

The summary of the Łukasz Krzysztof Raj's doctoral dissertation titled: 'Exceeding the limits of necessary self-defence in the state of danger'.

The main goals of this work are to provide an in-depth presentation of the issue of crossing the limits of necessary self-defence, with particular emphasis on the state of danger, and to propose appropriate *de lege ferenda* conclusions on this subject. The issue of exceeding the limits of necessary defence is complex and is characterized by different views, expressed both in jurisprudence and in doctrine, often on fundamental issues, such as the existence and definition of extensive prior excess or the problem of self-existence or subsidiarity of the right to necessary defence.

The basic objectives of the doctoral dissertation correspond to the following thesis: the current provisions of the Penal Code concerning the exceeding of the limits of necessary defence are ineffective in the practice of the judiciary and require changes. The author of this work understands the ineffectiveness of the above-mentioned provisions, firstly, that they cause problems in practical application, and secondly, that some of these provisions (including art. 25 § 2a of the Penal Code and art. 25 § 3 of the Penal Code) may be recognized by the Constitutional Tribunal for being inconsistent with selected provisions of the Constitution (including art. 32 (1) of the Constitution).

Chapter I of the work presents the sources of the self-defence institution. The issues of the shape of this institution in modern Polish penal codes and the ways of justifying the institution in question were also discussed. The concept of necessary defence has been characterized in Chapter II, where the issue of the premises of necessary defence has been carefully addressed, making an attempt to independently indicate the premises of the analysed countertype. Such an approach allowed to define the limits of necessary defence. Chapter III concerns the crossing of the limits of necessary defence in terms of the code, with particular emphasis on the state of danger. It was indicated which factors decide about crossing the boundaries of this countertype. The crossing of the limits of necessary self-defence, regulated in art. 25 § 2 of the Penal Code, art. 25 § 2a of the Penal Code and art. 25 § 3 of the Penal Code, exposing the contentious issues related to it and using the relevant jurisprudence of the Supreme Court and common courts directly related to this subject. Problems related to exceeding the limits of necessary defence were discussed that emerged after the entry into force of art. 231b of the Penal Code. The essence of the state of danger has been characterized, referring in this respect to both linguistic definitions and views presented in the doctrine of criminal law. The concept of 'a state of danger that occurs when acting within the limits of necessary defence'

has been defined. The issue of the state of danger was also discussed in relation to the cases of exceeding the limits of necessary defence regulated in the Penal Code, distinguishing between 'the state of danger of an attack' and 'the state of danger caused by an attack'. Chapter IV of the dissertation focuses on the issues of compliance of selected provisions on necessary defence with the Constitution. The subject of the analysis of constitutional compliance was art. 25 § 2a of the Penal Code, art. 25 § 3 of the Penal Code and art. 231b § 1 of the Penal Code. Chapter V formulates *de lege ferenda* conclusions and their justification.