Criminalisation Ideas and Restrictions

Edited by Justyn Piskorski



PUBLISHING REVIEWERS

Prof. John M. Czarnetzky

Prof. dr hab. Jakub Stelina

FINAL COPY-EDITING AND BIBLIOGRAPHY BY:

Bartłomiej Błaszczyk

Assistant to a Judge of the Constitutional Tribunal

PRELIMINARY COPY-EDITING BY:

The Library and Publishing Office of the Constitutional Tribunal

TRANSLATION AND PROOFREADING BY:

Skrivanek Sp. z o.o.

SERIES LAYOUT, TYPESET

Tomasz Smołka · studioformat.pl

Copyright by Trybunał Konstytucyjny, Warszawa 2021

ISBN 978-83-87515-99-7

PUBLISHER

The Constitutional Tribunal 00-918 Warszawa · al. J.Ch. Szucha 12a · trybunal.gov.pl

PRINTED AND BOUND

Elpil · Artyleryjska 11 · 08-110 Siedl
ce · elpil.com.pl

Foreword (Justyn Piskorski)	9
Alicja Grześkowiak The Axiological Foundations of the Criminal Code of 1932 in the Context of the Work by the Codification Commission of the Republic of Poland (est. 1919)	13
Branko Brkić Mario Jelušić	
Restriction of Criminal Law Repression in the Republic of Croatia	53
Joana Maria Rebelo Fernandes Costa The Principle of Criminal Legality in the Jurisprudence of the Portuguese Constitutional Court – Brief Notes	87
Jovan Ćirić Media and Criminality	101
Ágnes Czine The Influence of the Hungarian Constitutional Court's Decisions on Criminal Legislation	111

Dragoljub Drašković	
Guarantees of the Right to a Fair Trial in a Criminal Procedure	121
Milorad Gogić	
Protected Witnesses in Montenegrin Legislation	
and in the Case Law of the European Court of Human Rights	
and the Constitutional Court of Montenegro	129
Elena Gosheva	
Concepts, Ideas and Schools of Criminal Law	
Which Have Had a Significant Impact	
on Particular Legal Solutions	153
Libor Klimek	
Criminalisation of the Misuse of Payment Cards	
with Radio-Frequency Identification (RFID)	175
Dragana Kolarić	
Dynamic Phase of Criminal Legislation	191
Maria de Fátima Mata-Mouros de Aragão Soares Homem	
Constitutional Guarantees of the Criminal Procedure.	
Some Issues in the Light of Portuguese	
Constitutional Jurisprudence	219
Twekiat Menakanist	
The General Offence of Reckless Endangerment	233
Dina Josefina Ochoa Escribá	
The Impact of Legislation on Violence Against Women	
and National and International Jurisprudential Developments	255
Sanita Osipova	
Protection of Fundamental Human Rights in the Judicature	
of the Constitutional Court of the Republic of Latvia –	
the Criminal Law Discourse	271

Pavlina Panova The Rule of Law and Fundamental Rights	283
Michał Peno The Construction Principles of Criminal Law (System) and Models of Criminalisation in the Context of the Aims of Legal Dogmatics	297
Oleksandr V. Petryshyn Criminalization and Decriminalization as Directions of Criminal Law Policy in Ukraine	311
Ronald J. Rychlak The Abuse of International Law: Clerical Sexual Violence against children as state-sponsored torture	317
Tijana Surlan The Right to Life – Revised Protection Before International and National Bodies	345
Alibek A. Temerbekov Aspects of the Criminal Law in the Annual Reports of the Constitutional Council of the Republic of Kazakhstan	371
Merab Turava Criminal Law Policy and Judicial Decisions of the Constitutional Court of Georgia	379
Serghei Jurcan Interaction of Principles Applicable to Criminal Penalties in the Case Law of the Constitutional Court of the Republic of Moldova	391

401
417

433

References