

This article is published in Open Access and distributed under the terms of the Creative Commons Attribution 4.0

International licence (CC BY 4.0): <https://creativecommons.org/licenses/by/4.0/>

p-ISSN 1232-8766; e-ISSN 2450-1328

<https://doi.org/10.21852/sem.1903>

Research Article

Child Abandonment under Polish Criminal Law: University Students' Views on Penalties and Judicial Statistics

Przestępstwo porzucenia małoletniego w polskim prawie karnym: opinie studentów o wymiarze kar oraz statystyki sądowe

Barbara Malgorzata Kaldon

Cardinal Stefan Wyszyński University in Warsaw, Poland

ORCID: <https://orcid.org/0000-0001-5920-9130>; Correspondence: barbara.m.k13@gmail.com

Received: 2026-07-29; Revised: 2026-08-11; Accepted: 2026-09-29; Published Online First: 2026-10-15

Abstract

This empirical study examines university students' attitudes towards criminal penalties for child abandonment under Article 210 of the Polish Criminal Code. The aim is to assess whether respondents' expectations concerning the severity of punishment correspond to statutory penalties and judicial practice. A questionnaire survey was conducted in 2024 among 236 students at Polish universities. The findings were examined alongside criminal law provisions, court sentencing statistics for 2016–2020, and Polish Police statistics for 2016–2023. The results indicate that respondents generally favoured harsher penalties than those currently provided for under Polish criminal law, particularly for the aggravated form of child abandonment resulting in death. Life imprisonment was selected as the maximum penalty for this form of the offence by 31% of respondents. Furthermore, 64% supported raising the age limit for protection under Article 210(1), while 67% favoured an increase under Article 210(2). The findings reveal differences between students' expectations and the existing legal framework, highlighting the importance of examining public attitudes towards criminal sanctions and the protection of minors. The study contributes empirical evidence to discussions of criminal justice policy and child protection in Poland.

Keywords

child abandonment; protection of minors; Polish criminal law; Article 210 of the Criminal Code; criminal penalties; university students' attitudes; public opinion survey; judicial statistics; police crime statistics

Abstrakt

Artykuł przedstawia wyniki badań empirycznych dotyczących opinii studentów na temat kar za przestępstwo porzucenia małoletniego określone w art. 210 polskiego Kodeksu karnego. Celem badania jest ustalenie, czy oczekiwania respondentów dotyczące surowości kar odpowiadają obowiązującym regulacjom prawnym i praktyce orzeczniczej. W 2024 roku przeprowadzono badanie ankietowe wśród 236 studentów polskich

uczelni. Uzyskane wyniki zestawiono z przepisami prawa karnego, statystykami skazań sądowych z lat 2016–2020 oraz statystykami Policji z lat 2016–2023. Wyniki wskazują, że respondenci generalnie opowiadali się za surowszymi karami niż przewidziane w obowiązującym prawie, szczególnie w przypadku kwalifikowanej postaci przestępstwa porzucenia skutkującej śmiercią pokrzywdzonego. Karę dożywotniego pozbawienia wolności jako maksymalną sankcję za tę postać przestępstwa wskazało 31% respondentów. Ponadto 64% ankietowanych popierało podwyższenie granicy wieku ochrony przewidzianej w art. 210 § 1, natomiast 67% opowiadało się za jej podwyższeniem w odniesieniu do art. 210 § 2. Ustalenia wskazują na rozbieżności między oczekiwaniami studentów a obowiązującymi regulacjami prawnymi oraz podkreślają znaczenie badań opinii społecznej dotyczących sankcji karnych i ochrony małoletnich. Artykuł wnosi dane empiryczne do dyskusji nad polityką karną i ochroną dzieci w Polsce.

Słowa kluczowe

porzucenie małoletniego; ochrona małoletnich; polskie prawo karne; art. 210 Kodeksu karnego; sankcje kryminalne; opinie studentów; badanie opinii społecznej; statystyki sądowe; statystyki policyjne

Introduction

This study forms part of a series of articles devoted to public opinion research on selected offences, in particular offences against the family and child welfare. The article is primarily empirical in nature, and its subject matter comprises the offences defined in Article 210 of the Criminal Code (Act of 6 June 1997). It also refers to the provisions amended under the amendment to the Criminal Code of 7 July 2022 (hereinafter: “Zmkk2022”) (Act of 7 July 2022). The aim of the survey was to ascertain the views of university students on the hypothetical penalties that should be imposed, inter alia, for the offences specified in Article 210 of the Criminal Code, and to compare these views with the current legal provisions.

The main research question, relating to all the offences analysed, covered the following: what penalties should be imposed on perpetrators of specific offences? Are the currently applicable criminal sanctions consistent with the respondents’ views? Would the respondents support the introduction of the death penalty into Polish legislation for specific prohibited acts? Does the amendment to the Code of Criminal Procedure (Zmkk2022) provide sufficient protection for victims of offences defined in the Criminal Code?

According to the author’s thesis, public opinion regarding the punishability of the offence of abandoning a minor is significantly harsher than the current legal regulations and the penalties imposed in judicial practice. A survey method was used in the study. Furthermore, document analysis was employed, and the research tool was a proprietary questionnaire.

1. An Overview of the Offence of Abandonment

The subject of protection in the case of the offence of abandonment is the care of minors under the age of 15 and of persons who are incapable of looking after themselves due to their physical or mental condition. This refers to both legal and de facto care. The duty of care referred to in Article 210 § 1 of the Criminal Code may arise both from a legal basis and from factual circumstances, and may therefore exist even without a formal legal basis. Furthermore, the health and safety of a minor or a person lacking the capacity to look after themselves are secondary objects of protection under this offence, whilst in the case of the aggravated form, human life is an additional object of protection (Kosonoga 2023, 1466).

For an act to be classified as abandonment, two elements must be present simultaneously, namely: leaving a person in need of care and – most importantly – preventing others from providing support to that person (Judgment of 11 July 2014). “Abandonment”, as referred to in Article 187 § 1 of the former Criminal Code (now Article 210 § 1 of the Criminal Code), means an act consisting of abandoning a child or a helpless person, combined with ceasing to look after them, without ensuring that they receive care from other persons (Judgment of 4 June 2001). The defendant’s decision to divorce his first wife and leave their child in her care does not satisfy the elements of this offence, although his complete lack of interest in his daughter and her welfare is undoubtedly morally reprehensible (Judgment of 18 December 2013).

In Article 210 § 1 of the Criminal Code, the legislator used the verb “to abandon”, which in legal doctrine and case law is most commonly understood as leaving the victim and leaving them to their own devices (Judgment of 4 June 2001). Furthermore, abandonment is sometimes equated with the cessation of duties arising from care or supervision (Ratajczak 1980, 212) or with an act consisting in leaving, abandoning or moving away from the abandoned person (Krzymuski 1902, 209).

It is worth noting that when defining the state of abandonment from the victim’s perspective, it is aptly pointed out that this is a situation in which their future depends both on their own resourcefulness and on factors beyond their control, often random, and thus on a more or less favourable combination of circumstances (Bojarski 1967, 152).

The verb “to abandon” can be realised through both action and omission. Abandoning the victim does not require actively moving away from them. It is sufficient to leave them to their own devices as a result of the perpetrator’s passivity. What is essential, however, is that the perpetrator ceases to take an interest in the fate of the person in their care. This position is supported not only by semantic interpretation but also by

criminological considerations. The possibility of committing the offence of abandonment by omission is also accepted by some legal scholars (Bojarski 1967, 152).

In the relevant literature, one may find the view that leaving a person referred to in Article 210 of the Criminal Code in a place where care is usually provided by other persons appointed for that purpose does not fulfil the elements of this offence (Lachowski 2018, 1006). Consequently, the following do not constitute the offence in question: failing to collect a child from hospital despite their recovery and showing no interest in their subsequent welfare, or leaving a child at a children's home (Resolution of 5 February 1966) or in a so-called "baby hatch" (Kilińska-Pękacz 2016, 26). Furthermore, placing a child in public care, where this is linked to the need to enforce a final decision on expulsion, will not fulfil the elements of an offence under Article 210 § 1 of the Criminal Code (Judgment of 12 September 2007).

When analysing this issue, the question arises as to how long the state of abandonment must last in order for the elements of the offence defined in Article 210 of the Criminal Code to be deemed to have been fulfilled. The relevant literature indicates that, from the point of view of legal classification, the passage of time plays no significant role, as this offence is committed at the very moment of abandonment (Stefański 1997, 46). Consequently, the duration of such a state is irrelevant to the existence of the offence (Bojarski 1967, 152).

The basic form of the offence of abandonment is a formal offence, classified as an offence of abstract endangerment. The very act of abandoning a person in one's care is punishable. At the time of abandonment, a minor under the age of 15 or a vulnerable person need not be in a state of immediate danger, as the abstract exposure of a legal interest to danger is sufficient to fulfil the elements of the offence of abandonment. The function of this penal provision is to ensure a minimum level of care for those in need, regardless of whether there has been a threat to life or health (Buchala 1989, 651); furthermore, this prohibited act is not linked to any socially dangerous change in the external world (Wojnicka 2026, 12).

In order to hold the perpetrator liable for the aggravated form of abandonment, it is necessary to establish a causal link between the abandonment and the consequence of the victim's death, and to determine that this consequence can be objectively attributed to the perpetrator. As Jarosław Majewski rightly observes, there must be more than just a random temporal and spatial coincidence between the guarantor's breach of duty and the victim's death; there must be a functional link justifying the attribution of the consequence under criminal law (Majewski 1997, 21 et seq.).

The offence of abandonment falls within the category of specific individual offences. The perpetrator can only be a person who is under a duty to care for a person under the age of 15 or a person who is incapable of looking after themselves. With regard to the source of this duty, two main positions are presented in legal doctrine. According to some authors, this duty can arise solely from a statute, a court ruling or a contract (Zoll 2008, 752), or possibly also from an obligation voluntarily assumed by the perpetrator (Konarska-Wrzošek 1999, 37–38).

Other legal scholars advocate a broader interpretation of the sources of this obligation, additionally pointing to the principles of social coexistence (Stefański 1997, 49–53). The case for adopting this latter position is supported not only by the absence of any explicit statutory limitation, but also by criminological considerations, in particular the need to ensure special protection for the victim of the offence of abandonment (Kliś 1999, 169 et seq.).

The offence of abandonment may be committed with either direct or conditional intent. The perpetrator must be aware of their duty to care for a specific person and of the fact that, as a result of their behaviour, that person will be left without proper care, and must then either intend that outcome or accept that it will occur (Stefański 1997, 53). By contrast, the aggravated form of the offence of abandonment constitutes a prohibited act with a mixed subjective element. The act of abandonment itself must be committed with intent, whilst the consequence in the form of the victim's death must not be intended by the perpetrator. Case law rightly emphasises that the concept of abandonment also includes a subjective element, expressed as a lack of concern for the fate of the person left without care (Judgment of 4 June 2001).

The statutory penalty provided for in Article 210 § 1 of the Criminal Code does not preclude the application to the offender of the options provided for in Articles 37a and 37b of the Criminal Code, nor the conditional discontinuation of proceedings, whilst the statutory penalty relating to Article 210(2) of the Criminal Code does not preclude the application to the offender of the provision set out in Article 37b of the Criminal Code. Furthermore, when imposing a penalty for an offence specified in Article 210 of the Criminal Code, where the offence has been committed to the detriment of a minor, it may be necessary to apply to the guardianship court to consider whether it is appropriate to order the deprivation or restriction of the offender's parental or guardianship rights. Article 210(1) of the Criminal Code is subject to cumulative classification with Article 156(1) or (2), Article 157(1), (2) or (3), Article 160(2) or (3) and Article 148(1) or (2) of the Criminal Code (Kosonoga-Zygmunt 2024, 1073).

2. Amendments to Article 210(2) of the Polish Criminal Code in 2022

The amendment to the Polish Criminal Code of 7 July 2022 (Zmkk2022) modified the statutory penalty prescribed for the aggravated form of the offence under Article 210(2) (see also Bogacki and Olęzałek 2023). The previous penalty of imprisonment ‘for a term of between 2 and 12 years’ has been replaced by a penalty of imprisonment ‘for a term of between 2 and 15 years’, which represents an increase in the upper limit of the statutory penalty.

Following the removal of the 25-year term of imprisonment from the criminal law system, it was also necessary to introduce consequential amendments, involving the removal of this type of penalty from provisions in which it appeared as a separate type of sanction, alongside fixed-term imprisonment.

In view of the amendment to Article 37 of the Criminal Code, which raised the upper limit of a fixed-term prison sentence to 30 years, the legislature has defined new limits for the statutory penalty for the offence set out in Article 210 § 2 of the Criminal Code. Currently, for an offence committed under the conditions set out in that provision, i.e. where the act results in the death of a person specified in § 1, the offender is liable to a term of imprisonment of between 2 and 15 years.

3. Characteristics of the Research Group

The respondents to the public opinion survey on selected criminal offences, in particular offences against the family and care, were 236 students at higher education institutions in Poland. The majority of respondents were students at Cardinal Stefan Wyszyński University in Warsaw. The research group consisted mainly of women. The respondents’ ages ranged from 18 to 52, with a median age of 21. The respondents represented a variety of fields of study, including, amongst others, psychology and education, computer science, internal security and law.

A significant proportion of respondents did not answer the question regarding their occupation or indicated that they were not in employment. Among those who provided information about their professional activity were, amongst others, officers of the uniformed services, lawyers and office workers.

It should be emphasised that the diversity of respondents was intentional and stemmed from the aim of assembling as broad and varied a research group as possible. Furthermore, including students from various fields of study enabled an analysis of the views of the student community as a whole, rather than solely those of representatives of a single discipline or field of study, such as internal security.

4. Research Methodology

The research data were collected using a survey form created in the Microsoft Forms application. A link to the survey was shared with randomly selected students.

The survey took the form of a questionnaire and consisted of two parts. The first part comprised questions regarding the respondents' details, such as gender, age, university and field of study. The second part of the form contained questions relating to the respondents' opinions on what the minimum and maximum penalties should be for specific offences.

The questionnaire allowed respondents to select answers from a closed list of options. It also included the death penalty, which does not currently exist in the Polish criminal law system. The aim of including this option was to examine respondents' views on the hypothetical possibility of incorporating such a severe sanction into the range of penalties for the offences under analysis, which are committed against children.

Furthermore, respondents were asked whether the current age limit of 15 years for the protection of minors under Article 210 of the Polish Criminal Code should be raised. The survey results are presented below in the form of tables and charts.

5. Survey Results Offences under Article 210 § 1 and § 2 of the Criminal Code

Table 1. Percentage breakdown of the lowest and highest penalties for offences under Article 210 § 1 and § 2 of the Criminal Code.

The table presents the percentage distribution of respondents' preferences regarding minimum and maximum penalties for offences under Article 210(1) and Article 210(2) of the Polish Criminal Code. For the basic form of the offence, the most frequently selected minimum penalty was five years' imprisonment (20%), while the most frequently selected maximum was 15 years (23%). For the aggravated form, the corresponding preferences were ten years' imprisonment (18%) and life imprisonment (31%).

Possible penalty	Article 210 § 1 of the Criminal Code		Article 210 § 2 of the Criminal Code	
	minimum	maximum	minimum	maximum
1 month's imprisonment	1	0	0	0
3 months' imprisonment	2	0	0	0
6 months' imprisonment	3	0	2	0
1 year's imprisonment	13	1	3	0
2 years' imprisonment	11	2	4	0
3 years' imprisonment	10	3	5	2
5 years' imprisonment	20	11	10	3
8 years' imprisonment	10	7	9	2
10 years' imprisonment	13	12	18	4
15 years' imprisonment	8	23	16	11

Possible penalty	Article 210 § 1 of the Criminal Code		Article 210 § 2 of the Criminal Code	
	minimum	maximum	minimum	maximum
20 years' imprisonment	3	11	13	13
25 years' imprisonment	3	8	7	15
30 years' imprisonment	1	10	4	14
life imprisonment	1	10	7	31
death penalty	0	0	1	4

Source: Compiled by the author based on a self-designed questionnaire. Note: Percentages are rounded to the nearest whole number and may not sum to 100%

Based on the data presented, it can be concluded that the largest group of respondents indicated a sentence of 5 years' imprisonment as the minimum penalty that should be imposed on perpetrators of the offence of abandonment as defined in Article 210 § 1 of the Criminal Code. It is worth noting that this corresponds to the current upper limit of the statutory penalty for this offence. As for the maximum penalty, respondents most frequently indicated 15 years' imprisonment, which significantly exceeds the current upper limit of the statutory penalty.

With regard to the offence set out in Article 210 § 2 of the Criminal Code, the largest number of respondents indicated a sentence of 10 years' imprisonment as the minimum penalty that should be imposed on perpetrators of this offence. In this case too, the proposed penalty significantly exceeds the upper limit of the statutory penalty currently in force. As the most severe sanction, respondents most frequently indicated life imprisonment; however, this is not provided for under current law for this offence.

In isolated cases, respondents also cited the death penalty as a sanction that could be imposed for the aggravated form of the offence of abandonment.

A comparison of the responses concerning both types of offence leads to the conclusion that respondents generally advocated harsher penalties for the offence set out in Article 210(2) of the Criminal Code than for the offence under Article 210(1) of the Criminal Code. This is particularly evident with regard to the maximum penalty. A similar pattern emerges when determining the minimum proposed penalty.

It can be assumed that the respondents recognise a difference in the gravity of the two forms of the offence under analysis and vary their proposed criminal response depending on the classification of the offence. The results presented indicate a clearly punitive bias in the assessments made by the study group.

It is particularly important to compare the respondents' answers with the statutory penalties currently in force. For both types of offence analysed, a significant proportion of respondents suggested penalties

exceeding the current statutory limits. This result may indicate a significant discrepancy between the public's perception of an appropriate criminal response and the solutions adopted by the legislator.

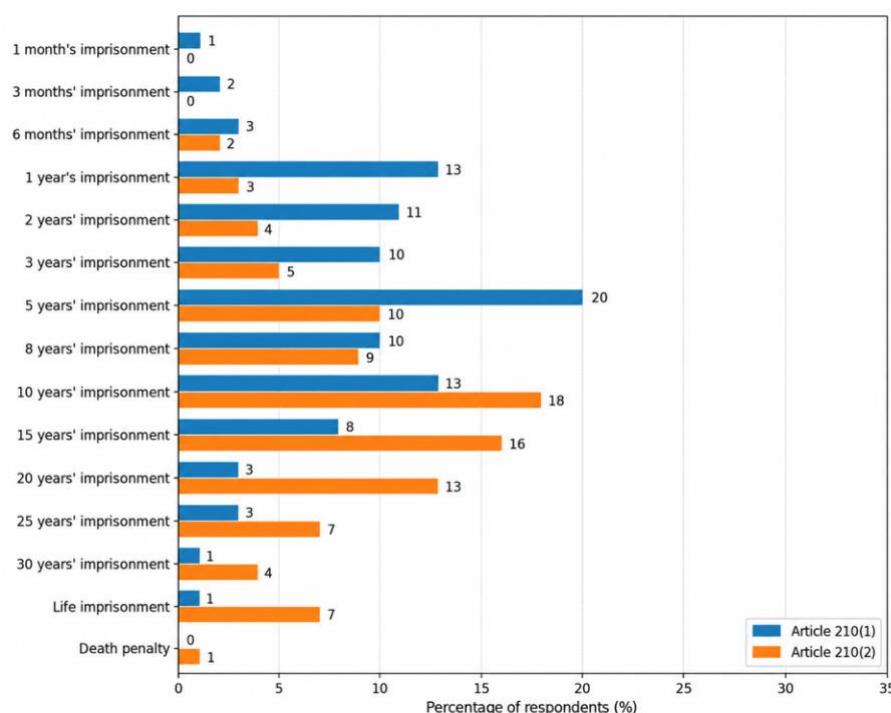


Figure 1. Comparison of the minimum penalties for offences under Article 210(1) and (2) of the Criminal Code. Source: Compiled by the author based on the survey questionnaire. The chart was originally prepared by the author; the Editorial Team of *Seminare* improved its quality and readability using AI tools.

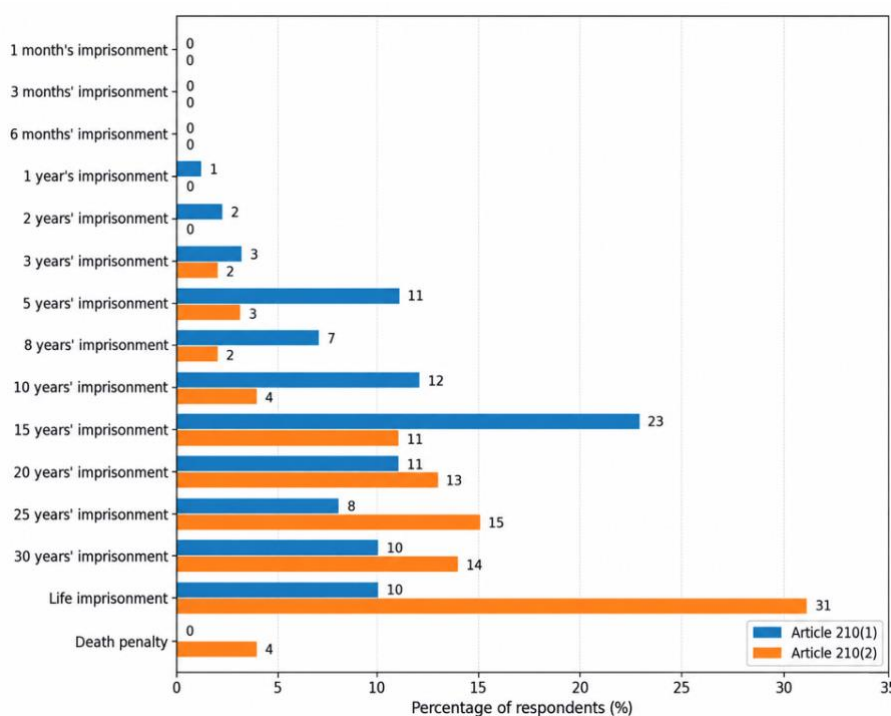


Figure 2. Comparison of the maximum penalties for offences under Article 210(1) and (2) of the Criminal Code. Source: Compiled by the author based on the survey questionnaire. The chart was originally prepared by the author; the Editorial Team of *Seminare* improved its quality and readability using AI tools.

Table 2. Respondents' views on changing the age limit for protection under Article 210 of the Criminal Code.

The table compares respondents' views on maintaining or raising the age limit of 15 years under Article 210(1) and Article 210(2) of the Polish Criminal Code. Maintaining the existing limit was supported by 35% and 33% of respondents, respectively. A combined 64% for Article 210(1) and 67% for Article 210(2) favoured raising the age limit to 16, 17, or 18 years, based on the rounded percentages reported.

Change to the age of criminal responsibility	Article 210 § 1	Article 210 § 2
No, 15 years is the appropriate age limit	35	33
Yes, up to 16 years	20	18
Yes, up to the age of 17	14	14
Yes, up to the age of 18	30	35

Source: Compiled by the author based on a proprietary survey questionnaire. Note: Percentages are rounded to the nearest whole number and may not sum to 100%

The results of the survey indicate a clear, albeit inconsistent, tendency amongst respondents to extend the scope of protection provided for in Article 210 of the Criminal Code. The majority of respondents, when all answers calling for an increase in the age limit were taken together, were in favour of changing the current age limit of 15 years in relation to both § 1 and § 2. At the same time, the largest single group of respondents, in the case of § 1, considered the current age limit to be appropriate. In the case of § 2, however, the predominant view was that the threshold should be raised to 18 years. These results may therefore support the argument that, in the minds of some members of the surveyed group, there is a perceived need for broader protection of minors, particularly in the case of the aggravated form of the offence.

It is worth comparing the above data with the responses concerning the severity of the proposed penalties. In the previous question, respondents showed a significant tendency to accept severe sanctions for offences specified in Article 210 § 1 and § 2 of the Criminal Code, with harsher penalties being more frequently suggested in relation to the aggravated form of the offence. A similar, though less pronounced, pattern emerges in relation to the age limit for protection – respondents were more likely to favour raising this limit in relation to Article 210 § 2 of the Criminal Code. This may indicate that the aggravated form of the offence is perceived as an act justifying a broader scope of protection for minors.

6. Statistical Analyses of Sentences Imposed by the Courts and Police Statistics

To supplement the analysis, statistics are presented on sentences imposed by the courts for offences under Article 210 of the Criminal Code in the years 2016–2020, as well as police data relating to the number of proceedings initiated and offences established in the years 2016–2023.

From a broader perspective, the results of the survey may provide an interesting point of reference for the analysis of data concerning the practices of law enforcement agencies and the justice system. This is because they allow the institutional view of crime to be compared with its perception within society. Police and court statistics reveal the scale and manner in which cases relating to Article 210 of the Criminal Code are detected and adjudicated, whilst the survey captures the level of acceptance of specific criminal responses within the study group. A comparison of these perspectives should be regarded as providing complementary sources of knowledge about the phenomenon under analysis – its institutional and social dimensions.

It is worth noting that the differences in the time periods covered by the individual data sources stem from the availability of statistical data and limit the possibility of directly comparing them over time. However, they do not affect the fundamental purpose of their use in this article. Police and court data provide an institutional picture of the phenomenon under study and reveal its scale, whilst the results of the 2024 survey enable us to determine how this phenomenon is perceived and understood by the group of students under study. These data should therefore be treated as mutually complementary, as this approach to the issue under discussion allows the statistical and institutional dimensions of the problem under study to be juxtaposed with its social dimension.

Table 3. Number of persons convicted of an offence under Article 210 § 1 of the Criminal Code, by type of sentence.

The table presents the number of persons convicted under Article 210(1) of the Polish Criminal Code between 2016 and 2020, classified by year and type of sentence. It distinguishes fines, restrictions of liberty, and prison sentences of different durations. Convictions were relatively infrequent, with non-custodial penalties and shorter terms of imprisonment accounting for a substantial proportion of the recorded sentences.

Sentence imposed	Article 210 § 1 of the Criminal Code				
	Year 2016	2017	2018	2019	2020
standalone fine	1	1	2	2	0
restriction of liberty	2	0	2	3	5
combined penalty	0	0	0	0	0
1 month's imprisonment	0	0	0	0	0
2 months' imprisonment	1	1	0	0	0
3 months' imprisonment	2	0	2	0	0
4–5 months' imprisonment	0	1	0	0	0
6 months' imprisonment	1	0	1	0	3
7–11 months' imprisonment	0	1	0	0	0
1 year's imprisonment	3	0	1	0	2
more than 1 year and up to 2 years' imprisonment	0	0	0	0	0
2 years' imprisonment	0	0	0	1	0
more than 2 and up to 3 years' imprisonment	0	0	0	0	0

Sentence imposed	Article 210 § 1 of the Criminal Code				
	Year 2016	2017	2018	2019	2020
3 years' imprisonment	0	0	0	1	0
more than 3 and up to 5 years' imprisonment	0	0	0	0	0
more than 5 and up to and including 8 years' imprisonment	0	0	0	0	0
more than 8 and up to and including 10 years' imprisonment	0	0	0	0	0
more than 10 and up to 15 years' imprisonment	0	0	0	0	0
25 years' imprisonment	0	0	0	0	0
life imprisonment	0	0	0	0	0

Source: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie>. Ministry of Justice report: Adults with final convictions by type of offence and sentence – principal offence, 2008–2020 [accessed 13 June 2024].

Based on the data presented, it can be seen that between 2016 and 2020 the number of convictions for the offence specified in Article 210 § 1 of the Criminal Code was small. Individual sentences included terms of imprisonment of 2 and 3 years, 1 year, between 7 and 11 months, 6 months, between 4 and 5 months, as well as 2 and 3 months. Non-custodial sentences in the form of restriction of liberty and standalone fines were also imposed.

With regard to the offence defined in Article 210 § 2 of the Criminal Code, one conviction was recorded during the period under review, which was handed down in 2019.

Table 4. Proceedings initiated and offences established under Article 210 of the Criminal Code for the years 2016–2023.

The table presents Polish Police statistics for offences under Article 210 of the Criminal Code from 2016 to 2023, distinguishing the number of proceedings initiated from the number of offences established in each year. The highest number of proceedings initiated was recorded in 2023 (52), while the highest number of established offences occurred in 2016 (22). The data show fluctuations rather than a consistent trend over the period analysed.

Year	Number of proceedings initiated	Number of offences established
2023	52	10
2022	51	11
2021	42	13
2020	38	8
2019	42	14
2018	41	13
2017	45	4
2016	46	22

Source: Polish Police, statistics on proceedings initiated and offences established under Article 210 of the Criminal Code, 2016–2023.

As can be seen from the table presented, the highest number of proceedings initiated during the period analysed occurred in 2022–2023. In turn, the highest number of offences established was recorded in 2016 and 2019.

Conclusions

There are many reasons for abandonment, but the most frequently cited include: depression or other mental health conditions in the mother, single parenthood, a lack of sex education, insufficient knowledge of family planning, limited access to abortion, a child's disability, pregnancy resulting from rape, violence or abuse by a partner, a lack of services and resources to support parents raising a child with a disability, marital problems, frequent changes of partner, life difficulties, high levels of stress, the family's difficult financial situation, and parental addiction to alcohol or other psychoactive substances (Osiak-Krynicka 2019, 147).

An analysis of Article 210(1) and (2) of the Criminal Code concerning the offence of child abandonment suggests that, *de lege lata*, this provision essentially fulfils its intended function; however, there are certain interpretative discrepancies in legal doctrine and case law regarding its various aspects (Kilińska-Pękacz 2016, 34). Some moderate optimism may be drawn from the fact that the number of offences established under this provision has been declining in recent years; however, the offence of child abandonment forms part of the broader problem of child abuse, the scale of which remains significant (Kilińska-Pękacz 2016, 34).

The majority of respondents to the survey were in favour of long-term custodial sentences. In isolated cases, respondents expressed support for the introduction of the death penalty. The results indicate that respondents demonstrated a considerable degree of severity in their assessments, which is particularly evident in relation to their views on the upper limit of penalties under Article 210 § 2 of the Criminal Code, where life imprisonment was most frequently cited as the maximum penalty, even though it is not applicable under the current legal framework. In judicial practice during the period analysed, the most frequently imposed penalties for offences under Article 210 § 1 of the Criminal Code were: a sentence of one year's imprisonment, a sentence of restriction of liberty, and a standalone fine. In contrast, police statistics show that the highest number of proceedings initiated was recorded in 2023 (52 cases), whilst the highest number of offences established was recorded in 2016.

The definition of new thresholds for the statutory risk of a custodial sentence in Article 210 § 2 of the Criminal Code should be viewed positively. However, in light of the survey results, it can be observed that the sanctions indicated by respondents are of a more repressive nature and, in many cases, considerably harsher than the current statutory provisions.

With regard to the basic form of the offence of abandonment, the largest single group of respondents (35%) considered the current age limit of 15 years appropriate. However, a combined 64% favoured raising this limit to 16, 17, or 18 years. A similar pattern was observed for the aggravated form, with 67% supporting an increase in the age limit, including 35% who favoured raising it to 18 years.

It should be emphasised that, despite the absence of the death penalty in the Polish legal system, the survey deliberately included this sanction amongst the options in order to identify respondents' attitudes towards hypothetical use of the most severe forms of criminal punishment. The respondents' choices in this regard confirm the validity of including it as an indicator of the level of repressive tendencies. It is also worth noting that the issue of public attitudes towards the death penalty is the subject of regular surveys and constitutes an important measure of attitudes towards criminal justice. Between 2017 and 2020, the lowest level of support for its reinstatement since 1987 was recorded (Włodarczyk-Madejska et al. 2021, 151–152). In a 2018 survey conducted amongst a sample of Warsaw residents, the proportion of supporters of the death penalty stood at 30 per cent (Siemaszko et al. 2018b, 24).

Research in this area is of significant importance, as the death penalty continues to exist within the legal systems of many countries, which justifies its inclusion in comparative analyses. Furthermore, attitudes towards sanctions that are no longer in force serve as an important indicator of a society's level of punitive sentiment (Włodarczyk-Madejska et al. 2021, 176).

In this context, it is also worth referring to a public opinion poll on criminal policy, conducted in July and August 2018 on behalf of the Institute of Justice by Kantar, CBOS and Ipsos (Siemaszko et al. 2018a). According to the results, the overwhelming majority of respondents were in favour of tightening criminal law in order to reduce crime and improve public safety. In each of the surveys, more than half of those polled indicated that penalties should be made harsher only for serious offences, whilst around 30 per cent of respondents were in favour of harsher penalties for all criminal offences. At the same time, the majority of respondents believed that the age of criminal responsibility for minors should remain unchanged (15 years), whilst those calling for a change most often cited the need to raise it.

In recent years, there has been a noticeable decline in public tolerance of harm caused to minors and vulnerable individuals. The state's response in this regard has been to strengthen criminal protection for these groups. However, there are situations where offenders commit offences under circumstances that make it difficult to detect them or to conduct proceedings against them. In view of this, the legislature should continue

to ensure that criminal law responds to new threats and violations of the rights of children (Trocha 2014, 6–7) and other vulnerable individuals.

Statements

Funding:

This research received no external funding.

Institutional Review Board / Ethics Statement:

The study involved a non-interventional questionnaire survey of adult university students. At the time the study was conducted, there were no institutional requirements for formal ethics committee approval of a non-interventional legal opinion survey of this kind.

Informed Consent Statement:

Participation in the survey was voluntary. Respondents were informed about the purpose of the study before completing the questionnaire, and informed consent was obtained from all participants.

Data Availability Statement:

The study generated original survey data collected from 236 university students in 2024. The findings are presented in the tables and figures included in this article. Anonymised survey data may be made available by the author upon reasonable request, subject to individual assessment and compliance with applicable data protection requirements and respondent confidentiality. The study also draws on publicly available statistical data published by the Polish Ministry of Justice and the Polish Police, with the relevant sources identified in the manuscript.

AI Tools Declaration:

The author declares that no use of AI tools requiring disclosure under the Seminare Policy on AI in Scholarly Publishing occurred in the preparation of this manuscript or in the underlying study.

Conflicts of Interest:

The author declares no conflicts of interest.

References:

- Bogacki, Piotr and Mariusz Olęząłek. 2023. *The Criminal Code. Commentary on the amendment of 7 July*. C.H. Beck.
- Bojarski, Tadeusz. 1967. “Glosa do uchwały SN z 5 lutego 1966 r., VI KZP 57/65” [Commentary on the Supreme Court Resolution of 5 February 1966, VI KZP 57/65]. *Orzecznictwo Sądów Polskich i Komisji Arbitrażowych*, no. 4, item 82.

- Buchała, Kazimierz. 1989. *Prawo karne materialne* [Substantive Criminal Law]. 2nd rev. and expanded ed. Państwowe Wydawnictwo Naukowe.
- Kilińska-Pękacz, Agnieszka. 2016. "The offence of child abandonment." *The Public Prosecutor's Office and the Law*, 4: 22–34.
- Kliś, Marek. 1999. "Sources of the guarantor's duty in Polish criminal law." *Journal of Criminal Law and Penal Sciences*, 2: 169–196.
- Konarska-Wrzosek, Violetta. 1999. *Child protection in criminal law*. Scientific Society for Organisation and Management, Dom Organizatora.
- Kosonoga, Jacek. 2023. "Offences against the family and care." In *The Criminal Code. Commentary*, edited by Ryszard A. Stefański, 1466–1470. C.H. Beck.
- Kosonoga-Zygmunt, Julia. 2024. "Offences against the family and care." In *The Criminal Code. Commentary*, edited by Jarosław Majewski, 1071–1073. Wolters Kluwer.
- Krzymuski, Edmund. 1902. *Wykład prawa karnego ze stanowiska nauki i prawa austriackiego* [A Lecture on Criminal Law from the Perspective of Austrian Scholarship and Law]. 2nd ed., vol. 2. L. Frommer.
- Lachowski, Jerzy. 2018. "Offences against the family and care." In *The Criminal Code: Commentary*, edited by Violetta Konarska-Wrzosek, 1006. Wolters Kluwer.
- Majewski, Jarosław. 1997. *The Attribution of Consequences in Cases of Omission under Criminal Law*. Księgarnia Akademicka.
- Osiak-Krynicka, Katarzyna. 2019. "Abandonment as a Form of Neglect – Selected Issues in Substantive and Procedural Criminal Law." *Dziecko Krzywdzone. Theory, Research, Practice*, 18, no. 1: 131–152.
- Ratajczak, Aleksander. 1980. *Przestępstwa przeciwko rodzinie, opiece i młodzieży w systemie polskiego prawa karnego: zagadnienia wybrane* [Offences against the Family, Care, and Young People in the Polish Criminal Law System: Selected Issues]. Wydawnictwo Prawnicze.
- Siemaszko, Andrzej, Paweł Ostaszewski, and Joanna Klimczak. 2018a. *Badanie poparcia dla zaostrzenia polityki karnej. Wyniki trzech sondaży opinii publicznej* [Survey of Support for Tougher Criminal Justice Policy: Results of Three Public Opinion Polls]. Instytut Wymiaru Sprawiedliwości. <https://iws.gov.pl/wp-content/uploads/2019/05/IWS-A.-Siemaszko-P.-Ostaszewski-J.-Klimczak-Badanie-poparcia-dla-zaostrzenia-polityki-karnej.pdf>.
- Siemaszko, Andrzej, Paweł Ostaszewski, Joanna Klimczak, and Justyna Włodarczyk-Madejska. 2018b. *Poczucie bezpieczeństwa mieszkańców Warszawy. Wyniki badania sondażowego* [Residents' Sense of Safety in Warsaw: Survey Results]. Instytut Wymiaru Sprawiedliwości.
- Stefański, Ryszard A. 1997. "The offence of abandonment (Article 187 of the Criminal Code)." *Prokuratura i Prawo* 5: 41–55.

- Trocha, Olga. 2014. "A criminal law perspective on child abuse." *Legal Education* 2: 6–7.
- Wojnicka, Zuzanna. 2026. "The scope of criminal law protection for persons lacking capacity." *Problems of Criminal Law* 10 (2): 1–19.
- Włodarczyk-Madejska, Justyna, Paweł Ostaszewski, Joanna Klimczak, and Andrzej Siemaszko. 2021. *Nękani, oszukiwani, hakowani. Nowe i tradycyjne wymiary wiktymizacji* [Harassed, Deceived, Hacked: New and Traditional Dimensions of Victimisation]. Wydawnictwo Instytutu Wymiaru Sprawiedliwości.
- Zoll, Andrzej, ed. 2008. *Kodeks karny. Część szczególna. Komentarz* [Penal Code. Special Part. Commentary]. Vols. 2–3. 3rd ed. Wolters Kluwer.
- Act of 7 July 2022 amending the Criminal Code and certain other Acts. *Journal of Laws* 2022. 2600, consolidated text.
- Act of 6 June 1997 – The Criminal Code. *Journal of Laws* 2024, No. 17, consolidated text.
- Supreme Court resolution of 5 February 1966, VI KZP 57/65, OSNKW 1966/4, item 48.
- Judgment of the Supreme Court of 4 June 2001, V KKN 94/99.
- Judgment of the Supreme Administrative Court of 12 September 2007, II OSK 1706/06.
- Judgment of the Court of Appeal in Warsaw of 18 December 2013, VI ACa 785/13.
- Judgment of the Court of Appeal in Białystok of 11 July 2014, I ACa 206/14.
- Adults with final convictions by type of offence and sentence – principal offence in 2008–2020.
<https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie>. Compiled by the Ministry of Justice.
- Police statistics – Proceedings initiated and offences established under Article 210 of the Criminal Code for the years 2016–2023. Accessed: 16 November 2024. <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-7/63510,Porzucenie-maloletniego-lub-osoby-nieporadnej-art-210.html>.