Summary

The decision to undertake research on the *System of criminal-law protection and counteracting insurance crime in Poland* was made after studying the literature on the subject. The lack of an up-to-date study that would comprehensively deal with the phenomenon of insurance crime in Poland was the reason to explore the subject and conduct own research in this field.

However, the investigation of the issue seemed justified not only due to the lack of a compact monograph on many different manifestations of insurance crime, but also due to the dynamics of this phenomenon and the scale of losses that the insurance market suffers for this reason every year. In recent years, many new threats have appeared in this area, unknown only several years ago. New types of insurance have emerged and, consequently, also new areas of criminal activity, with innovative methods of committing criminal offences. On the other hand, new forms of combating this type of crime have also been developed and they are worth identifying and systematizing through scientific research.

All this prompted the author of the work to look at the issue of insurance crime and interdisciplinary scientific analyses from a different perspective.

The research methods used in the work are, first of all, the formal-dogmatic method and the historical-legal method, which made it possible to determine the scope and essence of legal regulations aimed at protecting the insurance market. The solutions to the adopted research problems rendered significant results due to the application of the statistical method, which included both the data collected by the Police, the Ministry of Justice and the Polish Insurance Association. Another method used in the work is the case file study, covering proceedings concluded in a legally binding way in cases of a crime under art. 298 of the Penal Code in 2008-2018 in the Tri-City. The other methods were the survey method, which aimed at determining the social opinion on insurance crime, and the comparative legal method, thanks to which legal solutions and non-criminal methods of fighting insurance crimes in selected European countries were indicated.

The work is divided into seven chapters. Chapter I includes the establishment of the essence and the reconstruction of the current insurance system in Poland and the concepts functioning under civil law, related to the insurance contract and the claims settlement process. Moreover, there is an analysis of threats on the insurance market and a proposal of a broader definition of the concept of crime and insurance crime than in the previous doctrine. The scale of this phenomenon in Poland and the resulting consequences, not only of a

financial nature, are identified in chapter II. Chapter III addresses significant criminal problems related to the interpretation and practical application of the only provision "dedicated" to insurance companies in the Penal Code, i.e. insurance fraud under art. 298. It also includes own assessment of the effectiveness of these activities and proposes a new wording of this provision.

Chapter IV presents the conclusions from the conducted case file study, including a criminal-material description of the crime of insurance fraud, established by the criminal courts. The study provided a lot of valuable information regarding, inter alia, ways of committing insurance crimes, data identifying this type of perpetrators, also allowed for a reference to the solution by criminal courts of interpretation problems with regard to the features of an act under art. 298 of the Penal Code. The study was also aimed at facilitating the identification and prosecution of this type of criminal activity.

Due to the broad perception of insurance crime, the current variety of methods of committing insurance crime was emphasized, identifying the specificity of activities in individual areas of insurance. Apart from that Chapter V also presents new methods used by insurance criminals.

An important part of the work is the penal process considerations addressed in chapter VI. The specificity of criminal proceedings conducted in cases involving a crime under art. 298 of the Penal Code and the related considerable impact of the claims settlement process conducted in the insurance company on this procedure. The level of activity and interest in criminal trials on the part of insurance companies aggrieved by the crime was assessed. Significant difficulties related to the preparation of an expert opinion in this type of cases were also mentioned. On the other hand, the statistical research and the case file study allow for the determination of the court sentence for this crime, which is to indicate the approach of the judiciary to judging this type of crime.

The work also attempts to diagnose the insufficient effectiveness of the criminal-law protection of the insurance system, pointing to the problem of social consent to actions to the detriment of insurance companies, or the participation of employees and associates of insurance companies in committing crimes. The non-criminal forms of fighting insurance crime in Poland as well as innovative methods used in this area in other European countries are also presented in chapter VII.