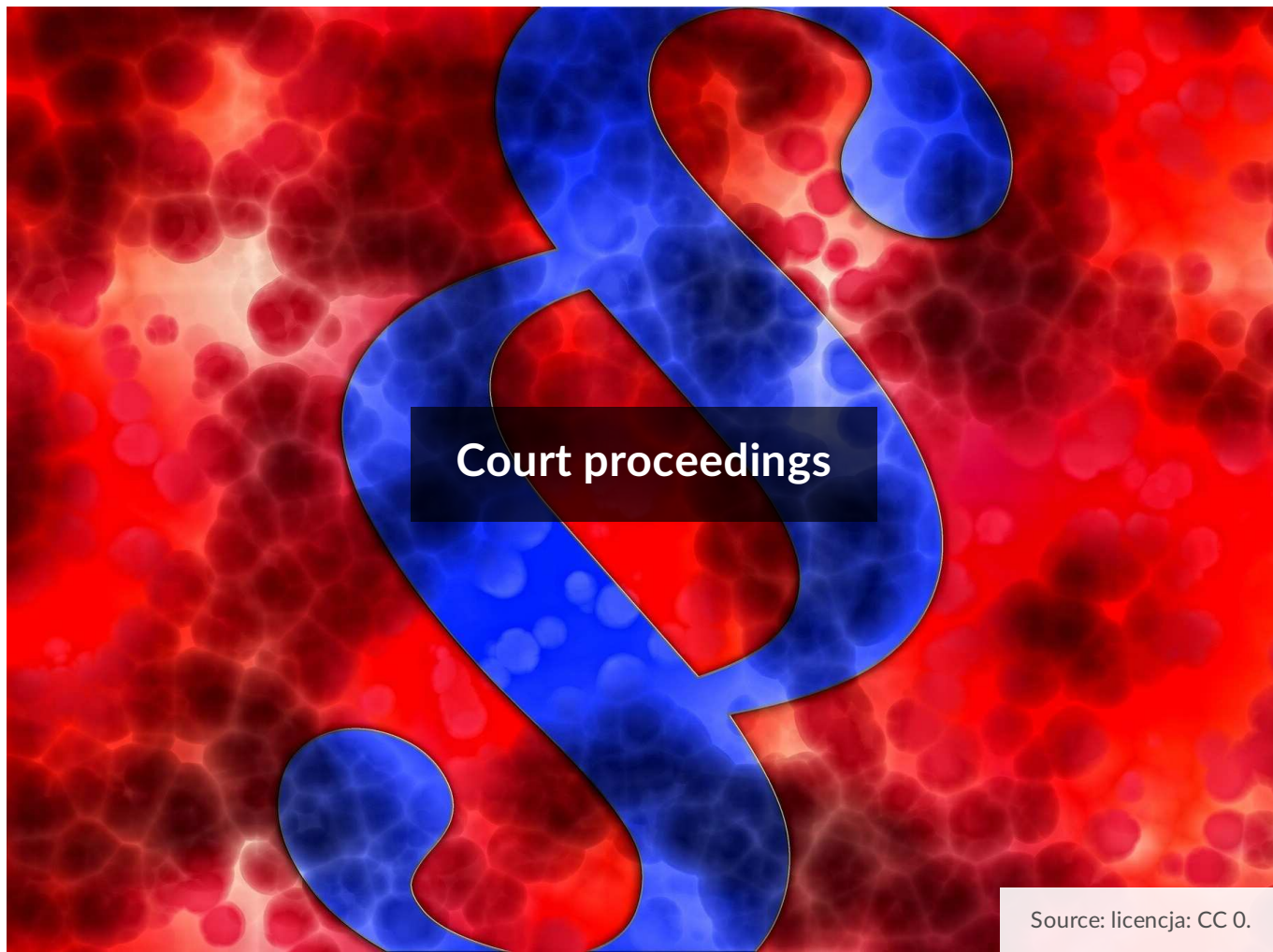


Court proceedings

- [Court proceedings](#)
- [Lesson plan \(Polish\)](#)
- [Lesson plan \(English\)](#)



[Link to the lesson](#)

Before you start you should know

- You are able to analyze the functions of law.
- You are able to name the normative acts regulating the civil and criminal proceedings.
- You are able to describe the structure of common courts in Poland.

You will learn

- You will be able to present the course of criminal and civil proceedings.
- You will be able to explain the rights of victims and [perpetrators](#) in criminal proceedings.
- You will be able to explain the rules for appeal and cassation.
- You will understand the importance of mediation in civil proceedings.

[Nagranie dostępne na portalu epodreczniki.pl](#)

nagranie abstraktu

Criminal proceedings

The purpose of criminal proceedings is to **determine** whether a crime has been **committed** and to **detect** its perpetrator and **hold him criminally liable**.

We are dealing with **criminal liability** when:

- an act was committed which was prohibited by the **penal** law in force at the time it was committed,
- the perpetrator has reached the minimum age, allowing for him to be held criminally liable (in Poland it is 17 years),
- the act was not committed in **self defense** or in a **state of higher necessity**,
- the act was committed **culpably** (nullum crimen sine culpa - no crime without guilt); the fault may be intentional (the perpetrator intends to commit the offence) or unintentional (the perpetrator does not intend to commit an offence, but commits it, e.g. not being cautious enough).

The basic principle of criminal law is also that you are only responsible for your own actions.

A participant in criminal proceedings is any person who participates in proceedings in a role defined by law.

Exercise 1

Do you know who the participants of criminal proceedings are? Give examples, and if it proves too difficult, turn over the flashcard.

judicial bodies responsible for the proceedings

the court, investigative bodies

parties

court proceedings: state prosecutor, subsidiary prosecutor, private prosecutor, the accused
investigation: victim, suspect

legal representatives

e.g. defense attorneys

personal sources of evidence

witnesses, experts

legal assistants

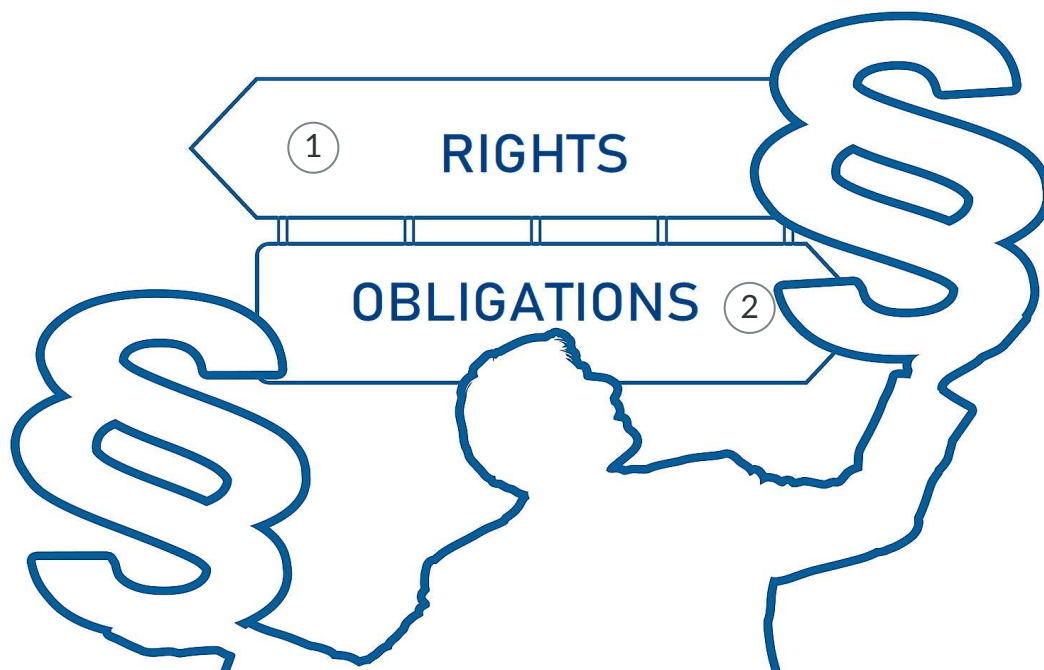
court reporter, interpreter

The public prosecutor is usually the [state prosecutor](#), but this function may also be performed by police officers, municipal guards, and state labor inspectors. The task of the public prosecutor is to present accusations of committing a prohibited act and support it with evidence.

The [subsidiary prosecutor](#) is a victim who may participate in a criminal trial alongside or instead of a public prosecutor.

A [private prosecutor](#) may be a victim or the representative of a victim who raises and supports accusations in cases prosecuted by private accusation.

An accused in a criminal trial is a person against whom an [indictment was filed](#) before the court or a person against whom the prosecutor filed a motion for conditional discontinuance of proceedings.



1

Rights

- the right to defense including the right to use the assistance of a lawyer, to provide explanations, requests for evidence and to question witnesses and experts,
- the right to remain silent – the right to refuse to provide explanations and answers to questions,
- the right to lodge an application for conviction and the verdict of a specific sentence without conducting evidence proceedings (so-called voluntary submission to punishment).

2

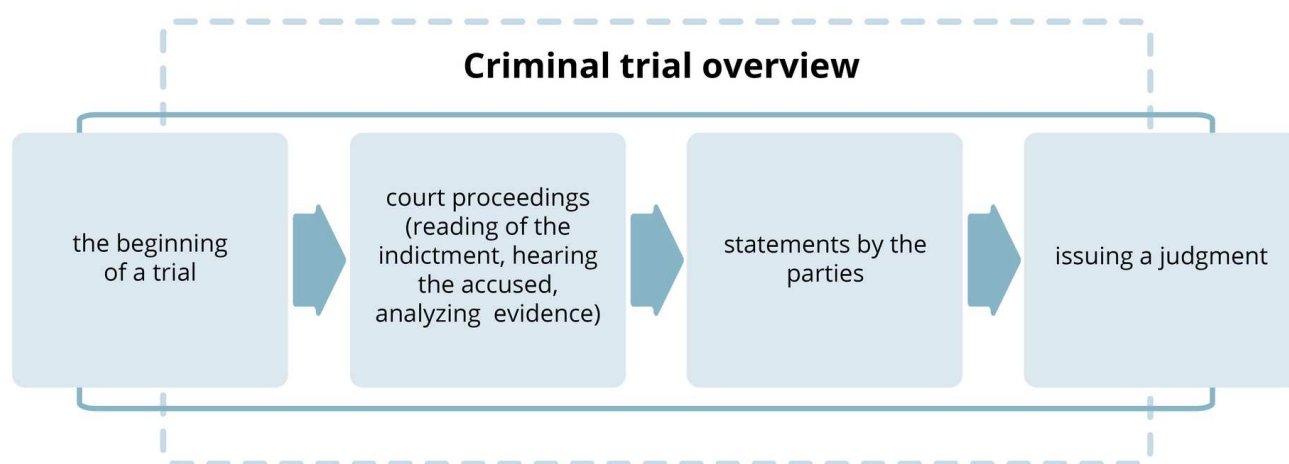
Obligations

- submission to the examination and visual inspection specified by the statute,
- in the event of accused who has not been detained: an obligation to appear whenever he is called in the course of the proceedings,
- obligation to notify the court of any change of residence or stay lasting longer than 7 days.

Rights and obligations of the accused

Source: licencja: CC 0.

The criminal proceedings consist of several stages. The preparatory stage includes clarifying the circumstances of the crime, hearing of the witnesses, preparing documents for the court. The trial is conducted before the court of the first instance (district or regional).



Criminal trial overview

Source: GroMar Sp. z o.o., licencja: CC BY-SA 3.0.

Appeal proceedings are carried out in the second instance court (regional or court of appeal) in the case of appeal against the judgment by one of the parties. The reason for filing an appeal include:

- infringement of the procedural rules, if it could have influenced the content of the judgment under appeal,
- an error in factual findings which were the basis of the judgment under appeal, if it could have an impact on its content,
- gross disproportion of punishment.

The court of appeal may:

- maintain the contested judgment in force,
- revoke the appealed judgment and direct the case for reconsideration or discontinue the proceedings,
- change the appealed judgment.

The enforcement proceedings begin when the judgment becomes legally binding. It is the implementation of the court's judgment (e.g. imprisonment).

In criminal proceedings, there is a possibility to use an extraordinary mean of recourse against the verdict of the court of the second instance – cassation, considered by the Supreme Court. A party (ordinary cassation) or the Attorney General, the Supreme Military Prosecutor or the Ombudsman may appeal in cassation (extraordinary cassation). The reason for filing a cassation may be a serious violation of the provisions of the proceedings or other gross violations of the law, if they could have a significant impact on the content of the court's decision.

Civil proceedings

Civil liability regards property. It concerns natural persons, legal persons, and the State Treasury.

The basic principle of civil liability is responsibility on guilt basis – just like in criminal law it is a liability for culpable action or omission.

Types of civil liability:

- for damage caused by a tort,
- for failure to perform or improper performance of an obligation arising from a legal transaction (e.g. contract),
- for damage caused as a result of an event (e.g. warranty or insurance).

Civil proceedings are divided into judicial (court) and out-of-court ones. In the court procedure, the following stages can be distinguished:

- examination – in which the case is recognized and resolved,
- auxiliary – carried out to identify the side-effects that remain in connection with the main proceedings (e.g. proceedings regarding the reinstatement of the deadline),
- enforcement – which serves the purpose of meeting the rights and fulfilling the obligations.

Parties in civil proceedings:

- a plaintiff – the party that initiates proceedings by filing a lawsuit to the court,
- defendant – the person against whom the lawsuit was directed.

The lawsuit must meet the requirements for procedural documents. It should include, among others, the identification of the court to which it is addressed, the name and surname or the names of the parties, their legal representatives and proxies, the content of the request succinctly described, factual circumstances justifying the request and evidence to support the circumstances cited, the value of the subject (in the case of property claims).

In addition, the lawsuit may contain various types of requests, for example: for securing the claims, conducting the trial in the absence of the plaintiff, summoning witnesses and experts for hearing, making an inspection, requesting evidence to be brought into court for the trial from the court, offices or third parties. The defendant has the right to respond to the claim after it is being delivered to him.

According to art. 210 of the Code of Civil Procedure, the hearing takes place in such a way that after calling the party's case – first the plaintiff and then the defendant report their claims and conclusions orally and provide statements and evidence to support them. The parties may also indicate the legal basis of their demands and conclusions. Each party is obliged to make a statement regarding the facts as to the claims of the opposing party. In addition, the trial includes, depending on the circumstances, evidence and analysis of its results. A party may, up to the end of the hearing, cite facts and evidence to substantiate its conclusions or refute the conclusions and claims of the opposing party. The settlement of a case in civil proceedings takes the form of a decision or judgment. In proceedings before the civil courts, you can also appeal to a higher instance and lodge a cassation complaint to the Supreme Court.

Exercise 2

Imagine that you need to file a claim in a Polish court, for example for damages or alimony. Write an example of a lawsuit in Polish, because this is the official language of the Polish judiciary. Remember to address it to the competent court, provide the necessary data and justification. Compare your claim with the suggestions of other students.

pozew

miejsowość i data

powód

pozwany

Wartość przedmiotu sporu

Pozew

o zapłatę odszkodowania



Wnoszę o

Uzasadnienie

Załączniki

podpis

Mediations

Mediation is a process of resolving a dispute by the parties involved with the participation of a third party – a mediator – whose task is to help the parties' reach an agreement. A mediator can be any person with full active legal capacity, enjoying full public rights. A judge cannot be a mediator. Mediation is voluntary. It is conducted on the basis of a mediation agreement or a court order that directs parties to mediation. The basic principles of conducting mediation are:

- voluntariness,
- impartiality of the mediator,
- confidentiality,

- speed.

If mediation leads to a settlement, it must be approved by the court. It has then the same legal force as the settlement made directly before the court. Such a settlement is just as enforceable as a final court decision. Solving a dispute through mediation is very beneficial for both parties and the judiciary. The mediation procedure is many times faster, and allows the parties to find solutions that will satisfy each of them. In addition, it relieves courts, in which civil cases tend to go on for a long time. Mediations are more and more often used in proceedings before criminal and family courts, too.

Proceedings before criminal and civil courts in Poland differ from each other. We initiate criminal proceedings by submitting a notification on suspicion of committing a crime (or through a private indictment), and the civil proceedings – by filing a lawsuit to a court. Proceedings before a criminal court are preceded by preparatory proceedings which are not present in civil proceedings. In civil proceedings, the burden of proof rests with the plaintiff, in criminal proceedings, in most cases, the responsibility to prove guilt lies with the public prosecutor. In civil proceedings, the court is bound by the content of the lawsuit, and in criminal proceedings it is obliged to comprehensively examine the case. Therefore, in criminal cases the scope of the judgment may be broader or narrower than what the victim expects. As far as the similarities are concerned, proceedings before criminal and civil courts have a two-instance character. The first instance is usually district courts, in exceptional cases regional courts. In both types of proceedings, the same means of recourse apply: an appeal and a cassation (in civil proceedings it is called cassation complaint).

Exercise 3

Listen to the abstract recording to review the material and new vocabulary. Then do the vocabulary exercise. Match the pairs: English and Polish words.

motion for conditional discontinuance
of proceedings

oskarżyciel prywatny

to hold somebody criminally liable

oskarżyciel publiczny

to file an indictment against somebody

wniosek o warunkowe umorzenie
postępowania

subsidiary prosecutor

wnieść przeciwko komuś oskarżenie

state of higher necessity

pociągnąć kogoś do odpowiedzialności
karnej

state prosecutor

organy dochodzeniowe/śledcze

investigative bodies

stan wyższej konieczności

private prosecutor

oskarżyciel posiłkowy

Keywords

criminal proceedings, criminal liability, investigative bodies, state prosecutor, subsidiary prosecutor, private prosecutor, the accused, victim, suspect, defense attorney, witness, expert, rights of the accused, first/second instance court, enforcement proceeding, civil liability, responsibility on guilt basis, civil proceedings, plaintiff, defendant, lawsuit, mediation

Glossary

criminal liability

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: criminal liability

odpowiedzialność karna
culpably

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: culpably

w sposób zawiniony
investigative bodies

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: investigative bodies

organy dochodzeniowe/śledcze
motion for conditional discontinuance of proceedings

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: motion for conditional discontinuance of proceedings

wniosek o warunkowe umorzenie postępowania
penal

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: penal

karny
perpetrator

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: perpetrator

sprawca
private prosecutor

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: private prosecutor

oskarżyciel prywatny

self defense

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: self defense

samoobrona

state of higher necessity

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: state of higher necessity

stan wyższej konieczności

state prosecutor

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Nagranie słówka: state prosecutor

oskarżyciel publiczny

subsidiary prosecutor

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: subsidiary prosecutor

oskarżyciel posiłkowy

to commit

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to commit

popęłnić

to detect

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to detect

ustalić, wykryć

to determine

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to determine

ustalić

to file an indictment against somebody

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Nagranie słówka: to file an indictment against somebody

wnieść przeciwko komuś oskarżenie

to hold somebody criminally liable

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to hold somebody criminally liable

pociągnąć kogoś do odpowiedzialności karnej

Lesson plan (Polish)

Temat: Postępowanie sądowe

Autorka: Anna Rabiega

Adresat

uczeń liceum ogólnokształcącego i technikum

Podstawa programowa:

- stara podstawa programowa:

poziom podstawowy:

2. Prawo i sądy.

Uczeń:

6) przedstawia uczestników i przebieg procesu sądowego: cywilnego i karnego; uzasadnia znaczenie mediacji;

7) wymienia główne prawa, jakie przysługują ofierze, sprawcy i świadkowi przestępstwa;

8) pisze pozew w wybranej sprawie cywilnej i zawiadomienie o popełnieniu przestępstwa (według wzoru).

poziom rozszerzony:

32. Prawo cywilne i rodzinne.

Uczeń:

3) opisuje podstawowe zasady postępowania cywilnego (rozpoznawczego: procesowego oraz nieprocesowego i egzekucyjnego) oraz sposoby zaskarżania orzeczeń.

33. Prawo karne.

Uczeń:

2) opisuje przebieg postępowania karnego oraz uczestniczące w nim organy i strony; podaje przykłady przestępstw ściganych z oskarżenia publicznego i prywatnego, wyjaśnia rolę oskarżyciela posiłkowego.

- nowa podstawa programowa

poziom podstawowy:

V. Prawo w Rzeczypospolitej Polskiej.

Uczeń:

7) przedstawia przebieg postępowania cywilnego w Rzeczypospolitej Polskiej oraz uczestniczące w nim strony; analizuje kazus z zakresu prawa cywilnego lub rodzinnego, w tym pozew w takiej sprawie;

11) przedstawia przebieg postępowania karnego w Rzeczypospolitej Polskiej oraz uczestniczące w nim strony; wymienia główne prawa, jakie przysługują ofierze, sprawcy i świadkowi przestępstwa (...).

poziom rozszerzony:

XI. System prawa w Rzeczypospolitej Polskiej.

Uczeń:

18) przedstawia podstawowe zasady postępowania cywilnego; pisze pozew w sprawie cywilnej;

25) przedstawia specyfikę alternatywnych metod rozwiązywania sporów w Rzeczypospolitej Polskiej – arbitrażu w postępowaniu cywilnym oraz mediacji w postępowaniu administracyjnym, cywilnym i karnym.

Ogólny cel kształcenia:

Uczeń charakteryzuje instytucje polskiego systemu prawnego.

Cele operacyjne:

Uczeń:

- przedstawia przebieg postępowania karnego i cywilnego.
- wyjaśnia prawa ofiary i oskarżonego w postępowaniu karnym.
- wyjaśnia zasady dotyczące wniesienia apelacji i kasacji.
- analizuje znaczenie mediacji w postępowaniu cywilnym.

Kształtowane kompetencje kluczowe:

- porozumiewanie się w języku obcym,
- kompetencje informatyczne,
- umiejętność uczenia się,
- kompetencje społeczne i obywatelskie.

Metody nauczania:

- dyskusja,
- debata za i przeciw,
- rozmowa nauczająca z wykorzystaniem ćwiczeń interaktywnych.

Formy pracy:

- indywidualna,
- grupowa,
- zbiorowa.

Środki dydaktyczne:

- komputery z głośnikami i dostępem do internetu, słuchawki,
- zasoby multimedialne zawarte w e-podręczniku,
- tablica interaktywna/tablica, pisak/kreda.

Przebieg zajęć:

Faza wstępna:

1. Nauczyciel przedstawia cel zajęć: Przeanalizujecie postępowanie sądowe w prawie karnym i cywilnym.

Faza realizacyjna:

1. Nauczyciel dzieli klasę na sześć grup. Poniżej znajdują się zadania dla poszczególnych grup. W każdym przypadku zawierają one zarówno część dotyczącą uzyskania stosownej wiedzy, jak i element wymagający dyskusji w grupie. Grupy wyznaczają w swoim gronie moderatorów, których zadaniem jest koordynacja pracy i dbanie o to, by każdy z członków grupy miał możliwość się wypowiedzieć. Grupy wybierają też swoich reprezentantów, którzy po zakończeniu pracy przedstawią wnioski reszcie uczniów w klasie. Uczniowie korzystają z treści abstraktu i innych źródeł informacji. Nauczyciel wyznacza czas na realizację zadania i monitoruje pracę w grupach.

I. Co jest celem postępowania karnego? Kiedy mamy do czynienia z odpowiedzialnością karną? Jakie są funkcje poszczególnych osób zaangażowanych w postępowanie karne? Czy zgadzacie się z minimalną granicą wieku, w którym zaczyna obowiązywać odpowiedzialność karna? Dlaczego?

II. Jakie prawa i obowiązki ma osoba oskarżona w procesie karnym? Czy któreś z tych praw lub obowiązków wydają się wam nieodpowiednie? Dlaczego?

III. W jakich okolicznościach możliwe jest postępowanie odwoławcze? Przed jakim sądem się je przeprowadza? Jaki może być wynik takiego postępowania? Czemu służy i jak działa

nadzwyczajny środek odwoławczy? Czy zastosowanie takich rozwiązań wydaje się wam konieczne, czy tylko niepotrzebnie spowalnia postępowanie sądowe w Polsce i naraża podatników na koszty?

IV. Czego i kogo dotyczy odpowiedzialność cywilna? Jakie są rodzaje odpowiedzialności cywilnej? Jakie jest znaczenie istnienia zasady odpowiedzialności cywilnej dla funkcjonowania społeczeństwa?

V. W jaki sposób podzielone zostały postępowania w sprawach cywilnych? Jak przebiega proces cywilny? Kto jest w niego zaangażowany? Jakie prawa i obowiązki ma każda ze stron? Czy przebieg procesu cywilnego wydaje się wam sprawiedliwy/właściwy, czy należałoby zmienić jakieś dotyczące go rozwiązania? Dlaczego?

VI. Na czym polega mediacja? Na jakich zasadach się opiera? Czy ta instytucja wydaje się wam potrzebna w polskim prawie? Dlaczego?

2. Po upływie wyznaczonego czasu wszyscy reprezentanci krótko przedstawiają rezultaty pracy grupy – treści merytoryczne, jakie udało się im ustalić, oraz wnioski z przeprowadzonych dyskusji.

3. Nauczyciel prosi uczniów o rozwiązanie Ćwiczenia 1. Uczniowie sprawdzają swoją wiedzę, a w razie potrzeby wyjaśniają wątpliwości na forum klasy.

4. Jeśli czas pozwoli nauczyciel przeprowadza ogólnoklasową debatę (dyskusja za i przeciw). Dzieli uczniów na dwie grupy. Jedna z nich broni tezy, że obowiązujące w Polsce zasady praworządnego procesu chronią prawa obywatelskie, druga twierdzi, że utrudniają one działanie wymiaru sprawiedliwości. Uczniowie z obu grup wypowiadają się na przemian. Na zakończenie wybrany/chętny uczeń podsumowuje dyskusję.

Faza podsumowująca:

1. Na zakończenie nauczyciel dokonuje oceny pracy wylosowanej grupy. Prosi o samoocenę uczniów dotyczącą współpracy w zespole oraz wykonanego zadania. Dokonuje oceny pracy wybranych uczniów.

2. Propozycja zadania domowego:

a. Wykonaj Ćwiczenie 2: napisz pozew w wybranej sprawie.

b. Odsłuchaj nagranie abstraktu, aby powtórzyć materiał i utrwalić nowe słowa. Następnie wykonaj ćwiczenie słownikowe na końcu rozdziału.

W tej lekcji zostaną użyte m.in. następujące pojęcia oraz nagrania

Pojęcia

criminal liability

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: criminal liability

odpowiedzialność karna

culpably

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: culpably

w sposób zawiniony

investigative bodies

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: investigative bodies

organy dochodzeniowe/śledcze

motion for conditional discontinuance of proceedings

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: motion for conditional discontinuance of proceedings

wniosek o warunkowe umorzenie postępowania

penal

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: penal

karny

perpetrator

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Nagranie słówka: perpetrator

sprawca

private prosecutor

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Nagranie słówka: private prosecutor

oskarżyciel prywatny

self defense

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: self defense

samoobrona

state of higher necessity

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: state of higher necessity

stan wyższej konieczności

state prosecutor

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Nagranie słówka: state prosecutor

oskarżyciel publiczny

subsidiary prosecutor

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wnieść przeciwko komuś oskarżenie

to hold somebody criminally liable

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to hold somebody criminally liable

pociągnąć kogoś do odpowiedzialności karnej

Teksty i nagrania

[Nagranie dostępne na portalu epodreczniki.pl](#)

nagranie abstraktu

Court proceedings

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- the act was committed culpably (*nullum crimen sine culpa* - no crime without guilt); the fault may be intentional (the perpetrator intends to commit the offence) or unintentional (the perpetrator does not intend to commit an offence, but commits it, e.g. not being cautious enough).

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Appeal proceedings are carried out in the second instance court (regional or court of appeal) in the case of appeal against the judgment by one of the parties. The reason for filing an appeal include:

- infringement of the procedural rules, if it could have influenced the content of the judgment under appeal,
- an error in factual findings which were the basis of the judgment under appeal, if it could have an impact on its content,
- gross disproportion of punishment.

The court of appeal may:

- maintain the contested judgment in force,
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Parties in civil proceedings:

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In addition, the lawsuit may contain various types of requests, for example: for securing the claims, conducting the trial in the absence of the plaintiff, summoning witnesses and experts for hearing, making an inspection, requesting evidence to be brought into court for the trial from the court, offices or third parties. The defendant has the right to respond to the claim after it is being delivered to him.

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which civil cases tend to go on for a long time. Mediations are more and more often used in proceedings before criminal and family courts, too.

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Lesson plan (English)

Topic: Court proceedings

Author: Anna Rabiega

Addressee:

high school / technical school student

Core curriculum:

- old curriculum:

standard level:

2. Law and Courts.

The student:

6) presents the participants and the course of the court proceedings: civil and criminal; justifies the importance of mediation;

7) lists the main rights of a victim, perpetrator and witness of a crime;

8) draws up a statement of claim in a selected civil case and a notification of committing a crime (according to a form).

extended level:

32. Civil and domestic relations law.

The student:

3) describes the basic principles of civil procedure (examination procedure: litigious and non-litigious as well as enforcement) and the ways of appealing decisions.

33. Criminal law.

The student:

2) describes the course of the criminal proceedings and the participating authorities and parties; gives examples of offences prosecuted by public and private indictment, explains the role of the ancillary prosecutor.

- new curriculum:

standard level:

V. Law of the Republic of Poland.

The student:

7) presents the course of the civil proceedings in the Republic of Poland and the parties participating in it; analyses a case study in the field of civil or domestic relations law, including a statement of claim in such a case;

11) presents the course of the criminal proceedings in the Republic of Poland and the parties participating in it; lists the main rights that a victim, perpetrator and witness of a crime are entitled to (...).

extended level:

XI. The legal system of the Republic of Poland.

The student:

18) presents the basic principles of civil procedure; draws up a civil statement of claim;

25) presents the specificity of alternative methods of dispute resolution in the Republic of Poland – arbitration in civil proceedings and mediation in administrative, civil and criminal proceedings.

The general aim of education:

The student characterises the institutions of the Polish legal system.

Learning outcomes:

The student:

- presents the course of criminal and civil proceedings.
- explains the rights of a victim and of a defendant in criminal proceedings.
- explains the rules on lodging an appeal and cassation.
- analyses the importance of mediation in civil proceedings.

Key competences:

- communicating in a foreign language,
- digital competence,
- learning to learn,
- social and civic competences.

Teaching methods:

- discussion,
- pros and cons discussion,
- teaching conversation using interactive exercises.

Forms of work:

- self-learning,
- group work,
- whole-class activity.

Material & equipment needed:

- computers with loudspeakers/headphones and internet access,
- multimedia resources from the e-textbook,
- interactive whiteboard/blackboard, felt-tip pen/a piece of chalk.

Lesson plan overview (Process):

Introduction:

1. The teacher presents the goal of the lesson: You will analyse court proceedings in criminal and civil law.

Implementation:

1. The teacher divides the students into six groups. Below there are tasks for individual groups. In each case they contain both a part concerning the acquisition of relevant knowledge and an element to be discussed in the group. The groups appoint moderators among each other to coordinate their work and ensure that each member of the group has the opportunity to speak. The groups also select their representatives, who will present their conclusions to the rest of the students at the end of their work. The students use the content of the abstract and other sources of information. The teacher sets the time for completion of the task and monitors the work in groups.

I. What is the purpose of criminal proceedings? When are we dealing with criminal liability? What are the functions of the individuals involved in criminal proceedings? Do you agree with the minimum age at which criminal liability takes effect? Why?

II. What are the rights and obligations of a defendant in the criminal proceedings? Do you find any of these rights or obligations inappropriate? Why?

III. Under what circumstances is the appeal proceedings possible? Which court is responsible for such proceedings? What may be the outcome of such proceedings? What is the purpose of and how does the measure of extraordinary appeal work? Do you think it is necessary to apply such solutions or does it only unnecessarily slow down court proceedings in Poland and expose taxpayers to costs?

IV. What and who does the civil liability concern? What are the types of civil liability? What is the importance of the existence of the civil liability principle for the functioning of society?

V. How are civil proceedings divided? What is the course of civil proceedings? Who is involved? What are the rights and obligations of each party? Do you think that the course of the civil proceeding is fair/appropriate, or should any solutions related to it be changed? Why?

VI. What does mediation consist in? What are the principles that it is based on? Do you think that this institution is needed in Polish law? Why?

2. After the time set by the teacher, all representatives briefly present the results of the groups' work – the substantive content they managed to agree on and the conclusions of the discussions.

3. The teacher asks the students to do Exercise 1. Students verify their knowledge and, if necessary, clarify any doubts to the whole class.

4. If there is enough time, the teacher conducts a class debate (pros and cons discussion). The teacher divides the students into two groups. One of them defends the thesis that the principles of a law-abiding process in Poland protect civil rights, while the other claims that they hinder the functioning of the system of justice. Students from both groups speak alternately. At the end, a willing/selected student summarizes the discussion.

Summary:

1. At the end, the teacher evaluates the work of the randomly selected group. The teacher asks the students for self-assessment concerning the teamwork and the completed task. The teacher evaluates the work of selected students.

2. Homework proposal:

a. Do Exercise 2: draw up a statement of claim in a chosen case.

b. Listen to the abstract recording to review the material and new vocabulary. Then do the vocabulary exercise at the end of the chapter.

The following terms and recordings will be used during this lesson

Terms

criminal liability

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: criminal liability

odpowiedzialność karna
culpably

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: culpably

w sposób zawiniony
investigative bodies

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: investigative bodies

organy dochodzeniowe/śledcze
motion for conditional discontinuance of proceedings

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: motion for conditional discontinuance of proceedings

wniosek o warunkowe umorzenie postępowania
penal

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: penal

karny
perpetrator

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: perpetrator

sprawca
private prosecutor

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: private prosecutor

oskarżyciel prywatny

self defense

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: self defense

samoobrona

state of higher necessity

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: state of higher necessity

stan wyższej konieczności

state prosecutor

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: state prosecutor

oskarżyciel publiczny

subsidiary prosecutor

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: subsidiary prosecutor

oskarżyciel posiłkowy

to commit

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to commit

popęłnić

to detect

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to detect

ustalić, wykryć
to determine

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to determine

ustalić
to file an indictment against somebody

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to file an indictment against somebody

wnieść przeciwko komuś oskarżenie
to hold somebody criminally liable

[Nagranie dostępne na portalu epodreczniki.pl](#)

Nagranie słówka: to hold somebody criminally liable

pociągnąć kogoś do odpowiedzialności karnej

Texts and recordings

[Nagranie dostępne na portalu epodreczniki.pl](#)

nagranie abstraktu

Court proceedings

Criminal proceedings

The purpose of criminal proceedings is to determine whether a crime has been committed and to detect its perpetrator and hold him criminally liable.

We are dealing with criminal liability when:

- an act was committed which was prohibited by the penal law in force at the time it was committed,
- the perpetrator has reached the minimum age, allowing for him to be held criminally liable (in Poland it is 17 years),
- the act was not committed in self defense or in a state of higher necessity,

- the act was committed culpably (*nullum crimen sine culpa* - no crime without guilt); the fault may be intentional (the perpetrator intends to commit the offence) or unintentional (the perpetrator does not intend to commit an offence, but commits it, e.g. not being cautious enough).

The basic principle of criminal law is also that you are only responsible for your own actions.

A participant in criminal proceedings is any person who participates in proceedings in a role defined by law.

The public prosecutor is usually the state prosecutor, but this function may also be performed by police officers, municipal guards, and state labor inspectors. The task of the public prosecutor is to present accusations of committing a prohibited act and support it with evidence.

The subsidiary prosecutor is a victim who may participate in a criminal trial alongside or instead of a public prosecutor.

A private prosecutor may be a victim or the representative of a victim who raises and supports accusations in cases prosecuted by private accusation.

An accused in a criminal trial is a person against whom an indictment was filed before the court or a person against whom the prosecutor filed a motion for conditional discontinuance of proceedings.

The criminal proceedings consist of several stages. The preparatory stage includes clarifying the circumstances of the crime, hearing of the witnesses, preparing documents for the court. The trial is conducted before the court of the first instance (district or regional).

Appeal proceedings are carried out in the second instance court (regional or court of appeal) in the case of appeal against the judgment by one of the parties. The reason for filing an appeal include:

- infringement of the procedural rules, if it could have influenced the content of the judgment under appeal,
- an error in factual findings which were the basis of the judgment under appeal, if it could have an impact on its content,
- gross disproportion of punishment.

The court of appeal may:

- maintain the contested judgment in force,

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