THE ARCHITECTURE OF THE LEGAL FRAMEWORK OF CONTRAVENTIONAL LIABILITY IN POLAND

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Abstract

This article builds its analysis on the premise that the comparative study of contraventional law significantly contributes to the understanding and development of the domestic legal framework. Through this approach, it aims to highlight how the experience of the Polish legal system can provide useful benchmarks for clarifying and refining Romanian norms, particularly in the context of ongoing doctrinal debates on the need to codify contraventional law.

The study offers a synthetic overview of the specific features of the Polish model in contraventional law, which, unlike the Romanian system, benefits from a distinct codification of the field through dedicated legal instruments: substantive contraventional law is regulated by the Act of 20 May 1971 (Kodeks wykroczeń – Code of Minor Offences), while procedural rules are established by the Act of 24 August 2001 (Kodeks postępowania w sprawach o wykroczenia – Code of Procedure in Minor Offence Cases). Despite this autonomous codification, the Polish system maintains a close connection with criminal law, evident both in the conception of sanctions and in the procedural mechanisms applied.

From the historical development of the regulations, to the classification of offences and applicable sanctions, and the conduct of proceedings through the four specific procedures — ordinary, accelerated, by order, and by penalty notice — the study examines the efficiency of the procedures, the procedural safeguards provided, and the practical impact of the regulations under review. In doing so, it provides a comprehensive overview of the legal architecture of Polish contraventional liability and its comparative relevance for the Romanian legal system.

Keywords: *contravention, procedural law, comparative law, sanction, codification*.

1. Introduction

In Romania, contraventional law is characterized by a considerable degree of legislative fragmentation, being governed by Government Ordinance no. 2/2001 on the legal regime of contraventions[1], which constitutes the general law in this field. Unlike the Romanian system, Poland benefits from an autonomous and distinct codification of this area. In the context of doctrinal discussions[2] over time regarding the necessity of adopting a Contraventional Code to regulate in detail the contraventional procedure, the present study aims to highlight how the Polish experience may serve as a reference point for the adoption of such a unified and comprehensive normative framework.

The legislative process in the field of contraventional law in Poland[3] has its starting point in 1920, when the Codification Commission of Criminal Law was established, with the purpose of standardizing the criminal law in force on Polish territory following the end of the First World War. Through the work of this commission, three regulations were adopted, all entering into force simultaneously on 1 September 1932: the Criminal Code[4], the

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[1] Published in the Official Gazette (Monitorul Oficial) no. 410 of 25 July 2001.

[2] Mircea Ursuța, Procedura Contravențională, Ediția a II-a revizuită și adăugită, Universul Juridic Publishing House, Bucharest, 2009, pp. 45 and 336.

[3] For a comprehensive overview of the history of regulations in this field, see Agnieszka Sadło-Nowak, 100 Years of the Police and the Fight Against Petty Offences, in Internal Security, vol. 13, no. 1, 2021.

[4] Regulation of the President of the Republic of Poland of 11 July 1932 – Criminal Code, Official Gazette of 2001, no. 60, item 571, as subsequently amended.

Law on Minor Offences[5], and the Code of Contraventions[6], the latter being considered the first Polish act of substantive law on contraventions applicable throughout the territory of the Second Polish Republic[7].

With regard to the Law on Minor Offences of 1932, it is said that it represented an extension of criminal law norms to minor offences of a disciplinary nature, which is why it was regarded as an annex to the Criminal Code of the same year[8]. This law provided, as principal sanctions, detention from one day to three months or a fine ranging from 1,000 to 3,000 PLN. It was considered an incomplete codification, as it did not regulate the principles of contraventional liability, instead referring in this respect to the Criminal Code[9].

The law was repealed on 1 January 1972, and at present, within the Polish legal system, contraventional liability is regulated by the Act of 20 May 1971 (Kodeks wykroczeń – the Code of Minor Offences[10]), a normative act that comprises both substantive law provisions (in its special part) and procedural rules (in its general part). At the same time, contraventional proceedings are conducted in accordance with the Act of 24 August 2001 (Kodeks postępowania w sprawach o wykroczenia – the Code of Procedure in Minor Offence Cases[11]).

The only reference within the Polish Criminal Code (Act of 6 June 1997[12]) concerning the legal nature of contraventions is found in Article 7, which has preserved the bipartite classification of offences into crimes (zbrodnie) and minor offences (wykroczenia), without establishing precise criteria underlying the distinction between these two categories of acts[13].

Although at the legislative level there is a formal separation between these two forms of offences, legal doctrine generally accepts that contraventional law constitutes a branch of criminal law in a broad sense, representing an extension and complement thereof[14].

2. General substantive and procedural aspects

A brief overview of the substantive rules governing contraventional matters shows that the Code of Minor Offences regulates, under this legal regime, within the chapters of its special part, acts against public order and peace (possession of dangerous objects, disturbance of public order, bathing in prohibited areas), against the State, local administration, and social institutions (misleading authorities, failure to comply with decisions concerning domestic violence), against the safety of persons and property (failure to signal a danger despite an obligation to do so, failure to fulfil fire prevention duties), against safety and order in communications (road traffic offences), against the person (begging), against public health (pollution, failure to comply with mandatory vaccination), against property (theft of items whose value does not exceed 800 PLN, theft of small quantities of fruits, vegetables and flowers, organisation of gambling activities), against consumer interests, against public decency, against public buildings and record-keeping obligations, as well as in forestry matters.

In the field of minor offences, the principal sanctions[15] are regulated in Chapter 2 (Articles 18–39) of the Code of Minor Offences, and include: detention (ranging from 5 to 30 days), restriction of liberty (imposed for a period of one month, during which the offender is required to perform unpaid, supervised community service for 20 to 40 hours, or a deduction of 10% to 25% from their remuneration for the benefit of the State Treasury

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[5] Regulation of the President of the Republic of Poland of 11 July 1932 – Law on Minor Offences, Official Bulletin no. 60, item 572, as subsequently amended.

[6] Regulation of the President of the Republic of Poland of 11 July 1932 – Provisions on the implementation and amendment of the Criminal Code and the Law on Minor Offences, Journal of Laws no. 60, item 573, as subsequently amended.

[7] Janusz Sawicki, Prawo o wykroczeniach — zbiór deliktów administracyjnych czy przedłużenie norm prawa karnego?, in Przegląd Prawa i Administracji, vol. CXXXIV, Wrocław, no. 4171, 2023, https://doi.org/10.19195/0137-1134.134.11, p. 170.

[8] Janusz Sawicki, op. cit., p. 173.

[9] Karol Kowalski, Kryteria rozgraniczania przestępstw i wykroczeń, in Przegląd Prawniczy Europejskiego Stowarzyszenia Studentów Prawa ELSA Poland, Warsaw, 2014, p. 15, https://elsa.org.pl/images/Projekty/Przeglad_Prawniczy/Zeszyt-II_2014.pdf

[10] Available online at: https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-wykroczen-16788218, accessed on 26 October 2025.

[11] Available online at: https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-postepowania-w-sprawach-o-wykroczenia-16911555, accessed on 26 October 2025.

[12] Available online at: https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-karny-16798683, accessed on 26 October 2025.

[13] For years, there has been an ongoing debate regarding the quantitative or qualitative distinction between criminal offences and contraventions within both criminal law and contraventional doctrine. In this regard, Karol Kowalski, op. cit., pp. 19–21, presents various discussions and authors who have expressed positions on this issue.

[14] Karol Kowalski, op. cit., p. 11, https://elsa.org.pl/images/Projekty/Przeglad_Prawniczy/Zeszyt-II_2014.pdf; see also Marta Kolendowska-Matejczuk and Valeri Vachev, Węzłowe problemy prawa wykroczeń – czy potrzebna jest reforma?, Biuro Rzecznika Praw Obywatelskich Publishing House, Warsaw, 2016, pp. 93–95.

[15] Contraventional sanctions do not differ qualitatively from criminal penalties; on the contrary, they may even be more severe in their repressive character. Consequently, legal doctrine has extensively emphasized the need for legislative intervention and for reforming the system of contraventional sanctions.

or for a social purpose indicated by the adjudicating authority), a fine (ranging from 20 to 5,000 PLN[16]) or a reprimand[17]. More than one third of the acts listed in the special part of the Code of Minor Offences are punishable by detention[18]; however, judicial practice shows that this penalty is applied only sporadically, accounting in the last decade for no more than 0.5% of the total sanctions imposed[19].

In addition to the principal sanctions, supplementary (punitive) measures are also regulated, which may be applied either alongside a principal sanction or independently, in place of the latter. These measures are listed in Article 28(1) of the Criminal Code and include: a driving ban[20], confiscation of goods used in or resulting from the contraventional activity, compensatory damages (requiring the offender to pay lump-sum compensation to the injured party), and the public disclosure of the sanctioning decision. This enumeration is not exhaustive, as the list of such measures may be extended through other special laws[21].

The contraventional procedure itself is governed by the Code of Procedure in Minor Offence Cases, supplemented by the provisions of the Criminal Procedure Code (Act of 6 June 1997[22]), and may take four forms:

- the ordinary procedure (Articles 57–88 of the Code of Procedure in Minor Offence Cases)
- the accelerated procedure (Articles 89–92a)
- the writ (order) procedure (Articles 93–94)
- the ticket-based procedure (Articles 95–102)

Although there is an evident close connection between contraventions and criminal offences, both from a substantive and procedural perspective, a key role in contraventional proceedings is played by the principle of expediency (opportunism), that is, the principle according to which an authorized body pursues a given contravention only if it considers such action appropriate. This contrasts with criminal proceedings, which are governed by the principle of legality, according to which investigative authorities are obliged to initiate and conduct preparatory proceedings, and the prosecutor is required to bring and support charges for offences prosecuted ex officio (Article 10(1) of the Criminal Procedure Code).

With regard to this principle of expediency, legal doctrine maintains that contraventional law is governed by a form of quasi-opportunism, which implies refraining from prosecuting a given offence due to a lack of expediency, while still responding to the committed act in a manner provided by law, through the application of a non-punitive measure that constitutes, in fact, a sufficient response[23].

3. Contraventional Procedure

Turning to the procedural aspects, it should be noted that the initiation of proceedings in minor offence cases is carried out by the competent contraventional authorities of the State[24] and by the Prosecutor, who are vested with the power to conduct the investigation for the purpose of submitting a motion for the imposition of

[16] In cases expressly provided by law, for contraventions against road safety and public order, the fine may reach up to 30,000 PLN — see Article 24 of the Act of 20 May 1971, a significant amendment introduced by the Polish legislator on 1 January 2022.

[17] It is noted that the absence of a legal definition of this sanction is a shortcoming of the legislation.

[18] By comparison, in Romania, the principal sanctions are the warning, the fine, and community service. For a detailed analysis, see Ovidiu Podaru, Regimul juridic al contravențiilor. O.G. nr. 2/2001 comentată, Hamangiu Publishing House, Bucharest, 2019.

[19] Marek Bojarski and Anna Płońska, Tendencje zmian w zakresie odpowiedzialności za wykroczenia, https://doi.org/10.18778/8142-749-4.26, p. 457.

[20] A measure that may be imposed for a period ranging from 6 months to 3 years — see Article 29 (1)–(4) of the Criminal Code.

[21] For example, the Act of 20 March 2009, published in the Official Journal in 2023, item 616, provides for a ban on participation in mass events.

[22] Available online at: https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/kodeks-postepowania-karnego-16798685, accessed on 27 October 2025.

[23] Katarzyna Banasik, Non-Punitive Reaction Measures in Polish Petty Offences Law, Ceza Hukuku ve Kriminoloji Dergisi – Journal of Penal Law and Criminology, 2021, p. 415.

[24] The competent authorities include the police, labour inspectors, consumer protection authorities, governmental bodies and local public administration authorities, state inspection bodies, local public administration control bodies, and municipal (city) guards, among others. For an analysis of the role of the police within contraventional proceedings, see Michał Błoński, Policja jako zasadniczy oskarżyciel przed sądem w sprawach o wykroczenia, in Przegląd Policyjny, no. 4(148), Szczytno, 2022.

a sanction[25]. The application of contraventional sanctions, however, falls, in most cases[26], within the jurisdiction of the district courts[27] in whose territorial competence the act was committed[28].

Given the breadth of the procedural regulations contained in the Code, and in light of the scope of the present study, we shall limit ourselves to noting that the Code of Procedure in Minor Offence Cases provides for situations in which proceedings are not initiated or cannot be continued, cases of judicial incompatibility, provisions concerning the parties and the right to defence[29], as well as rules regarding evidence and its administration. The stage of investigating minor offences is, therefore, a complex and extensive one[30].

It must be emphasized that, in the case of minor offences, there is no formally distinct preparatory investigation phase, as exists in criminal matters. The purpose of the competent authorities is merely to determine whether there are sufficient grounds to file a motion for sanction and to gather the necessary data in this regard, while the court is responsible for examining the legal and factual grounds presented. The court, in turn, holds the most extensive powers with respect to the administration of evidence.

Thus, it is possible for the motion for sanction to be based on a clear factual situation, in which case the motion may be drafted in a simplified manner and without extensive evidentiary attachments (similar to a report limited to its ascertainment function), or it may be drawn up following more extensive investigative activities, accompanied by supporting evidence (similar to an indictment).

With regard to the sanctioning procedure, as a general rule, the decision is rendered following a hearing held in court before a single judge[31]. The procedural act underlying the imposition of a contraventional sanction may take the form of a judicial decision (judgment or ruling), an order, or a ticket imposing a fine.

A particular feature of the Polish contraventional procedure concerns the reasoning of court decisions. Article 35 of the Code of Procedure in Minor Offence Cases provides that judgments are reasoned and communicated to the party together with the reasoning only upon request, which must be submitted within a strict time limit of 7 days from the date of pronouncement. As for rulings or orders, these are reasoned ex officio only where they are subject to appeal.

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[25] This notion corresponds, in contraventional matters, to the concept of an indictment in criminal proceedings. For a detailed analysis of this procedural act, see Ewa Kruk, The Simplification of Accelerated Proceedings in a Petty Offence Case (Art. 89 et seq. of the Code of Proceedings in Petty Offences Cases). Selected Problems, in Annales Universitatis Mariae Curie-Skłodowska, Lublin – Poland, Vol. LXV, 1, Sectio G, 2018, pp. 76–77.

[26] Where a minor offence is committed by a member of the military, jurisdiction to impose sanctions lies with the military garrison courts.

[27] Until 2001, first-instance proceedings concerning minor offences were handled by contraventional boards, which were non-judicial bodies. The Code of Procedure in Minor Offence Cases abolished this extrajudicial (administrative) mechanism for resolving contraventional cases and transferred jurisdiction to the courts of law.

In legal doctrine, there are extensive debates regarding the exclusion of contraventional cases from the jurisdiction of courts and their transfer to other bodies, with a view to reducing the courts' workload, given that the number of such cases represents an overwhelming proportion of those adjudicated by courts. The search for an optimal model for adjudicating minor offence cases forms the subject of a broad socio-legal discourse. Some authors advocate conferring jurisdiction upon public administration bodies (see, in this regard, Marta Kolendowska-Matejczuk and Valeri Vachev, op. cit., pp. 10–21), while others support the introduction of courts of the peace within the Polish judicial system. At the same time, certain practitioners argue for the reintroduction of panels for minor offence cases, in which cases would be adjudicated by court clerks (referendaries), judicial assistants, or graduates of the National School of Judiciary and Public Prosecution (see Katarzyna Liżyńska and Anna Płońska, Ewolucja i aktualne wyzwania ustawodawstwa w sprawach o wykroczenia, in Ruch Prawniczy, Ekonomiczny i Socjologiczny, no. 4, 2022, p. 98).

[28] In determining territorial jurisdiction, the provisions of the Criminal Procedure Code apply accordingly.

[29] Article 21 regulates the appointment of court-appointed counsel in minor offence cases for persons suffering from certain conditions (such as deafness, muteness, or blindness) or where there are reasonable doubts as to their mental health. Article 22 provides that a person may benefit from legal aid irrespective of their health status, if they duly demonstrate that they are unable to bear the costs of defence without significantly affecting their own necessary maintenance and that of their family.

[30] Article 46 of the Code of Procedure in Minor Offence Cases allows for the detention of the offender for a period of 24 hours, or up to 48 hours where the person is caught in flagrante delicto or immediately after committing the offence, if there are grounds for applying the accelerated procedure or if the offender's identity cannot be established.

[31] The rule according to which minor offence cases are adjudicated by courts sitting as a single judge also applies at the appellate stage, with the aim of expediting proceedings and reducing costs. Accordingly, the situations in which a case is examined by a panel composed of three judges are limited — see, in this regard, Andrzej Marek and Aleksandra Marek-Ossowska, Prawo wykroczeń (materialne i procesowe), 10th edition, C.H. Beck Publishing House, Warsaw, 2023, p. 179.

A. Ordinary procedure

The basis for initiating this procedure is the submission of a motion for sanction to the competent court by an authority empowered to act as a public prosecutor (a control body or the prosecutor) or a motion submitted directly by the injured party[32].

Article 57 (2)–(3) of the Code of Procedure in Minor Offence Cases sets out the elements that must be included in the motion for sanction, namely: data identifying the offender, a description of the act (including the place, time, manner, and circumstances of its commission), and the evidence supporting the accusation. Where the motion is submitted by the prosecutor, it must be accompanied by the investigation file and must additionally include the legal classification, information regarding the offender's financial, family, and personal situation, the value of the damage caused, and details concerning the official capacity of the person drafting the motion.

Where the motion for sanction is filed by the injured party, the president of the court notifies the Police or another competent public prosecutor, requesting that, if they do not submit a motion for sanction, they transmit within 7 days the evidentiary material collected or, where no investigative or explanatory measures have been carried out, a statement confirming the absence of such materials.

The motion for sanction is subject to examination by a reporting judge. If it does not meet the formal requirements, it is returned for the deficiencies to be remedied within 7 days. If the requirements are fulfilled, a decision initiating the proceedings is issued, marking the moment when the case is brought before the court. This moment is closely linked to the limitation period[33], since the submission of a motion for sanction does not interrupt the limitation period for minor offences; it is interrupted only upon the issuance of the decision initiating the proceedings.

At the same time, in situations expressly provided by law, the court may refuse to initiate the proceedings (for example, where there is or has been criminal proceedings concerning the same act, or where a disciplinary sanction has already been imposed). Such a decision may be challenged in accordance with the general rules[34].

Within this ordinary procedure, the prosecutor may, with the consent of the offender—previously heard during the investigative stage—include in the motion for sanction a request for convicting the defendant for the alleged act without a hearing and for imposing a specific, individualized sanction.

After the court is seized with the motion for sanction through the issuance of the decision initiating the proceedings, the presiding judge will order the summoning of the parties and witnesses, while also taking the necessary measures to administer any other evidence deemed relevant. The hearing shall be conducted in public.

If the offender admits the act before the court, or if the prosecutor has drafted a motion for sanction that includes a specific penalty based on such admission, no further evidence shall be taken. In the absence of an admission, the evidentiary proceedings shall continue.

Contraventional procedure also recognizes the possibility for the offender to voluntarily submit to liability, namely the right to request a conviction without the conduct of a trial. Such a request may be made until the conclusion of the first examination conducted during the hearing, and the offender shall express their position regarding the amount of the sanction.

The hearing begins with the prosecutor reading the motion for sanction, informing the offender of their rights and of the option to admit the act. After the administration of evidence and the parties' closing statements, the court shall deliver a written judgment, which shall be communicated orally to the summoned parties. The remedy available against the first-instance decision is an appeal, which must be lodged within 7 days.

As a particular feature, it should be noted that the principle of continuity of the judicial panel does not apply in this procedure. In the event that the composition of the bench changes during the course of the proceedings, the decision to repeat certain evidentiary acts lies exclusively with the court.[35]

B. Accelerated procedure

The accelerated procedure applies in the case of:

- persons who do not have a permanent domicile or residence within the territory of the Republic of

[32] Andrzej Marek and Aleksandra Marek-Ossowska, op. cit., p. 201.

[33] Ewa Kruk, op. cit., p. 79.

[34] The right of appeal is available only to the defendant and the public prosecutor — Article 61(2) and Article 103(3) of the Code of Procedure in Minor Offence Cases.

[35] Andrzej Marek and Aleksandra Marek-Ossowska, op. cit., p. 244.

Poland, where there is a justified concern that the examination of the case under ordinary proceedings would be impossible or significantly difficult;

- perpetrators of the offence referred to in Article 66b of the Code of Minor Offences (failure to comply with orders, prohibitions, and decisions issued in the context of combating domestic violence);
- perpetrators of contraventions committed in connection with a mass event (offences against public order and peace, as well as against property and public facilities).

For the application of this procedure, in addition to the above-mentioned conditions concerning the status of the party and the scope of the committed offence, it is required that the offender be caught in flagrante delicto or immediately after committing the offence and be brought before the court without undue delay. The procedure is initiated upon request of the prosecutor or another competent authority, in compliance with the time limit provided in Article 46(6) of the Code of Procedure regarding detention, namely within 48 hours[36].

Similar to the ordinary procedure, a motion for sanction is drawn up, albeit with more limited formal requirements. It may also be submitted orally directly before the court, the offender being brought promptly before the judicial authority. By allowing this motion to be submitted orally, the Polish legislator introduces an exception to the principle requiring that a motion for sanction be submitted in written form[37].

If the motion for sanction meets the statutory formal requirements, the presiding judge issues an order sending the case to trial. Conversely, where the court finds that there are circumstances precluding the procedure, it shall, by decision, refuse to initiate the accelerated procedure, return the motion to the prosecutor, and continue the proceedings—after any deficiencies have been remedied—under the ordinary procedure.

If the court is unable to adjudicate the case within 3 days[38], the proceedings shall continue under the ordinary procedure.

The reasoning of the judgment is drafted within 3 days of its pronouncement, only upon the request of a party, submitted orally and recorded in the minutes of the hearing immediately after the judgment is delivered.

In the accelerated procedure, the time limit for filing an appeal is significantly shortened to only 3 days and runs from the moment the judgment, together with its written reasoning, has been communicated to the parties. The appellate court is required to decide on the appeal within one month from the date of its registration.

C. Writ (order) procedure (nakazowe)

This procedure is a simplified form of adjudication in contraventional cases, in which the court may issue an order without holding a hearing, based on the evidentiary material obtained during the investigative phase, where the facts and the offender's guilt raise no doubts, and where it is considered that a reprimand, a fine, or a restriction of liberty would constitute a sufficient sanction.

The sanctioned person has the right to file an objection (sprzeciw) within 7 days from the communication of the order, without any obligation to state reasons. If such an objection is filed, the order is deemed annulled, and the case is referred for adjudication under the ordinary procedure, with the examination of the evidence and the case being conducted anew.

If no objection is filed, the order becomes final and enforceable.

D. Ticket (mandate) procedure (mandatowe)

The ticket procedure is a special and highly simplified form of establishing and sanctioning minor offences, applied directly by competent authorities (e.g., the police, labour inspectorate, etc.)[39], without court involvement, and applicable where a specific legal provision so provides.

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[36] Within this time frame, both the drafting of the motion for sanction and the examination of the case by the court must be carried out.

[37] In legal doctrine, it is considered that the submission of such an oral motion may, contrary to expectations, not lead to a simplification of the procedure, but rather to its complication, mainly due to the lack of sufficient experience in preparing procedural documents on the part of the officer who drafts this ad hoc motion — Ewa Kruk, op. cit., p. 78.

[38] The law allows for the suspension of the hearing through the issuance of a decision to that effect, in order to facilitate the transfer of the offender, the submission of evidence, when a break is needed, or for any other important reason.

[39] According to Article 95 of the Code of Procedure in Minor Offence Cases, the authority to impose fines by means of a ticket is granted by law or by regulations issued by the Prime Minister, at the request of the Minister of the Interior, which must include the list of acts for which these officials are authorized to impose fines, as well as the principles and methods for issuing such authorizations.

It allows for the imposition of a sanction by means of a contraventional ticket (mandat karny), i.e., an on-the-spot fine, the amount of which is determined in relation to the offence, as specified in Article 96 of the Code of Procedure in Minor Offence Cases.

For this procedure to apply, unless otherwise provided by law, it is required that the authorised officer catches the offender in flagrante delicto or immediately after the commission of the offence, or that the act has been detected through a control, measuring, or recording device.

The official imposing the fine is required to indicate its amount, specify the act constituting the contravention, the time and place of its commission, and its legal classification, as well as to inform the offender of the possibility to pay the fine immediately or within 7 days of notification, and of the right to refuse acceptance of the fine and the legal consequences of such refusal.

In the event of refusal to accept the fine or failure to pay the imposed fine within the prescribed time limit, the authority whose official imposed the fine shall submit a motion to the court for the application of a sanction.

The imposed fine may be challenged by the offender within 7 days from the date on which the decision becomes final. The offender may request its annulment on the grounds provided for in Article 101(1)–(1a) of the Code of Procedure (e.g., the act does not constitute a contravention, the offender is under 17 years of age, the imposed fine exceeds the legally prescribed amount, etc.), or its revocation on the grounds provided for in Article 101(1)(b) of the Code of Procedure (e.g., a decision of the Constitutional Tribunal or of an international body declaring the legal provision underlying the fine to be inapplicable).

The competent court shall rule on the request for annulment or revocation of the fine following a hearing, and if it grants the request, the entity to whose account the fine was collected is obliged to reimburse the amount paid.

Regardless of the procedure followed, Article 103 of the Code of Procedure provides that the remedies against judicial decisions are the appeal, and against rulings and orders, the complaint. These remedies may be exercised within 7 days from the communication of the decision, together with its reasoning, and are to be submitted to the court that issued the challenged decision and adjudicated by the Courts of Appeal.

The appeal may be lodged only by the prosecutor or the accused person, and it constitutes a devolutive and suspensive remedy.

The appellate court, if it finds it necessary to supplement the evidence, may take new evidence, which it may admit even before the hearing.

At the same time, the Code of Procedure also recognizes extraordinary remedies against any final judicial decision, namely cassation appeal and the possibility of reopening proceedings.

The cassation appeal is adjudicated by the Supreme Court, with the particularity that the right to initiate cassation proceedings is granted—verba legis—exclusively to qualified entities[40]: the Prosecutor General or the Commissioner for Human Rights, and in cases falling within the jurisdiction of military courts, the Deputy Prosecutor General for Military Affairs, and in cases involving violations of children’s rights, also the Commissioner for Children’s Rights, excluding the parties to the proceedings.

As regards the grounds for cassation, these consist of invoking irregularities listed in Article 104(1) of the Code of Procedure or any other flagrant violation of the law, provided that it could have had a significant impact on the content of the judicial decision.

The reopening of proceedings takes place at the request of the parties, it being mandatory that, if requested by the offender, the application be signed by a lawyer. According to Article 540(2) of the Code of Criminal Procedure, there are four grounds for reopening proceedings, namely:

- the commission of an offence in connection with the proceedings (e.g., bribery of a judge, false testimony), established by a final conviction;
- the discovery, after the judgment has been rendered, of new facts or evidence (*propter nova*) previously unknown to the court, indicating that the sanctioned person did not commit the act attributed to them, or that the act did not constitute a contravention or was not subject to sanction, or that the person was punished with a more severe penalty than that provided by law for the committed contravention;
- the legal provision on which the judgment was based has lost its legal force or has been amended following a decision of the Constitutional Tribunal (Article 540 § 2 of the Code of Criminal Procedure);
- the need to reopen the proceedings results from a decision of an international body (for example, the

[40] The offender may only address the aforementioned authorities in order to request that they initiate a cassation appeal.

Strasbourg Court), acting on the basis of an international treaty ratified by the Republic of Poland.

With regard to the enforcement of contraventional sanctions, a limitation period of 3 years is provided, calculated from the date on which the sanctioning decision becomes final. The authority competent for the enforcement of final decisions is the court that delivered the judgment at first instance (unless otherwise provided by law).

Article 2 of the Act of 6 June 1997 – the Executive Criminal Code[41] contains a detailed list of the bodies responsible for enforcing judgments in criminal matters, which are also applicable in contraventional matters. These include both bodies directing the enforcement procedure (the competent first-instance court or another court of equal rank, the penitentiary court and judge, the judicial referendary), as well as enforcement bodies (judicial or administrative enforcement authorities, local administration, the head of the tax office, etc.).

4. Conclusions

Overall, the Polish experience highlights the advantages of a codified, coherent, and well-structured contraventional system, which successfully combines the efficiency of procedural mechanisms with the existence of legal safeguards designed to ensure the protection of the rights of persons involved in the proceedings.

At the same time, the existence of multiple forms of conducting contraventional proceedings reflects the legislator's concern to strike a balance between the need for the swift resolution of cases and the guarantee of procedural safeguards. The diversity of procedures contributes to adapting the State's response to the particularities of each individual case, enhancing the efficiency of the administration of justice while placing particular emphasis on the prompt resolution of contraventional cases.

Nevertheless, the analysis of the regulatory framework also reveals certain aspects that may be subject to improvement. Thus, the regulation according to which judicial decisions are reasoned only upon request of the parties may raise concerns from the perspective of the transparency of justice. At the same time, assigning the courts a central role in determining the final sanction in numerous cases may, in practice, lead to a significant caseload burden in contraventional matters, which could justify, in the future, reconsidering certain mechanisms for procedural simplification or expanding the competences of administrative authorities.

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