

PREFACE

The interpretation of law is one of the most important stages in the process of application of legal norms. It happens quite often that the legal norm, included in the legal rule, causes serious doubts about real meaning and, in consequence, in proper applying to facts. That's why linguistic interpretation is not always the only efficient tool in the process of the interpretation of law. The sentence *clara non sunt interpretanda* cannot always be applied and it is necessary to apply other kinds of legal interpretation, such as functional interpretation or interpretation concluded from the legal system.

The first part of the volume *Studies in Logic Grammar and Rhetoric*, just being presented, entitled *The Interpretation of Law*, contains several texts dedicated to this topic. The prevailing part of them shows the doctrinal approach on this specific topic.

The Editorial Committee intended to concentrate the texts presented in the volume on criminal law, both in substantive and procedural aspects. However some texts concentrate on other branches of law, i.e. constitutional law, EU law, the theory and philosophy of law and the history of law.

The volume is opened by a text by A. Malarewicz-Jakubów and R. Tanajewska about the essence of the interpretation of law, in particular about different kinds of interpretation, illustrated by examples coming from the judicial decisions of the Constitutional Tribunal and the Supreme Administrative Court.

The following texts are dedicated to penal law problems. E. W. Pływaczewski presents the important topic of forfeiture of objects coming from crime in Polish penal law. The author presents also the approach of Polish courts and the evolution of legal regulation, including recent amendments. E. M. Guzik-Makaruk discusses the topic of the social noxiousness (harmfulness) of an act and its consequences in Polish penal law. She presents the interpretation of this term in the judicial decisions of the Supreme Court

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and lower courts and in the doctrine as well. The next text, written by G. Szczygieł, deals with the requirements of the conditional release from serving a full sentence. The author concentrates on presenting the legal requirements which have to be fulfilled by the sentenced person and on the interpretation of these requirements by courts, especially in the appeal proceedings.

The topic of extremism and its criminal law aspects is discussed by K. Laskowska, who describes the problem from a Russian penal law perspective. The author discusses the construction of this crime in Russian law and refers to different opinions presented by Russian doctrine. The range of responsibility is also discussed. Andrzej Sakowicz continues the penal law topics by presenting the rules of interpretation of domestic penal law in accordance with EU regulations. His text is the final one which touches the topic of substantive penal law.

C. Kulesza's text presents criminal proceedings issues in the field of the grounds of appeal. E. Kowalewska-Borys and A. Michałowska present critical remarks about the possibility of complaining about protraction of preparatory proceedings by a person who is protected by immunity. The judgements of the Supreme Court are presented and strongly criticized.

The other texts published in the volume concentrate on other branches of law. The first of them, by M. Perkowski and A. Drabarz, touches the legal aspects of disability. The research made by them concludes that in different systems of law there is no uniform definition of disability. This also refers to the judgments of the European Court of Justice.

S. Oliwniak makes a few remarks about the right to privacy and changes in its essence in the 21st century. The essence and the protection of the right to privacy in the Internet era has a completely new dimension than even 20 years earlier.

The next two texts are about constitutional law. A. Olechno describes the "Polish model" of legal interpretation and its echoes in East European countries (Russia, Ukraine, Romania, Croatia, Slovenia). The text by A. Jackiewicz presents the relation between rules such as: uniformity, decentralization, and subsidiarity on the basis of the present Polish constitution of 1997. It focuses on the influence of these rules on the territorial structure of Poland.

The last dogmatic text in the volume is prepared by A. Budnik and K. Boratyńska and is dedicated to a very important problem: the applying of the code of penal procedure and the code of administrative procedure for proceedings on the basis of the Act on Higher Education.

The remaining texts published in the volume do not refer to the law being in force, but show certain aspects of legal history or of law in a social and economic context. T. Machelski attempts to compare the views of the Chicago school of economics (Law & Economic) with the views of the Austrian school of economy. He presents a critical approach to the opinions of the Chicago school. The last text, by M. Mohyluk, concentrates on echoes of Soviet law in Polish legal literature in the pre-war period.

The editors of the volume believe that the wide research perspective presented in the texts published in the Studies will encourage Readers to critical discussion.

