

# CONTROVERSY AND INCONSISTENCY OF REGULATIONS CONCERNING THE CRIMINAL LIABILITY OF THE SO-CALLED SMALL CROWN WITNESS

VIOLETTA KONARSKA-WRZOSEK\*

DOI 10.2478/in-2025-0020

## ABSTRACT

The author argues for the need to remove the prosecutor's power and give back to the court the autonomy with regard to the competence to decide on the possibility of imposing a lighter punishment on a perpetrator who, while participating in a crime with others, cooperated with law enforcement authorities and fulfilled the conditions for obtaining the status of the so-called small crown witness as referred to in Article 60 § 3 of the Penal Code. The paper also highlights the inconsistencies between Articles 60 § 3, 61 and 57 § 5 of the Penal Code regarding the sentencing of the so-called small crown witnesses. It further points to the legitimacy of repealing the specific conflict rule set out in Article 57 § 5 of the Penal Code, and the advisability of narrowing the grounds justifying the use of waiver of punishment with regard to the small crown witness under Article 61 § 1 of the Penal Code. In this respect, a specific proposal is formulated to amend Article 61 § 1 of the Penal Code in order to ensure rationality and consistency in regulating the criminal-law situation of perpetrators holding the status of small crown witness.

**Key words:** so-called small crown witness, amendment to the Penal Code of 7 July 2022, draft repeal of amendments, prosecutor's competences, court's competences, extraordinary mitigation of punishment, waiver of punishment, conflict rule in Article 57 § 5 of the Penal Code

---

\* Professor, LL.D. hab., Department of Criminal Law of the Faculty of Law and Administration of UMK in Toruń (Poland), e-mail: vwrzosek@gmail.com, ORCID: 0000-0003-3859-8821



This is an open access article licensed under the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0) (<https://creativecommons.org/licenses/by-nc-sa/4.0/>).

The extensive amendment to the Penal Code by the Act of 7 July 2022 (Journal of Laws, item 2600), which entered into force on 1 October 2023, primarily concerned the statutory and judicial dimensions of punishment. As a result, statutory penalties were significantly tightened, while judicial discretion in sentencing was correspondingly curtailed. This undermined the principle of individualisation of punishment and limited the courts' ability to ensure the rational administration of criminal justice. The amendments also deepened the casuistry of the Penal Code provisions, making them increasingly difficult to interpret, and gave rise to normative and politico-criminal incoherence.<sup>1</sup> This is particularly evident in the provisions of Articles 60 § 3, 57 § 5, and 61 § 1 of the Penal Code, which govern penalties for the so-called small crown witness. As stated in the Explanatory Memorandum to the amendments, the general aim was to strengthen criminal law protection against the most serious categories of offences by tightening liability for crimes committed within organised criminal groups. At the same time, the amendment to Article 60 § 3 of the Penal Code, regulating punishment for small crown witnesses, was intended to align their treatment with that provided for informants under Article 60 § 4, in particular by making extraordinary mitigation of punishment dependent on a motion from the prosecutor.<sup>2</sup>

The draft amendment prepared by the Criminal Law Codification Commission, referred to as the 'remedial bill'<sup>3</sup> concerning changes made to the Penal Code by the amendment of 7 July 2022, provided for their 'repeal', *inter alia*, in the area of provisions concerning the institution of the small crown witness. A parallel amendment prepared by the Ministry of Justice, though narrower in scope, also provides for a return to the previous wording of Article 60 § 3 of the Penal Code,<sup>4</sup> thereby reinstating the mandatory imposition of an exceptionally lenient sentence on a small crown witness irrespective of a prosecutor's motion. This draft also envisages the repeal of Article 57 § 5 of the Penal Code, which established a special conflict rule for a repentant accomplice in situations where grounds for both

---

<sup>1</sup> This is a fairly common view among criminal law theorists, see for example R. Zawłocki, 'Nowela „lipcowa” Kodeksu karnego, czyli nowe restrykcyjne prawo karne', *Monitor Prawniczy*, 2023, No. 2, pp. 80–82 and 84.

<sup>2</sup> See Explanatory Memorandum to the draft of the so-called Remedial Act: *Uzasadnienie projektu tzw. ustawy naprawczej datowanej na 14 czerwca 2024 r. o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw*, KKKP – projekt ustawy o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw, Sejm print No. 2024, pp. 1 and 31; <http://www.gov.pl/web/sprawiedliwosc/projekty-aktow-prawnych> [accessed on 16 February 2025].

<sup>3</sup> Draft of the so-called Remedial Act dated 14 June 2024 amending the Penal Code and Certain Other Acts, Criminal Law Codification Commission: *Projekt tzw. ustawy naprawczej datowanej na 14 czerwca 2024 r. o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw*, KKKP – projekt ustawy o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw; <http://www.gov.pl/web/sprawiedliwosc/projekty-aktow-prawnych> [accessed on 16 February 2025].

<sup>4</sup> See draft of 28 October 2024 of the Act amending the Penal Code Act, the Code of Criminal Procedure Act and Certain Other Acts: *Projekt z dnia 28 października 2024 r. ustawy o zmianie ustawy – Kodeks karny, ustawy – Kodeks postępowania karnego oraz niektórych innych ustaw*, document 689991.docm.UD 153; <http://legislacja.rcl.gov.pl/projekt/12390959> [accessed on 16 February 2025].

extraordinary aggravation and extraordinary mitigation of punishment applied concurrently.

However, these remain legislative proposals of uncertain future. *De lege lata*, Article 60 § 3 of the Penal Code, as amended by the 2022 Act, remains in force. The original wording of Article 61 §§ 1 and 2 is also still binding, under which courts retain the possibility of waiving the imposition of a penalty, either partially or in full, in respect of small crown witnesses. None of the prepared drafts provide for amendments to this provision. It is therefore appropriate not only to draw attention to the urgent need for legislative change but also to set out the reasons and direction for such reform.

### CURRENT LEGAL SITUATION OF AN ACCOMPLICE IN THE COMMISSION OF A CRIME WHO HAS COOPERATED WITH LAW ENFORCEMENT AUTHORITIES

Pursuant to Article 60 § 3 of the Penal Code, effective from 1 October 2023 and amended by the Act of 7 July 2022, the court, at the motion of the prosecutor, shall apply extraordinary mitigation of punishment, and may even conditionally suspend its enforcement, in respect of a perpetrator who acted in concert with others in committing an offence, if he or she discloses to the law enforcement authorities information about the persons involved and the relevant circumstances of its commission (i.e. fulfils the criteria of a small crown witness). The current wording of Article 60 § 3 means that cooperation with law enforcement by a perpetrator who has committed an offence in criminal conspiracy no longer guarantees such a repentant offender an exceptionally lenient punishment by direct force of law. Instead, the court's competence to impose such a sentence is dependent on a prosecutor's motion. By its very nature, this solution is likely to result in a significant reduction in the number of offenders willing to cooperate with law enforcement, thereby adversely affecting the detection of criminal networks and the effective punishment of all those involved – a key objective in combating crime.<sup>5</sup> It should be noted that the prosecutor is not obliged to apply for extraordinary mitigation of punishment for a 'repentant perpetrator' who assists law enforcement authorities in gathering evidence in a case and identifying other accomplices (i.e. in the broader context of the case), even if the perpetrator in question meets all the conditions necessary to obtain the status of the so-called small crown witness. Nowhere in the Act is there a provision that would require the prosecutor to submit such a request. As a result, this has been left to the prosecutor's discretion, which appears to represent an excessive concentration of power in the hands of one of the parties to criminal

---

<sup>5</sup> Similarly the Iustitia Association of Polish Judges in its Opinion of 27 September 2021 to the draft law (UD 281) enacted on 7 July 2022 – see: *Opinia Zespołu ds. Prawa Karnego Stowarzyszenia Sędziów Polskich IUSTITIA dotycząca projektu ustawy o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw z dnia 16 września 2021 roku*, pp. 9–10; <http://legislacja.rcl.gov.pl/projekt/12351306> [accessed on 16 February 2025].

proceedings and, at the same time, undermines the purpose of introducing the institution of the so-called small crown witness, namely, to break criminal solidarity and to expose all, not merely some, of the perpetrators of a crime,<sup>6</sup> thereby enabling their appropriate punishment. Making the possibility of extraordinary mitigation of punishment by the court conditional on a motion by the prosecutor means that, even if the case file shows that an accomplice meets the criteria required to obtain the status of the so-called small crown witness, the court will not be able to apply extraordinary mitigation on this legal basis when passing sentence, should the prosecutor fail to submit such a request. The court could only apply extraordinary mitigation of punishment on other legal grounds provided for in Article 60 § 1 or § 2 of the Penal Code, if one of the conditions specified therein is fulfilled.

#### POSSIBILITY OF CONDITIONAL SUSPENSION OF THE SENTENCE OF IMPRISONMENT FOR AN ACCOMPLICE WHO MEETS THE REQUIREMENTS FOR OBTAINING THE STATUS OF THE SO-CALLED SMALL CROWN WITNESS

The suspension of the prison sentence imposed on a perpetrator who meets the requirements to obtain the status of the so-called small crown witness was also made conditional upon the prosecutor's motion in a non-standard situation, i.e. where the court imposes a sentence exceeding one year and the other formal restrictions on the conditional suspension of the sentence, as provided for in Article 69 § 1 of the Penal Code, apply in the particular case. Under the previous legal regime, the initiative to apply this probationary measure could be independent of the prosecution and originate solely from the court. The solutions currently adopted in Article 60 § 3 of the Penal Code, which make the content of court judgments concerning the imposition of penalties dependent on the position of the prosecuting party, in the person of the public prosecutor, infringe the constitutional principle of the separation of powers (see Article 10 § 1 of the Constitution), the principle of the administration of justice by courts laid down in Article 175(1) of the Constitution, and judicial independence, referred to in Article 178(1) of the Constitution. This is because the court is obliged to issue a conviction with extraordinary mitigation of the penalty in accordance with the will and motion of the prosecutor, the submission of which constitutes a *sine qua non* condition for the application of a conditional suspension of the execution of the imposed custodial sentence, without the restrictions provided for in Article 69 § 1 of the Penal Code.<sup>7</sup>

---

<sup>6</sup> See Explanatory Memorandum of the Government's Draft Penal Code: 'Projekt kodeksu karnego. Uzasadnienie', in: *Nowe kodeksy karne z 1997 r. z uzasadnieniami*, Warszawa, 1997, p. 155.

<sup>7</sup> See *Opinia Zespołu...*, op. cit., pp. 10–11 and *Uzasadnienie projektu tzw. ustawy naprawczej...*, op. cit., p. 33; and J. Majewski, in: Majewski J. (ed.), *Kodeks karny. Komentarz*, Warszawa, 2024, pp. 438–439.

## REQUIREMENTS FOR COURTS TO WAIVE THE IMPOSITION OF A PENALTY

This absolute subordination of the courts to the prosecutor's will in determining the penalty – with or without the application of extraordinary mitigation of punishment – as well as in the possibility of conditionally suspending the execution of the imposed custodial sentence despite the restrictions specified in Article 69 § 1 of the Penal Code, automatically extends to the courts' ability to exercise their judicial power to refrain from imposing a penalty on an accomplice referred to in Article 60 § 3 of the Penal Code, as provided for in Article 61 of the Penal Code. This provision has not been formally amended, but it must now be interpreted differently. It grants courts – 'as if' on the basis of their discretionary power under the law (see Article 53 § 1 of the Penal Code) – the competence to apply, in the case specified in Article 60 § 3 of the Penal Code, the benefit of waiving the imposition of a penalty, i.e. a more far-reaching reduction of the negative consequences of the offence committed than imposing a penalty with extraordinary mitigation, possibly together with the conditional suspension of the custodial sentence. However, a prerequisite for the court to refrain from imposing a penalty is not only that the accomplice meets the requirements for obtaining the status of the so-called small crown witness as specified in Article 60 § 3 of the Penal Code, but also the submission by the prosecutor of a motion for the application of extraordinary mitigation of punishment to the perpetrator who has chosen to cooperate with law enforcement authorities. The court's ability to exercise its competence to waive punishment for an accomplice depends on the submission by the prosecutor of such a request, as Article 61 § 1 of the Penal Code refers to 'the case specified in Article 60 § 3' of the Penal Code as the second legal basis for applying the institution of waiver of punishment. This means that it is necessary to consider the entirety of the provisions under Article 60 § 3 of the Penal Code, rather than focusing solely on the conditions relating to the perpetrator's acting in concert with others and their conduct after committing the offence. The omission of the condition requiring the prosecutor's prior submission of a motion to apply extraordinary mitigation of punishment would be justified only if Article 61 § 1 of the Penal Code, which authorises courts to waive the imposition of a penalty, referred to 'the perpetrator (accomplice) specified in Article 60 § 3 of the Penal Code', rather than to 'the case specified in Article 60 § 3 of the Penal Code', that is, to the factual situation described therein, which also encompasses the submission of a motion with specific content by the prosecutor. In this instance, therefore, the courts were similarly deprived of the ability to rule at their discretion, as it is the prosecutor – not the court – who effectively determines whether a perpetrator cooperating with law enforcement authorities will receive more lenient treatment. Such an arrangement is difficult to accept.

Under the previous legal regime, pursuant to Article 60 § 3 of the Penal Code, courts were obliged to apply extraordinary mitigation of punishment to an accomplice cooperating with law enforcement authorities. They were also authorised to conditionally suspend the imposed prison sentence, even if it exceeded the limits set out in the general provision of Article 69 § 1 of the Penal Code and irrespective of

the other restrictions provided therein, as well as to apply an even more favourable measure in the form of waiving the sentence. This preserved the principle of judicial discretion in adjudication and affirmed that courts are bound only by the provisions of the Constitution and statutory law. Furthermore, the guarantee function of criminal law was upheld, whereby any person participating in the commission of an offence and meeting the conditions set out in Article 60 § 3 of the Penal Code would be granted the status of the so-called small crown witness and could expect significantly more lenient treatment in sentencing, to be decided exclusively by an independent court.

#### THE PURPOSE OF NARROWING THE GROUNDS JUSTIFYING THE USE OF THE INSTITUTION OF WAIVER OF PUNISHMENT FOR THE SMALL CROWN WITNESS REFERRED TO IN ARTICLE 60 § 3 OF THE PENAL CODE

This does not mean, however, that the proposed return to the previous legal framework in respect of the provisions governing the legal situation of the so-called small crown witness will be sufficient from the point of view of a rational and coherent regulation concerning the sentencing of such a 'repentant' perpetrator who cooperates with others in the commission of a crime. This concerns the grounds set out in Article 61 § 1 of the Penal Code, which authorise courts to apply more far-reaching leniency to an offender cooperating with law enforcement authorities, through the possible application of the institution of waiver of punishment. It should be noted that requiring courts to impose a penalty on the so-called small crown witness – albeit with extraordinary mitigation – necessitates compliance with the appropriate methods of mitigation specified in Article 60 § 6 of the Penal Code. These methods vary depending on the type of penalty prescribed for a given offence, which reflects a generalised assessment of its degree of social harmfulness. The possibility of waiving punishment in the context of extraordinary mitigation arises only in relation to relatively minor offences. *De lege lata*, under Article 60 § 6(5) and §§ 7 and 7a of the Penal Code, waiver of punishment – albeit incomplete, as it entails the imposition of at least one penal measure, a compensatory measure, or forfeiture – is permitted only in the case of misdemeanours, and only minor ones. Specifically, this applies to convictions for participation in one of the following three categories of misdemeanours: (1) those punishable by imprisonment for a term not exceeding two years; (2) those punishable by an alternative sanction providing for imprisonment of up to two years, restriction of liberty, or a fine; (3) those punishable exclusively by a custodial sentence or sentences. However, the possibility of waiving punishment under Article 61 of the Penal Code has been left entirely to the discretion of the court, without any additional conditions<sup>8</sup> beyond

---

<sup>8</sup> P. Gensikowski seems to take a different position, cf. P. Gensikowski, 'Odstąpienie od ukarania tzw. małego świadka koronnego', *Prokuratura i Prawo*, 2011, No. 2, p. 24. Cf. on this subject Z. Ćwiąkański, in: Wróbel W., Zoll A. (eds), *Kodeks karny. Część ogólna. Tom I. Komentarz do art. 53–116*, Warszawa, 2016, pp. 213 and 214.

those generally set out in Article 60 § 3 of the Penal Code. This means that courts may, and will continue to be able to, sentence the so-called small crown witness with full or partial waiver of punishment (limited to the imposition of a criminal measure, forfeiture, or compensatory measure), regardless of the type or seriousness of the offence or the form of perpetration. Naturally, courts will be required to take into account the general sentencing principles set out in Article 53 § 1 of the Penal Code. The provision in Article 61 § 1 of the Penal Code, which states that the court may, in relation to an accomplice who meets the conditions of the so-called small crown witness under Article 60 § 3 of the Penal Code, apply the institution of waiver of punishment – particularly where the perpetrator's role in the offence was minor and the information provided contributed to the prevention of another offence – does not impose any restriction on the use of such a far-reaching form of sentence degression, as it merely offers an illustrative example.<sup>9</sup> It is entirely within the court's discretion to determine whether to limit leniency towards the small crown witness to an extraordinary reduction of the sentence or to apply the institution of full or partial waiver of punishment. At this point, the question arises whether such extensive judicial discretion is an appropriate solution, and whether, in the interests of consistency in national case law, it would not be advisable to establish clear statutory criteria that a so-called small crown witness must satisfy in order for the court to refrain from imposing a penalty. Given that the second part of Article 61 § 1 of the Penal Code constitutes an entirely independent legal basis empowering courts to impose a sentence by applying the institution of waiver of punishment – whereby an individual acting in concert with others in committing an offence may bear only minimal negative consequences – it appears that a statutory limitation on its scope of application would be advisable.<sup>10</sup> While the legislator's observation and emphasis on the need for particularly lenient treatment of an accomplice whose role was subordinate and whose information contributed to the prevention of another offence, thereby protecting various legal interests, is entirely justified, these circumstances should be expressly identified as the sole, specific, and alternative grounds entitling courts to apply the institution of waiver of punishment.

Accordingly, the amended wording of Article 61 § 1 of the Penal Code could read as follows: *The court may refrain from imposing a penalty in cases provided for by law and in the case specified in Article 60 § 3, where the perpetrator's role in the commission of the offence was minor or the information provided by him/her contributed to the prevention of another offence.*<sup>11</sup>

<sup>9</sup> V. Konarska-Wrzošek, in: Stefański R.A. (ed.), *Kodeks karny. Komentarz*, Warszawa, 2025, p. 524. A similar thesis is also formulated by Z. Cwiakalski in: Wróbel W., Zoll A. (eds), *Kodeks karny...*, op. cit., p. 214; see also W. Zalewski, in: Królikowski M., Zawłocki R. (eds), *Kodeks karny. Tom I. Część ogólna. Komentarz. Art. 1–116*, Warszawa, 2021, pp. 964–965.

<sup>10</sup> The legitimacy of narrowly applying the institution of waiver of punishment in relation to the so-called small crown witness is also recognised by G. Łabuda, in: Giezek J. (ed.), *Kodeks karny. Część ogólna. Komentarz*, Warszawa, 2016, LEX.

<sup>11</sup> I proposed such a legislative amendment as early as 25 years ago, see V. Konarska-Wrzošek, 'Prawnokarne środki walki z przestępczością zawodową i zorganizowaną przewidziane w kodeksie karnym', *Prokuratura i Prawo*, 2000, No. 3, p. 47.



At present, these two distinct conditions must be met cumulatively, and this represents only one of many possible scenarios authorising the court to grant such lenient treatment. Other circumstances considered may not, in fact, be sufficiently compelling to justify refraining from the imposition of a penalty.

The wording I propose for Article 61 § 1 of the Penal Code, which provides a specific legal basis granting courts the power to refrain from imposing a penalty on a perpetrator holding the status of the so-called small crown witness, appears reasonable, appropriate, and consistent with the broader legal framework. Importantly, in terms of creating incentives to report planned criminal activity and thereby contribute to crime prevention, this formulation of the conditions for granting immunity from punishment would not restrict the types of offences, unlike the current rules governing the application of extraordinary mitigation, for which a cooperating perpetrator may be held criminally liable. Nor would it exclude certain categories of perpetrators (e.g. organisers or instigators), whose eligibility for such leniency is generally supported by criminal law doctrine,<sup>12</sup> though opposed by some courts.<sup>13</sup> It must be recognised that even where an individual has played a significant role in committing the offence for which they are being prosecuted, they may nonetheless merit exemption from punishment if they played a crucial role in preventing the commission of another offence, particularly a serious one. Following the proposed amendment to Article 61 of the Penal Code, it would no longer be necessary to interpret the provision in a manner contrary to its literal wording, as is occasionally advocated. Disregarding the fundamental principle of literal interpretation invariably gives rise to serious doubts and undermines legal certainty. Finally, it may be reasonably argued that the proposed amendment would reduce the risk of significant discrepancies in the case law of individual courts across the country, which remains a concern under the current legal regime.

## NECESSITY TO REPEAL THE PROVISIONS OF ARTICLE 57 § 5 OF THE PENAL CODE

The need to repeal the conflict rule introduced by the added provision of Article 57 § 5 of the Penal Code arises from its inherent defect, namely its incompatibility with Article 61 of the Penal Code. The latter authorises courts to impose more lenient penalties on small crown witnesses, including partial or complete waiver of punishment. This judicial competence becomes effectively unenforceable in situations where an accomplice in a criminal offence, who has cooperated with law enforcement authorities and obtained the status of the so-called small crown witness, is also subject to any of the statutory circumstances requiring the imposition

---

<sup>12</sup> See for example A. Marek, *Kodeks karny. Komentarz*, Warszawa, 2010, p. 208; P. Gensikowski, 'Odstąpienie od ukarania...', op. cit., pp. 25–26.

<sup>13</sup> See for example judgment of the Administrative Court in Łódź of 27 June 2016, II AKa 24/16, LEX No. 2278254; see also 'Projekt kodeksu karnego. Uzasadnienie...', op. cit., p. 156.



of an exceptionally severe penalty. Such circumstances include, for example, repeat offending under Article 64 of the Penal Code; commission of the offence as part of an organised group or criminal association (Article 65 § 1); or commission of the offence as part of a continuous act (Article 57b). In such cases, the conflict rule set out in Article 57 § 5 of the Penal Code obliges courts to apply extraordinary mitigation of punishment, without providing for any alternative – most notably, the possibility of waiving the imposition of a penalty altogether. It is difficult to accept the introduction and continued existence in the Penal Code of provisions that are inconsistent with other statutory norms and that, in practice, render inoperative legal mechanisms designed specifically for a particular group of cases – namely, perpetrators who have chosen to cooperate with law enforcement authorities in the investigation of the offence and the group of perpetrators involved, and who, as informants, have also contributed to the prevention of another offence.

## CONCLUSION

The legislative amendments proposed in this study concerning the content of Article 57 § 5, Article 60 § 3, and Article 61 § 1 of the Penal Code – which regulate the issue of penalties for the so-called small crown witnesses referred to in Article 60 § 3 – only partially coincide with the changes put forward in the published draft amendments to the Penal Code. Notably, neither the draft prepared by the Criminal Law Codification Commission nor that developed by the Ministry of Justice provides for any amendments to the content of Article 61 § 1 of the Penal Code with regard to the conditions under which a court may refrain from imposing a penalty on a perpetrator who acted in concert with others, informed on them, and disclosed key details of the jointly committed offence. It is not difficult to observe that this provision, in its current form, does not impose any additional conditions for such a conviction with waiver of punishment beyond those required for a conviction with the application of extraordinary mitigation. It is widely argued that the court's competence to waive the imposition of a penalty – which substantially reduces the hardship and legal consequences of a conviction – should be contingent upon the accomplice fulfilling additional requirements. The reference in the current wording of Article 61 § 1 of the Penal Code to the perpetrator's subordinate role in the commission of the offence and the disclosure of information that contributed to the prevention of another offence, presented cumulatively and framed as circumstances that 'particularly' justify refraining from imposing a penalty, is both inappropriate and impractical. From the standpoint of fairness and legislative functionality, it seems entirely justified to propose that these two important factors be formulated as absolute and, at the same time, alternative grounds entitling courts to apply such a far-reaching mitigation in the form of a conviction with complete or partial waiver of punishment.

## BIBLIOGRAPHY

- Ćwiakalski Z., in: Wróbel W., Zoll A. (eds), *Kodeks karny. Część ogólna. Tom I. Komentarz do art. 53–116*, Warszawa, 2016.
- Gensikowski P., 'Odstąpienie od ukarania tzw. małego świadka koronnego', *Prokuratura i Prawo*, 2011, No. 2.
- Judgment of the Administrative Court in Łódź of 27 June 2016, II AKA 24/16, LEX No. 2278254.
- Konarska-Wrzosek V., 'Prawnokarne środki walki z przestępczością zawodową i zorganizowaną przewidziane w kodeksie karnym', *Prokuratura i Prawo*, 2000, No. 3.
- Konarska-Wrzosek V., in: Stefański R.A. (ed.), *Kodeks karny. Komentarz*, Warszawa, 2025.
- Łabuda G., in: Giezek J. (ed.), *Kodeks karny. Część ogólna. Komentarz*, Warszawa, 2016, LEX.
- Majewski J., in: Majewski J. (ed.), *Kodeks karny. Komentarz*, Warszawa, 2024.
- Marek A., *Kodeks karny. Komentarz*, Warszawa, 2010.
- Opinia Zespołu ds. Prawa Karnego Stowarzyszenia Sędziów Polskich IUSTITIA dotycząca projektu ustawy o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw z dnia 16 września 2021 roku; <http://legislacja.rcl.gov.pl/projekt/12351306> [accessed on 16 February 2025].
- 'Projekt kodeksu karnego. Uzasadnienie', in: *Nowe kodeksy karne z 1997 r. z uzasadnieniami*, Warszawa, 1997.
- Projekt tzw. ustawy naprawczej datowanej na 14 czerwca 2024 r. o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw, KKPK – projekt ustawy o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw; <http://www.gov.pl/web/sprawiedliwosc/projekty-aktów-prawnych> [accessed on 16 February 2025].
- Projekt z dnia 28 października 2024 r. ustawy o zmianie ustawy-Kodeks karny, ustawy-Kodeks postępowania karnego oraz niektórych innych ustaw, document 689991.docm.UD 153; <http://legislacja.rcl.gov.pl/projekt/12390959> [accessed on 16 February 2025].
- Uzasadnienie projektu tzw. ustawy naprawczej datowanej na 14 czerwca 2024 r. o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw, KKPK – projekt ustawy o zmianie ustawy – Kodeks karny oraz niektórych innych ustaw; <http://www.gov.pl/web/sprawiedliwosc/projekty-aktów-prawnych> [accessed on 16 February 2025].
- Zalewski W., in: Królikowski M., Zawłocki R. (eds), *Kodeks karny. Tom I. Część ogólna. Komentarz. Art. 1–116*, Warszawa, 2021.
- Zawłocki R., 'Nowela „lipcowa” Kodeksu karnego, czyli nowe restrykcyjne prawo karne', *Monitor Prawniczy*, 2023, No. 2.

## Cite as:

Konarska-Wrzosek V. (2025), *Controversy and Inconsistency of Regulations Concerning the Criminal Liability of the So-called Small Crown Witness*, *Ius Novum* (Vol. 19) 3, 1–10. DOI 10.2478/in-2025-0020