93 § 1 of the Criminal Code 1932 ('who seeks to deprive the Polish State of its independent existence or to break a part of its territory'), Article 86 § 2 of the CCPA – to Article 92 § 2 of the pre-war Criminal Code ('who tries to change the system of the Polish State by violence'), a similar situation, taking into account the differences in the forms of the political system and the nomenclature of organs, occurred in the case of subsequent 'crimes of state.'

The behavior of an undefined terrorist attack was first regulated in the universal (non-military) criminal law of the People's Government in the Decree of the Polish Committee of National Liberation of October 30, 1944, on State Protection (Decree, 1944). Article 3 of that decree penalized the imprisonment or death penalty for a violent attack on a state or local authority or a person cooperating with this authority, a unit of the Polish Armed Forces or Allied Forces or a person belonging to them, facilities, devices, or communications of general or military use. In this sense, Sońta wrongly defines the 'Small Criminal Code' of 1946 as the beginning of regulating violent attack (cf. Sońta, 2009, pp. 147–148). Kokot rightly mentions the Decree 1944 as the first regulation in this regard (cf. Kokot, 2018, p. 34).

The above regulation was in force until December 18, 1945, and has been repealed by the Decree of November 16, 1945, on particularly dangerous crimes

during the State reconstruction period (Decree, 1945). Article 1 of this decree regulated the 'violent attack' to a broader extent, providing in Paragraphs 1 and 2 for a prison sentence for committing a violent attack on a unit_of the Polish or allied forces or a person belonging to them (§ 1), on a Member of the State National Council or a member of another national council, a state or local government official or a representative of a trade union or a political or social organization of national importance – during or because of the performance of official duties (§ 2). Paragraph 3 of that Article regulated a qualified form of crime consisting in acting with weapons or in other circumstances particularly aggravating, punishable by imprisonment for a period of not less than 3 years or for life or a death penalty.

These provisions were in force until July 12, 1946, and were replaced by the provisions of the so-called 'Small Criminal Code' – Decree of June 13, 1946, on particularly dangerous crimes during the State reconstruction period (SCC). The SCC norms, in a manner typical of the Stalinist period (Machnikowska, 2008, p. 238; Maksimiuk, 2010, pp. 89–90), increased criminal sanctions, providing in Article 1 Paragraph 1 and 2 for a prison term of not less than 5 years or for life imprisonment for committing a violent attack on the unit of Polish or allied forces (§1) and a Member of the State National Council, a member of another national council, a state official or a local government official, a person belonging to the Polish armed forces or allied forces, or a member of a trade union, political organization or social organization of national importance during or because of their duties or because of their position or membership of an organization or armed forces (§2). The elements of qualified form, threatened by imprisonment for a period not shorter than 10 years or for the life-or-death penalty, described in § 3, including death or serious bodily injury resulting from acts pursuant to articles 1 and 2, or violent attacks with weapons or in other particularly dangerous circumstances.

Partially contrary to Machnikowska and Maksimiuk's opinions on the particular severity of the provisions of the SCC, it seems to be milder, compared to the Decree 1945, when it comes to defining the characteristics of an attack on a person belonging to the Polish or allied armed forces. Namely, the norm sanctioned by Article 1 Paragraph 1 of Decree 1945 covered any violent attack against such a person, regardless of the circumstances. Meanwhile, the provision of Article 1 Paragraph 2 SCC required determining in each specific case whether the assault took place 'in the course of or because of' the performance of his official duties by the attacked person, or 'due to his position or membership in the

armed forces.' Thus, other than the 'official' circumstances of the attack, defined by the Supreme Court in the judgment of January 16, 1958 (Judgment, 1958), for example, as a private flaw or a desire to rob, was removed from the scope of criminalization.

However, despite such a wide regulation, none of the decrees has yet used the concept of 'act' or 'terrorist attack.' It may be so strange that – without explanation – the concepts of 'terrorist acts of enemies of the democratic system of the Polish State' were even disguised, as of 1945, in the provisions on social supply issued by the communist authorities. Decree of 13 November 1945 on the provision of the victims of the enemies of the democratic system of Poland (Decree, 1945a) in Article 1 granted the right to benefits and assistance to widows and orphans remaining after persons who died at the hands of enemies of the democratic system of the Polish State in connection with their terrorist 'occurrences.' The remaining legal acts were already characterized by uniformity, granting social benefits to victims and families of victims of 'terrorist acts of enemies of the democratic system of the Polish State,' as in particular in § 24 (6) of the Regulation of the Council of Ministers of July 25, 1946, on pension provision and compensation for the unfortunate accidents of employees of the Polish State Railways (Regulation, 1946); Article 1(2) of the Decree of January 3, 1947, amending the Decree on allowances and assistance to widows and orphans of the victims of the enemies of the democratic system of Poland (Decree, 1947); Article 5(2.1) of the Act of 1 July 1949 amending certain provisions on the pension provision of state and professional military officers (Act, 1949). Incidentally, it should be noted that the very concept of 'terror,' included in the normative framework, was reserved in the legislation of the People's Republic of Poland exclusively for legal acts concerning the victims of the Nazi regime.

The 1952 Definition of a Terrorist Attack

The first legal act that introduced the normative concept of 'terrorist attack' into the Polish legal language on November 13, 1951, was the Act on conditional early release of persons serving prison sentences, which Article 5 excluded from its application the convicted for, among others, terrorist attacks, still not accompanied by an explanation from the legislator (Act, 1951).

The Act of November 22, 1952, on amnesty can be considered a breakthrough in this respect. This act alleviated in Article 11(1) the exclusion and limitation of

amnesty for persons who, at the time of committing the offense, were under 18 years of age (Act, 1952).

However, Paragraph 2 of that Article provided that Paragraph 1 shall not apply to persons who have committed, in particular, a 'terrorist attack as defined in Article 1 § 3' of the 1946' SCC.

Thus, for the first time, the concept of terrorist attack has gained in Polish law a definition referring intrasystemically to another provision of criminal law. The cross-reference provision does not directly indicate the pattern of behavior but refers to other provisions where such a pattern of behavior can be found (cf. Chauvin, 2007, p. viii; Blachnia, 2016, pp. 124–126). Such definitions shall apply in a normative act where there is a need to achieve the shortening of the text or to ensure the consistency of the regulated legal institutions (Oniszczuk, 2014, p. 34). Recalling the arguments of Halasz, although made based on another branch of law, must point out that the application of the referring definition means that the legislator does not want the concept to be understood colloquially (that the meaning of a given phrase is based on a common language) (Halasz, 2019, p. 177, 267).

Although the solution applied by the communist legislator in the Act 1952 was linked to the concept of a terrorist attack with the normative regulation of only a qualified form of a 'violent attack' from Article 1 §3 of the SCC. In addition, the literature highlights the 'post-war legislative chaos' (Mielcarek, 2019, p. 262) and the poor quality of the legal system of the Stalinist period, resulting from the 'lack of adequate legislative and codification methodology.' This poor quality of the law in the post-war period was caused by the need to replace the pre-war law created for the regulation of capitalist socio-economic relations and to build a legal system consistent with the specificity of socialist socio-economic relations. Thus, the law has become a 'particularly operational tool through which social change has been made' (Podgórecki, 1957, pp. 8, 35–37). During the Stalinist period, the representatives of the criminal law science said that 'the superiority of socialist legislation over the legislation of any other socio-economic formation is that it expresses the will of the broad working masses. Socialist legislation speaks the language of these masses and uses ethical assessments of living in these masses' (Andriejew *et al.,* 1953, pp. 135–136).

One might be tempted to say that these negative assessments of Mielcarek and Podgórecki were unjustified in this respect because the legislator's next effort to

define a terrorist offense took place only after more than half a century, in 2004, and was additionally the result of a kind of exogenous legislative pressure related to with Poland's accession to the EU structures.

In this sense, assuming the inconsistency of the post-war legislator, the statutory definition would be as follows: A terrorist attack is only a violent attack on the unit of the Polish or allied forces, on a Member of the State National Council, a member of another national council, a state official or a local government official, a person belonging to the Polish armed forces or allied forces, or a member of a trade union, political organization or social organization of national importance during or because of their duties or because of their position or membership of an organization or armed forces, which resulted in death or serious injury, or if the perpetrator committed a violent attack using weapons or in other particularly dangerous circumstances.

However, if the assumption of the rationality of the legislator in the early 50s were to be taken as a starting point, it should be expected that he considered all the acts, which he wrote in Article 1 of the SCC, to be terrorist attacks and that he only made the exclusion from the amnesty of 1952 the whole, even of minors, of the perpetrators of the crime of the 'violent attack' in its qualified form. Thus, the 'communist' definition of the concept of a terrorist attack is broader, including additionally those acts in which the marks covered by the provision of Article 1 § 3 of SCC have not been fulfilled, also those because of which there was no effect in the form of death or serious injury. However, attention should also be paid here to the assessment mark of the 'other particularly dangerous circumstances' in Article 1 §3 *in fine* SCC. Given the 'post-war human rights violations' (Bieczyński, 2011, p. 154) and the repressive nature of the Stalinist courts (Budniak, 2018, pp. 197–217), the potential freedom to assess such a constructed meaning allowed the actual qualification of the circumstances of each 'violent attack' as 'particularly 'dangerous.

To make some chronological order within the legal language (cf. Wróblewski, 1948, pp. 51–136; Śliwicka, 2018, pp. 151–164) of post-war normative acts, it is possible to indicate the following dates of the first occurrence of individual concepts:

- 'terrorist occurrence' – in the Decree 1945a,
- 'terrorist act' - in the Regulation 1946,
- 'terrorist attack' - in the Act 1951.

The enumeration of this chronology ends with the definition of the terrorist attack in the Amnesty Act of 1952.

Thus, the statement seems doubtful that even after the entry into force of the 1969 Criminal Code, 'the concept of a terrorist attack was still only a lawyer's term, not a legal one' (Kokot, 2018, p. 34). This concept, in its literal wording, was, after all, a *sine dubio* term of the Polish legal language since 1951.

Looking for an end to the functioning of this 'first' definition of terrorist attack in the Polish law system, the SCC was repealed on January 1, 1970, by Article VI point 4 of the Act of April 19, 1969 – Provisions Introducing the Criminal Code of 1969 (Act, 1969). The Amnesty Act 1952, according to the information contained in the Internet Database of the Legislative Acts of the Sejm of the Republic of Poland, still has the status of a legal act in force (Act, 1952); however, at the beginning of 1970, the provision of Article 1(3) of the SCC, referred to in the Amnesty Act 1952 in article 11(2), ceased to exist. It can, therefore, be assumed that, between December 1, 1952 (date of entry into force of the Amnesty Act 1952) and January 1, 1970 (repeal of the SCC), the concept of a terrorist attack was defined in national law, and the entry into force of the Criminal Code 1969 dated the end of this definition, and not – cesium in the course of the state of its absence.

Criminal Code 1969

In turn, the Criminal Code of April 19, 1969 (Criminal Code, 1969), described according to Sońta (2009, p. 148), particularly in Article 126 Paragraph 1 and Article 127, two crimes of a terrorist nature. However, Kokot states that 'such a character, given the statutory characteristics, including the subject of protection or *modus operandi*, could also have the offenses referred to in Articles 136, 137, 142, as well as the crimes against life and health (Articles 148, 156 to 157) and some crimes against freedom (Articles 165 to 167) (Kokot, 2018, pp. 34–35). Article 126 Paragraph 1 penalized imprisonment for a period not shorter than 10 years or the death penalty for the purpose of committing a violent attack on the life of a public official or a political activist hostile to the Polish People's Republic. This provision reflected the basic assumptions of the construction of the crime of 'violent attack' in Article 1 of SCC, defining this attack in an 'analogous political dimension' (Kokot, 2018, p. 34). However, the legislator has resigned from the definition of the scope of entities whose personal rights were protected for a more

synthetic and, at the same time, more general definition of their circle (public officer or political activist).

This legislative procedure was a consequence of the introduction of the definition of the concept of Public Official in Article 120 Paragraph 11 of the Criminal Code 1969. This definition provided that the public official is: A person who is an employee of the state administration unless he performs only service activities; a judge, a folk lawyer, a prosecutor; a person who holds a position of management or performs functions related to special responsibility in another state organizational unit, a cooperative organization or other social organization of the working people; a person specifically responsible for the protection of public order or security or for the protection of social property; a person serving an active military service; another person benefiting from a special provision on legal protection provided for public officials.

Article 126 Paragraph 1 of the Criminal Code 1969 was an expression of a return to the construction of the provision of Article 1 of Decree 1945 and, at the same time, a departure from the requirement adopted in the same provision of the SCC that the 'violent attack' only occurred 'during or because of' the performance of his duties by the attacked one.

Even so, the provision of Article 127 of the Criminal Code 1969, which typified the offense of sabotage, provided for threats of imprisonment for a period not shorter than five years or the death penalty for destruction, damage, or making unfit for the use of plants or equipment or other property of major importance for the Polish People's Republic; preventing or obstructing the proper functioning of establishments, facilities or institutions of major importance for the Polish People's Republic – in order to weaken the people's power, cause disturbances or moods of general dissatisfaction or serious disturbances in the functioning of the national economy.

Both acts (from Articles 126 and 127 of the Criminal Code 1969) were considered crimes that undermine the internal security of the State (Bafia *et al.,* 1987, p. 15) and constitute directional crimes. These, in addition to being intentional, require an additional element indicating the objective of the action designated by the perpetrator, covered by the intention of a special motivational color (*dolus directus coloratus*) (Nawrocki, 2020, p. 57).

Criminal Code 1997

The subsequent Criminal Code of June 6, 1997 (Criminal Code, 1997), entering into force on September 1, 1998, also did not initially regulate the issue of terrorist offenses. However, the behavior motivated by the objectives of typical terrorist activities did not remain within the scope of this Code without the possibility of an adequate legal response, especially since it contained new, hitherto uncodified types of prohibited acts (crimes: against public safety, Articles 166 and 167, hostage-taking, Article 252, murder committed with firearms or explosives, Article 148 Paragraph 2(4), and in connection with hostage-taking, Article 148 Paragraph 2(2) and one-action murder of more than one person, Article 148 Paragraph 3) (Kokot, 2018, pp. 35–36). The Criminal Code 1997 provided for criminal sanctions for several intentional offenses that could be a consequence of or in themselves a violation of the law as a result of 'typically terrorist' acts (Jałoszyński, 2009, p. 35).

Among these crimes Sońta distinguishes those that most closely correspond to the *modus operandi*, commonly used by terrorists, indicating the offences specified in the provisions of Articles 134, 136, 140, 163 Paragraphs 1 and 3, 166, 167, 173 Paragraphs 1 and 3, 181 Paragraph 1 to 3, 182 Paragraph 1, 191 Paragraph 1, 224, 252, 269 (Sońta, 2009, p. 152). Jałoszyński, on the other hand, focuses on the presentation of the 'most typical' terrorist behavior on crimes against public safety under Chapter XX, stressing the provisions of Article 165 §1, 166 §1, 167 §1, 168 of the Criminal Code 1997 (Jałoszyński, 2009, p. 36). S. Pikulski generally defines the Criminal Code's crimes suitable for the implementation of 'terrorist goals' as crimes against peace, humanity, and war crimes (Chapter XVI), the Republic of Poland (Chapter XVII), state's defense (Chapter XVIII), life and health (Chapter XIX), public safety (Chapter XX), safety in communication (Chapter XXI), freedom (Chapter XXIII), functioning of the state and local government institutions (Chapter XXIX), justice (Chapter XXX), public order (Chapter XXXII), protection of information (Chapter XXXIII) and property (Chapter XXXV) (Pikulski, 2000, pp. 110–111). Sońta supplements this generic catalog with crimes against military property (Chapter XLIV) (Sońta, 2009, p. 152).

The lack of a definition of a terrorist act has also not been addressed by the introduction of its definition in the Act of November 16, 2000, on the Prevention of Money Laundering and Terrorism Financing (Act 2000). The amendment to

this Act (Act 2002) added December 1, 2002, another seventh point to Article 2, which stipulates that whenever this legal act refers to a 'terrorist act,' it means 'crimes against peace, humanity and war crimes, crimes against public safety and offenses' specified in the Article 134 and 136 of the Crime Code 1997. However, this definition, as Sońta argues, has not been given a meaning that goes beyond the regulation of the Act 2000 (Sońta, 2009, p. 150). The opinion of this author is confirmed in the justification of the draft amending Act 2002, where, extremely briefly, it was indicated that due to the extension of the scope of the amended act, it was necessary to introduce a new definition of a terrorist act, a concept not defined in the Polish legal system. For this reason, 'for the proper functioning of the Act, it was necessary to define it precisely' (Justification of the draft amending Act, 2002). Golonka was much stricter in her assessment and described this definition as burdened with 'many inaccuracies and even absurdities that could lead to the practical application of this provision' (Golonka, 2016, p. 18). In another publication, the author extensively discussed these inaccuracies and pointed to the internal contradiction in which this definition remained about the provisions of the Crime Code 1997, in particular as to the method of defining the scope of acts included in the list of 'terrorist acts.' Searching for the intentions of the legislator, she assumed that he most likely had in mind specific, selected offences contained in chapters XVI and XX of the Criminal Code 1997, penalizing crimes against peace, humanity, and war crimes, as well as crimes against public security, as well as in both articles mentioned above. (i.e., Articles 134 and 136), and not about all the offenses contained in these chapters of the Code. The construction of the definition covers entire chapters of the Crime Code:

- it also covered unintentional crimes of the same scope (such as unintentionally causing an event threatening public safety or endangering it, Articles 163 Paragraph 2 and 164 Paragraph 2);
- however, it did not cover the crime of hostage-taking or holding a hostage to force a specific behavior of state authority (Article 252), as it is one of the crimes against public order, i.e. not listed in the amended Article 2 point 7 of the Act 2000 (Golonka, 2013, pp. 97–98).

Despite the lack of a statutory definition of a terrorist offense until 2004, both under the 1969 and 1997 Criminal Codes, it was expressed in the literature that Polish criminal legislation was sufficiently adapted to the needs of effectively combating the symptoms of terrorism as threatening both individual interests,

social order, and international order, anti-social activity concealing heavy threats (Śliwowski, 1975, pp. 22–25; Wiak, 2009, p. 207).

It was argued that if terrorist acts were to take place on the territory of Poland, the provisions of the applicable criminal law would be applied to it because such acts simply exhausted the characteristics of certain types of crimes. A potential terrorist would not, as it was accurately described by Sońta, the possibility of committing such – commonly understood – an attack that would not be a criminalized behavior in the provisions of Polish criminal law (Sońta, 2009, p. 153), and this state of non-separation of terrorist offenses in national legislation did not mean the impunity of perpetrators who could have committed them, nor 'did it result in the absenteeism of terrorism in social reality' (Brzezińska, 2008, pp. 11–13). Moreover, this kind of delay by the legislator was motivated by the fact that occasional attacks in the Polish People's Republic had the character of individual acts against the communist authority; Polish terrorism never approached the level of professionalism or organization of structures as in Italy or Germany, the perpetrators did not have any modern equipment or cash, nor did they have a specific political agenda (Zarzycki, 1992, p. 46).

However, this gap since 1970 regarding the precise meaning of the concepts of 'act' or 'terrorist attack,' which have been present in the legal language since, as shown above, 1945, made their semantic scope unclear.

In 1983, Trawczyński stated that while phenomena of a terrorist nature cannot be demonized, it is urgent to create barriers preventing their development. Therefore, he postulated that criminal legislation needed a specific provision in this respect, with clearly formulated content, establishing an autonomous crime and fulfilling the specific role within the framework of general prevention (Trawczyński, 1983, p. 73). Trawczyński's postulate regarding the definition of a terrorist offence was repeated in the 1980s and 1990s by Aleksandrowicz and Indecki and also by Filar in the 21st century, before the 2004 amendment of the Criminal Code (Aleksandrowicz, 1988, p. 24; Indecki, 1998; Filar, 2002, pp. 27–36). Indecki also pointed to the difficulty of constructing a type of terrorist offence due to the very broad range of protected goods (Indecki, 2004, p. 21).

Summary

The multitude of designations of 'terrorist activities' which abound in the provisions of Polish law in the 20th century require chronological ordering, taking

into account the following dates of the first appearance of individual concepts:

- 'terrorist occurrence' in the Decree of November 13, 1945, on providing supplies to victims of enemies of Poland's democratic system (Decree, 1945a);
- 'terrorist act' in the Regulation of the Council of Ministers of July 25, 1946, on pension provision and compensation for accidents of PKP (Polish State Railways) employees (Regulation, 1946);
- 'terrorist attack' in the Act of October 31, 1951, on the conditional early release of persons serving prison sentences (Act, 1951), with the relevant definition contained in Article 11(2) of the Act of November 22, 1952, on amnesty (Act, 1952);
- 'terrorist activities' in the Act on amending the organization of supreme public administration bodies in the field of public security, 1956;
- 'terrorism' in the Act on the Office of the Minister of Internal Affairs, 1983;
- 'terrorist occurrence' in the Office of State Protection Office 1990 of April 6, 1990.

Even before the legal definition of the crime of terrorism offence came into effect in 2004, two further complicating factors occurred.

The first of these factors are the regulations that introduced additional concepts, such as 'international terrorism' and 'terrorist attack' even before this amendment - and already in the 21st century. Act on the Internal Security Agency and the Intelligence Agency, 2002, refers to in Art. 6 section 1 point 5 in section as one of the tasks of the Intelligence Agency, recognizing international terrorism. However, the act establishing the new secret services still did not specify the meaning of this concept. In turn, the undefined concept of 'terrorist attack' appeared in the Polish legal language with the Regulation of the Minister of Internal Affairs and Administration on the scope, conditions, and procedure for the performance by officers of the BOR (Government Protection Bureau) of the tasks of protecting Polish diplomatic missions, consular offices and representations at international organizations outside the borders of the Republic of Poland 2003.

The second complicating factor seems to be a certain inclination of the legislator of the Third Polish Republic to return to using terminology known from the legislation of the Stalinist period. This situation occurred in the 20th century in connection with the already mentioned concept of a 'terrorist attack' to which the legislator returned in 1995. It has been taken into account that the

'terrorist attack' is a definition referring to the provisions of the 'Small Criminal Code' 1946, as indicated above, that occurred in the period from 1952 to 1970.

Given such large differences in terminology, the legislator's decision to introduce the definition of a terrorist offence into the 1997 Penal Code should be considered fully justified. Jałoszyński gives the legal solutions contained in the Criminal Code 1997 a pragmatic character as in the date of their passing, emphasizing that a sudden global threat of terrorism should not be expected yet. After the attacks of September 11, 2001, Western European countries, where 'anti-terrorist' legislation was already in force, were in a slightly more favorable situation, enforced by the threat of left-wing terrorism of the 1970s (Jałoszyński, 2009, p. 38).

The position was different in the case of the Republic of Poland, which – adapting its regulations to the international situation – in 2004 ultimately introduced a definition of a terrorist offence to Article 115 Paragraph 20 of the Criminal Code 1997. It is a prohibited act, punishable by imprisonment with an upper limit of at least five years, committed with the aim of seriously intimidating many people (point 1), forcing a public authority of the Republic of Poland or another state or a public authority of an international organization to take or refrain from taking from specific actions (point 2), causing serious disruptions to the political system or economy of the Republic of Poland, another country or an international organization (point 3) - as well as the threat of committing such an act. Thus, after 70 years, the legislator has implemented R. Lemkin's postulates from the pre-war period regarding the inclusion of terrorist crimes in the normative framework. It should be emphasized, however, that such attempts were made during this period, not always successful, and fully dependent on the current political form of the Polish state. The legal definition of the terrorist offence introduced in Art. 115 §20 ended the period of definitional uncertainty and allowed for a more complete and effective fight against terrorism. It is worth noting that this change was the result of both international pressure and the evolution of understanding and perception of terrorist threats in domestic law and practice. The legislator's decision to introduce the definition of a terrorist offense was, therefore, a necessary step to ensure the effectiveness and legal efficiency of the fight against terrorism in the new millennium, which also reflected the world situation after the events of September 11, 2001.

References

Act. (1949). Ustawa z dnia 1 lipca 1949 r. o zmianie niektórych przepisów o zaopatrzeniu emerytalnym funkcjonariuszów państwowych i zawodowych wojskowych (Dz. U. 1949 Nr 42, poz. 304 z późn. zm.).

Act. (1951). Ustawa z dnia 31 października 1951 r. o warunkowym przedterminowym zwolnieniu osób odbywających karę pozbawienia wolności (Dz. U. 1951 Nr 58, poz. 399).

Act. (1952). Ustawa z dnia 22 listopada 1952 r. o amnestii (Dz. U. 1952 Nr 46, poz. 309).

Act. (1969). Ustawa z dnia 19 kwietnia 1969 r. Przepisy wprowadzające Kodeks karny (Dz. U. 1969 Nr 13, poz. 95 z późn. zm.).

Act. (2000). Ustawa z dnia 16 listopada 2000 r. o przeciwdziałaniu praniu pieniędzy oraz finansowaniu terroryzmu (Dz. U. 2000 Nr 116, poz. 1216 z późn. zm.).

Act. (2002). Ustawa z dnia 27 września 2002 r. o zmianie ustawy o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł (Dz. U. 2002 Nr 180, poz. 1500).

Act amending the Criminal Code. (2004). Ustawa z dnia 16 kwietnia 2004 r. o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw (Dz. U. 2004 Nr 93, poz. 889).

Act on changing the organization of supreme public administration bodies in the field of public security. (1956). Ustawa z dnia 13 listopada 1956 r. o zmianie organizacji naczelnych organów administracji publicznej w zakresie bezpieczeństwa publicznego (Dz. U. 1956 Nr 54, poz. 241).

Act on the Internal Security Agency and the Intelligence Agency. (2002). Ustawa z dnia 24 maja 2002 r. o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu (Dz. U. 2002 Nr 74, poz. 676).

Act on the Office of State Protection. (1990). Ustawa z dnia 6 kwietnia 1990 r. o Urzędzie Ochrony Państwa (Dz. U. 1990 Nr 30, poz. 180).

Act on the office of the Minister of Internal Affairs. (1983). Ustawa z dnia 14 lipca 1983 r. o urzędzie Ministra Spraw Wewnętrznych i zakresie działania podległych mu organów (Dz. U. 1983 Nr 38, poz. 172).

Agreement. (1925). Umowa pomiędzy Rzecząpospolitą Polską a Republiką Czeskosłowacką w sprawach prawnych i finansowych, podpisana w Warszawie dnia 23 kwietnia 1925 r. (Dz. U. 1926 Nr 41, poz. 256 z późn. zm.).

Aleksandrowicz, T. R. (1988). Pojęcie czynu o charakterze terrorystycznym de lege lata i de lege ferenda (wybrane zagadnienia). *Problemy Praworządności*, *(39)*10, 21–30.

Andrejew, I., Auscaler, G., & Winawer, W. (1953). Przestępstwo zdrady ojczyzny w świetle Konstytucji Polskiej Rzeczypospolitej Ludowej. *Wojskowy Przegląd Prawniczy*, *9*(2), 135–136.

Bafia, J., Mioduski, K., & Siewierski, M. (1987). *Kodeks karny. Komentarz. Tom II*. Wydawnictwo Prawnicze.

Barcik, J. (2007). Przestępstwo o charakterze terrorystycznym w świetle polskiego kodeksu karnego. *Zeszyty Naukowe Instytutu Gospodarki Surowcami Mineralnymi i Energią PAN,* 32, 361–389.

Bieczyński, M. M. (2011). Koncepcja sprawiedliwości Gustava Radbrucha. *Civitas. Studia z Filozofii Polityki, 13*, 131–155. https://doi.org/10.35757/CIV.2011.13.07

Błachnio, A. (2016). Dokumentacja medyczna w postępowaniu karnym. *Zeszyty Prawnicze*, *16*(2), 121–139. https://doi.org/10.21697/zp.2016.16.2.06

Brzezińska, J. (2008). Z rozważań o terrorystycznym charakterze przestępstwa. *Nowa Kodyfikacja Prawa Karnego*, *22*, 11–26. Accessed: https://wuwr.pl/nkp/article/view/7948/7581 [15.03.2023].

Budniak, M. (2018). Stalinowskie represje wobec Edwarda Kuli, nauczyciela historii, w świetle dokumentów Wojskowego Sądu Rejonowego w Zielonej Górze. *In Gremium. Studia nad Historią, Kulturą i Polityką*, *12*, 197–217. https://doi.org/10.34768/ig.vi12.255

Criminal Code of the Polish Army [CCPA]. (1944). Dekret Polskiego Komitetu Wyzwolenia Narodowego z dnia 23 września 1944 r. – Kodeks Karny Wojska Polskiego (Dz. U. 1944 Nr 6, poz. 27 z późn. zm.).

Chauvin, T. (2007). Wstęp do prawoznawstwa. *Edukacja Prawnicza*, 10, I-XXIV.

Council Framework Decision. (2002). Council Framework Decision of 13 June 2002 on Combating Terrorism (Dz. U. Wspólnot Europejskich L 164/3 z 22.06.2002). http://data.europa.eu/eli/dec_framw/2002/475/oj

Criminal Code. (1932). Rozporządzenie Prezydenta Rzeczypospolitej z dnia 11 lipca 1932 r. – Kodeks karny (Dz. U. 1932 Nr 60, poz. 571 z późn. zm.).

Criminal Code. (1969). Ustawa z dnia 19 kwietnia 1969 r. – Kodeks karny (Dz. U. 1969 Nr 13, poz. 94 z późn. zm.).

Criminal Code. (1997). Ustawa z dnia 6 czerwca 1997 r. Kodeks karny (Dz. U. 1997 Nr 88, poz. 553 z późn. zm.).

Czarny, B. (2015). Przestępstwo o charakterze terrorystycznym z punktu widzenia obrońcy. *Studia nad Autorytaryzmem i Totalitaryzmem*, *37*(4), 61–72. Accessed: https://wuwr.pl/sfzh/article/view/1264/1235 [10.03.2023].

Decree. (1944). Dekret Polskiego Komitetu Wyzwolenia Narodowego z dnia 30 października 1944 r. o ochronie Państwa (Dz. U. 1944 Nr 10, poz. 50).

Decree. (1945). Dekret z dnia 16 listopada 1945 r. o przestępstwach szczególnie niebezpiecznych w okresie odbudowy Państwa (Dz. U. 1945 Nr 53, poz. 300).

Decree. (1945a). Dekret z dnia 13 listopada 1945 r. o zaopatrzeniu ofiar wrogów demokratycznego ustroju Polski (Dz. U. 1945 Nr 51, poz. 294).

Decree. (1947). Dekret z dnia 3 stycznia 1947 r. o zmianie dekretu o zasiłkach i pomocy dla wdów i sierot po ofiarach wrogów demokratycznego ustroju Polski (Dz. U. 1947 Nr 5, poz. 22).

Filar, M. (2002). Terroryzm – problemy definicyjne oraz regulacje prawne w polskim prawie karnym w świetle prawa międzynarodowego i porównawczego. In V. Kwiatkowska-Darul (Ed.), *Terroryzm. Materiały z sesji naukowej* (pp. 27–36). Wydawnictwo Uniwersytetu Mikołaja Kopernika.

Gabriel-Węglowski, M. (2018). *Działania antyterrorystyczne. Komentarz*. Wolters Kluwer.

Golonka, A. (2013). Polskie rozwiązania prawne w zakresie przeciwdziałania finansowaniu terroryzmu. *Prokuratura i Prawo*, (3), 95–111. Accessed: https://www.gov.pl/web/prokuratura-krajowa/numer-3-2013 [10.03.2023].

Golonka, A. (2016). Cyberlaundering i cyberterroryzm, czyli „stare" przestępstwa w „nowych" odsłonach. Część I – Etiologia i etymologia procederów. *Wojskowy Przegląd Prawniczy*, *89*(1), 5–21. Accessed: https://www.gov.pl/web/prokuratura-krajowa/wpp-numer-1-2016 [10.04.2023].

Halasz, A. (2019). *Definicje pojęć prawnych w ustawodawstwie dotyczącym podatków obrotowych*. E-Wydawnictwo. Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego. http://www.doi.org/10.34616/23.19.147

Indecki, K. (1998). *Prawo karne wobec terroryzmu i aktu terrorystycznego*. Wydawnictwo Uniwersytetu Łódzkiego.

Indecki, K. (2004). Kryminalizacja aktu terrorystycznego – zagadnienia wybrane. *Acta Universitatis Lodziensis. Folia Iuridica*, (67), 10–21.

Jałoszyński, K. (2009). *Organy administracji rządowej wobec zagrożeń terrorystycznych. Policja w walce i przeciwdziałaniu terroryzmowi*. Wyższa Szkoła Administracji.

Judgment. (1937). Wyrok Sądu Najwyższego z 13 stycznia 1937 r., I K 1038/36, OSN 1937, nr 6, poz. 175.

Judgment. (1958). Wyrok Sądu Najwyższego z dnia 16 stycznia 1958 r., III KRn 116/57, LEX nr 178594.

Justification of the draft amending Act. (2002, March 26). Uzasadnienie projektu o zmianie ustawy o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł. *Druk nr 338* (RM 10-31-02). Accessed: https://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/338/$file/338.pdf [15.04.2023].

Kokot, R. (2018). Uwagi o istocie przestępstwa o charakterze terrorystycznym i jego karaniu. Część I. *Nowa Kodyfikacja Prawa Karnego*, *48*, 31–46. https://doi.org/10.19195/2084-5065.48.3

Kornat, M. (2008). Barbarzyństwo – wandalizm – terroryzm – ludobójstwo. O Rafale Lemkinie i idei zdefiniowania „zbrodni w obliczu prawa narodów". *Polski Przegląd Dyplomatyczny*, *17*(3), 79–100.

Kuczur, T. (2022). Uwarunkowania normatywne i systemowe przestępstwa politycznego w Polsce w latach 1944/1945–1997. *Przegląd Sejmowy,* (1/168), 57–78. https://doi.org/10.31268/PS.2022.86

Lemkin, R. (1935). Terroryzm. *Gazeta Sądowa Warszawska*, *62*(41), 561–564. Accessed: https://crispa.uw.edu.pl/object/files/325510/display/Default [10.03.2023].

Machnikowska, A. (2008). *Wymiar sprawiedliwości w Polsce w latach 1944–1950*. Wydawnictwo Uniwersytetu Gdańskiego.

Maksimiuk, D. (2010). Krótka historia długo obowiązującego dekretu, czyli o tzw. małym kodeksie karnym. *Miscellanea Historico-Iuridica, 9*(1), 83–93. Accessed: https://miscellanea.uwb.edu.pl/article/view/321/310 [20.03.2023].

Marciniak, M. (2018). Geneza wprowadzenia, przedmiot ochrony oraz podmiot przestępstwa sfinansowania przestępstwa o charakterze terrorystycznym (art. 165 a kk). Część I. *Wojskowy Przegląd Prawniczy*, *91*(1), 19–35. Accessed: https://www.gov.pl/web/prokuratura-krajowa/wpp-numer-1-2018 [10.04.2023].

Marszałek, P. K. (2009). Prawne podstawy organizacji ochrony VIP-ów w II Rzeczypospolitej. *Studia Lubuskie*, *5*, 13–35. Accessed: https://www.bibliotekacyfrowa.pl/dlibra/publication/28228/edition/34684 [11.03.2023].

Michalska-Warias, A. (2018). New Terrorist Offences in Polish Criminal Law. *Annales Universitatis Mariae Curie-Skłodowska. Sectio G*, *65*(1), 103–114. https://doi.org/10.17951/g.2018.65.1.103

Michalska-Warias, A. (2019). „Przestępstwa terrorystyczne" i przestępstwa o charakterze terrorystycznym w obowiązującym kodeksie karnym – niedoskonała ochrona bezpieczeństwa państwa i jego obywateli. *Zeszyty Naukowe Katolickiego Uniwersytetu Lubelskiego Jana Pawła II*, *62*(1), 23–34. https://doi.org/10.31743/zn.2019.62.1.02

Mielcarek, T. (2019). Ocena sprawności polskiego powojennego wymiaru sprawiedliwości w osądzaniu zbrodni prawa międzynarodowego na przykładzie prac wykonanych przez Główną Komisję Badania Zbrodni Niemieckich w Polsce na terenie obozu karno-śledczego w Żabikowie i wykorzystania ich w procesie Arthura Greisera. *Czasopismo Prawno-Historyczne*, *71*(1), 261–294. https://doi.org/10.14746/cph.2019.1.11

Nawrocki, M. (2020). Ustalanie zamiaru popełnienia przestępstw umyślnych. *Prawo w Działaniu. Sprawy Karne*, *43*, 56–73. https://doi.org/10.32041/pwd.4303

Oniszczuk, J. (2014). Tworzenie aktów normatywnych jako instrument polityki publicznej. Technika budowy tekstu. *Studia z Polityki Publicznej*, *1*(3(3), 25–49. https://doi.org/10.33119/KSzPP.2014.3.2

Pikulski, S. (2000). *Prawne środki zwalczania terroryzmu*. Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego.

Podgórecki, A. (1957). *Założenia polityki prawa. Metodologia pracy legislacyjnej i kodyfikacyjnej.* Wydawnictwo Prawnicze.

Redzik, A. (2017). *Rafał Lemkin (1900-1959) co-creator if international criminal law. Short biography*. Oficyna Allerhanda.

Regulation. (1946). Rozporządzenie Rady Ministrów z dnia 25 lipca 1946 r. o zaopatrzeniu emerytalnym i odszkodowaniu za nieszczęśliwe wypadki pracowników przedsiębiorstwa Polskie Koleje Państwowe (Dz. U. 1946 Nr 38, poz. 231 z późn. zm.).

Regulation. (2003). Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 20 marca 2003 r. w sprawie zakresu, warunków i trybu wykonywania przez funkcjonariuszy Biura Ochrony Rządu zadań ochrony polskich przedstawicielstw dyplomatycznych, urzędów konsularnych oraz przedstawicielstw przy organizacjach międzynarodowych poza granicami Rzeczypospolitej Polskiej (Dz. U. 2003 Nr 55, poz. 491).

Rosicki, R. (2023). Przestępstwa o charakterze terrorystycznym w polskim prawie. *Środkowoeuropejskie Studia Polityczne*, (1), 5–25. https://doi.org/10.14746/ssp.2023.1.1

Small Criminal Code [SCC]. (1946). Dekret z dnia 13 czerwca 1946 r. o przestępstwach szczególnie niebezpiecznych w okresie odbudowy Państwa (Dz. U. 1946 Nr 30, poz. 192 z późn. zm.).

Smarzewski, M. (2017). Cyberterroryzm a cybeprzestępstwo o charakterze terrorystycznym. *Ius Novum*, *1*, pp. 64–75.

Sońta, C. (2009). *Przestępstwo o charakterze terrorystycznym w prawie polskim*. In K. Indecki, P. Potejko (Eds), *Terroryzm. Materia ustawowa?* (pp. 146–170). Agencja Bezpieczeństwa Wewnętrznego.

Śliwicka, A. (2018). Język prawny i język prawniczy jako przedmiot badań językoznawczych i prawoznawczych w latach 1935–1999. *Prace Językoznawcze*, *20*(3), 151–164. https://doi.org/10.31648/pj.4547

Śliwowski, J. (1975). Odpowiedzialność karna za akty terroryzmu z uwzględnieniem norm polskiego prawa karnego. *Problemy Praworządności*, *26*(2), 22–25.

Trawczyński, J. (1983). Wybrane problemy bezprawnego zawładnięcia cywilnymi statkami powietrznymi w Polsce. *Palestra*, *27*(10), 71–75.

Wiak, K. (2009). *Prawnokarne środki przeciwdziałania terroryzmowi*. Wydawnictwo KUL.

Wróblewski, B. (1948). *Język prawny i prawniczy*. Polska Akademia Umiejętności.

Zarzycki, W. (1992). Terroryzm w Polsce. *Palestra*, *36*(11-12), 45–57.

Zwierz, M. (2018). O genezie i zakresie kryminalizacji przestępstw o charakterze terrorystycznym w polskim prawie karnym wobec wyzwań współczesności. *Biuletyn Polskiego Towarzystwa Kryminologicznego im. prof. Stanisława Batawii*, (25), 223–230. Accessed: https://czasopisma.inp.pan.pl/index.php/bk/article/view/2331/1897 [13.03.2023].