„Polityka i Społeczeństwo" 1(24) / 2026
ISSN 1732-9639; eISSN 3072-5917
DOI: 10.15584/polispol.2026.1.1

ARTYKUŁY

Karol Bajda*

THE CONCEPT OF THE CROWN WITNESS AND ITS EVALUATION IN POLISH LEGAL DOCTRINE

Abstract

The institution of the crown witness has existed in the Polish legal system since 1997. The crown witness is an effective tool for fighting organised crime, although it is not without controversy. Critical arguments primarily concern the credibility of their testimony, as they appear in trials as repentant criminals who receive privileges in exchange for betraying former criminal associates. Criticism also focuses on the institution's high operating costs, related to the extensive crown witness protection system, and, on doctrinal grounds, on the violation of fundamental procedural principles with which the institution conflicts. In this article, the author provides an overview of the crown witness concept in selected countries, its history, and the legal community's views on its operation. The crown witness institution represents a compromise between the potential violation of substantive and procedural criminal law principles and the need to combat organised crime and corruption. This is addressed in the article by presenting the scholars'positions and the author's conclusions. The author relies on a review of available Polish and foreign literature, using a dogmatic-legal approach.

Keywords: crown witness, assessment of the crown witness institution, role of the crown witness, combating organised crime

Introduction

The procedural institution of the crown witness has been controversial since its introduction into the Polish legal system in 1997. It represents a compromise between the purpose of the institution and the fairness of the criminal process. Former President of the Supreme Court, L. Paprzycki, after subjecting the allegations to a thorough analysis, stated that although the testimony of a crown witness requires the utmost diligence from law enforcement agencies and the justice system and is procedurally "difficult," it undoubtedly does not violate constitutional principles or the principles of the European Convention on Human

* University of Rzeszów, e-mail: kbajda@ur.edu.pl, ORCID: 0000-0002-3199-8294.

Rights (ECHR)[1]. This article will present an overview of the institution of the crown witness in selected countries, a historical outline, and the doctrine's view of its operation.

The concept of a crown witness and its historical outline

Institutions of similar kinds have existed since ancient times. "From the perspective of practical criminology, the ability to turn suspects against each other and the desire to disrupt the common interests of defendants in criminal cases can already be seen in ancient legal systems (Greek and Roman laws: laws on informers–sycophants, on lese-majeste, etc.). The creators of the indicated models of obtaining information in a trial (whether inquisitorial or adversarial) believed that oral or written confessions of guilt were exceptionally reliable evidence (*confessatio est regina probationum* – this view persists in the practice of countries with an Anglo-Saxon legal system)[2]. In ancient Rome, a specific institution emerged–the witness, who was also the perpetrator of the prohibited act. He was referred to as the index – i.e., an informer, an envoy: one who announces or indicates something, one who translates (Latin)[3]. The role of this person in the proceedings was to identify the accomplices of the crimes in which he participated and the circumstances of their commission. In exchange for testifying against the other perpetrators, the index remained unpunished. The origins of the crown witness institution thus date back to ancient times[4].

Leaving aside the ancient period, it should be recognised that the institution of the crown witness originates from English criminal proceedings. Due to the absence of a police force, the prosecutor appealed to citizens to report crimes and assist in the arrest of suspects. The practice of issuing government proclamations was introduced, offering rewards for capturing perpetrators and promising sentence reductions for criminals who denounced more dangerous offenders[5]. *Świadek koronny* (Crown witness) is the Polish translation of the English term "to turn King's/Queen's evi-

[1] See more: L.K. Paprzycki, *Instytucja świadka koronnego i świadka incognito w świetle Konstytucji RP i Europejskiej Konwencji Praw Człowieka*, „Palestra", 2008, no. 5–6, pp. 22–44.

[2] B. Zając, *Świadek koronny – za i przeciw*, „Rzeczpospolita", 1997, no. 71, p. 16.

[3] J. Sondel, *Słownik łacińsko-polski dla prawników i historyków*, Kraków 2006, p. 471.

[4] W. Litewski, *Podstawowe wartości prawa rzymskiego*, Kraków 2001, p. 173.

[5] S. Waltoś, *Świadek koronny – obrzeża odpowiedzialności karnej,* „Państwo i Prawo", 1993, no. 2, p. 13.

dence"[6]. "The term refers only to witnesses who cooperate with the prosecution (prosecution witnesses) and are suspects in the case at the same time. English courts promise such witnesses a pardon for helping to capture and convict other accomplices"[7]. A witness who gains crown witness status by cooperating with and supporting the prosecution becomes a witness serving the monarchy and receives an appropriate reward. The terms "Queen's" or "King's evidence," depending on the monarch, highlight the seriousness and responsibility of this legal process. It is also worth noting that, in everyday language, a crown witness is often called a "supergrass." However, the terms "King's" or "Queen's witness" are now less frequently used in a legal context[8].

The origins of the crown witness institution date back to the 12th century, when the approver system existed in England. According to sources, its unique feature was that an approver would accuse other defendants. He would be pardoned if the court convicted all of his former criminal associates. He himself would be sentenced to death if his accomplices were acquitted[9]. Taking on this role involved a significant risk. The person granted immunity was responsible for proving the truthfulness of their testimony[10]. This occurred through the so-called trial by ordeal (Latin: *Iudicia Dei*), a medieval means of proof in which a guilty (untruthful) person failed tests, with the outcome depending on God's will[11]. Passing each test confirmed that the testimony was credible and supported a verdict of innocence, even when the person was involved in the crime. A negative test result usually meant the death of the person giving the testimony[12].

In the 16th century, the role of approver was transformed into that of the appeacher (prosecutor, informer). The task of the individuals acting in this role was to provide evidence of crimes committed and to accuse accomplices. The burden of "proving" the truthfulness of their testimony

---

[6] E. Kowalewska-Borys, *Świadek koronny w ujęciu dogmatycznym*, Kraków 2004, p. 90.

[7] E. Kowalewska, *Wybrane problemy instytucji świadka koronnego ze szczególnym uwzględnieniem regulacji niemieckich*, „Przegląd Policyjny", 1997, no. 3, p. 19.

[8] A. Lach, *Instytucja świadka koronnego w prawie angielskim z uwzględnieniem rozwiązań polskich*, „Przegląd Policyjny", 2002, no. 1, p. 83–84.

[9] B. Kurzępa, *Świadek koronny. Geneza instytucji. Komentarz do ustawy*, Toruń 2005, pp. 13–14.

[10] M. Toumi, *Korzenie angielskie instytucji świadka koronnego*, [in:] F. Rodoniewicz, M. Toumi, *Ustawa o świadku koronnym. Komentarz*, Warszawa 2020, p. 13.

[11] S. Płaza, *Historia prawa w Polsce na tle porównawczym. Cz. 1, X-XVIII w.*, Kraków 1997, p. 466.

[12] M. Toumi, *op.cit*., p. 13.

(verifying it, establishing its evidentiary value) was shifted to the adjudicating panel. Witnesses who received a royal pardon were granted immunity. The condition for this privilege was that they voluntarily surrendered to law enforcement and gave testimony that led to the conviction of at least one accomplice. Immunity was valid only with respect to the specific crime involved in the trial. Witnesses could lose it if their behaviour was deemed improper, if they failed to fulfil court obligations, or if the accomplices they named were acquitted.

With the development of the common law system, there was a shift from the statutory principle of pardoning perpetrators in exchange for cooperation with law enforcement agencies to a decision whose burden rested with the trial courts, which submitted proposals for collaboration within their own autonomy[13]. Based on the immunities described above, the ultimate Anglo-Saxon institution related to witnesses was developed– the crown witness, also known as King's (Queen's) evidence. Today, in the UK, it is called a crown witness[14].

The prime of the institution of the crown witness dates to the 19th century[15]. This period also marked the peak of the use of the crown witness institution in England. Law enforcement agencies relied so heavily on this instrument because they lacked an effective police force, due to a limited number of officers and a simultaneous rise in criminal activity. The result of this situation was the need for cooperation between the justice system and society, including the criminal element from which crown witnesses were recruited[16].

In 1970, the United States passed the Organised Crime Control Act. The following year, the United States Federal Witness Protection Programme (WITSEC) was created. Its initial goal was to protect state witnesses who testified in cases involving terrorism, bribery, and drug trafficking, among other crimes. Over time, its scope broadened, and its security measures were extended to cover non-state witnesses who testified in cases involving the most serious crimes[17]. Currently, there are two ways to obtain crown witness status in the US: through formal immunity, granted by court order, or through informal immunity, granted by agreement between the prosecutor and the suspect[18].

---

[13] S. Waltoś, *Świadek koronny…*, p. 13.

[14] J. Paśkiewicz, *Instytucja świadka koronnego w ustawodawstwie amerykańskim, włoskim i niemieckim*, Toruń 2006, p. 11.

[15] A. Lach, *op.cit*., p. 84.

[16] B. Kurzępa, *op.cit*., p. 14.

[17] K. Wojtaszyn, A. Kacperczyk, *Świadek koronny. 15 lat doświadczeń*, „Przegląd Bezpieczeństwa Wewnętrznego", 2011, no. 5, p. 69.

[18] B. Kurzępa, *op.cit.*, pp. 14–30.

Italy was the first country to adopt the institution of the crown witness from English law into its continental criminal justice system. Its introduction aimed to reduce the activities of organised crime groups and improve their detection. By decree of December 15, 1979, and law of February 6, 1980, the institution of the crown witness–*pentito*–was incorporated into Italian law[19]. Italy is credited with the most significant contribution to the development of the European institution of the crown witness. Italian law has moved away from granting the extreme privilege of impunity to a repentant criminal, instead considering only the possibility of leniency. The list of cases in which a crown witness can testify is limited to organised crime, so-called mafia groups, and crimes related to drug trafficking. A similar scope of the crown witness institution is found in the German solution – *Kronzeuge*[20]. Interestingly, the responsibility for the perpetrator who testifies about the extraordinary mitigation of the punishment or its waiver has been assigned to the judge, who decides the matter freely. In Germany, the crown witness system applies to suspects involved in terrorist crimes who agree to disclose details about their acts, including information that could prevent their commission or help identify and apprehend other perpetrators[21].

Since 1997, the institution of the crown witness has been in operation in Poland. Discussions about the need for a new tool to effectively fight organised crime began in the early 1990s. A review of Polish legislation history shows evidence of institutions similar to the crown witness. This is indicated by the resolution of June 8, 1794, titled: "Establishment of the Directorate for National Tickets, its duties, the value of tickets, penalties for counterfeiters, and the nomination of persons to the Directorate." The resolution, which dealt with the issue of paper money, was passed by the Supreme National Council during the Kościuszko uprising. It also contained ideas related to sources and means of evidence–a concept close to the crown witness institution, as shown by the following excerpt: "Moreover, if some gang of bad people were to make forged tickets, even the one who is entering this work will be allowed to be a deponent against his fellow forgers; and such a co-culprit denouncing the forgers will not only be exempt from the penalty for the forgers, but will also be designated as a deponent, and will receive a reward of PLN 50,000 if he brings all his accomplices to court; and if he does not bring all of them, then he will be

[19] J. Brylak, A. Gilardini, R. Privitera, *Instytucja świadka koronnego w systemie włoskiego prawa karnego procesowego*, „Prokuratura i Prawo", 2005, no. 11, p. 114.

[20] B. Kurzępa, *op.cit.*, pp. 30–49.

[21] J. Grajewski, *Instytucja świadka koronnego w procesie karnym*, „Wojskowy Przegląd Prawniczy", 1994, no. 3–4, p. 16.

rewarded according to the number of co-culprits brought; and if he cannot bring any co-culprit, then he will only be released from the death penalty; however, he cannot avoid civil imprisonment for life"[22].

Note that the meaning of the term "crown witness" has also changed over time. The phrase appeared in Polish quite late, only in the 20th century. Its first definition was in the Dictionary of the Polish Language, edited by Witold Doroszewski, describing a "person who can testify in any case, a witness on call"[23]. This undoubtedly pejorative definition bore little resemblance to the term's meaning in legal usage[24]. According to this definition, a crown witness is "the main, most important witness." If we added the caveat that this is a prosecution witness, meaning the most critical witness incriminating the co-accused, the definition would be similar to the English phrase "King's, Queen's evidence." The phrase "the main, most important witness" certainly aligns with the common understanding of the institution of a crown witness[25]. According to the Dictionary of Foreign Words, a crown witness is someone involved in a crime who agrees to testify in exchange for reduced charges or lighter punishment[26].

The Polish definition of a crown witness is primarily contained in Article 2 of the Act on the Crown Witnesses[27] (hereinafter: the Act), which states that a crown witness is a suspect who has been permitted to testify as a witness, in accordance with the principles and procedures outlined in this Act. The scope of Article 2 is limited to what is necessary. A comprehensive definition, based on both the core and resulting features, should be derived from the entire Act and established legal doctrine.

It should be noted that there is no standard model of a crown witness, as in different legal systems it takes various forms (immunity witness, accomplice witness, informant-defendant, Kronzeuge, Aufklärungsgehilfe, pentito). Generally, a crown witness is considered an accused who has accepted a favourable plea deal from prosecutors, either by avoiding criminal charges or reducing legal penalties, in exchange for providing law enforcement with information that incriminates other participants in a crime. A comparative legal analysis confirms the absence of a standard model for a crown witness. According to Jan Grajewski's general definition, it is essential to highlight that this pertains to a regulation where the state commits

[22] M. Kowalski, *200 lat polskiego pieniądza papierowego*, „Prawo Bankowe", 1994, nr 3, s. 10–11.

[23] *Słownik języka polskiego*, ed. W. Doroszewski, vol. III, Warszawa 1964, p. 1020.

[24] B. Kurzępa, *op.cit.*, p. 13.

[25] E. Kowalewska-Borys, *op.cit.*, p. 92.

[26] *Słownik wyrazów obcych*, ed. E. Sobol, Warszawa 1995, p. 602.

[27] Ustawa z dnia 25 czerwca 1997 r. o świadku koronnym. (Journal of Law 2016, it. 1197).

to punishing or prosecuting an act committed by a witness in exchange for disclosing information about others' crimes[28]. The institution aims to break the conspiracy of silence and obtain evidence, in the form of testimony from a former co-accused, to enable the efficient penalisation of the most dangerous crimes committed in the organised crime environment.

The doctrine of the functioning of the institution of the Crown Witness

There is no consensus on how the Crown Witness institution operates. Opinions in the academic community vary widely, from very critical to moderately supportive. It could be said that there are nearly as many opinions as people sharing them. Since 1990, when organised crime in Poland experienced a sharp increase, discussions on combating it began, and a heated debate emerged over unconventional methods that could be effective. The most critical discussion centred on establishing the institution of the crown witness, which continues unabated to this day, and its inclusion in Polish law has stirred emotions and controversy.

It is worth noting the arguments of scholars and parliamentarians involved in the dispute over the crown witness institution[29]. It appears that the most extreme view was presented by Zygmunt Mitręga: "The introduction of the witness-confidant means a return to one of the most vile methods used in totalitarian-police states, which reached its peak during the Nazi occupation and the Stalinist regime. (...) A law that endorses this method would stray from the basic principles of morality. However, the development of legal solutions in a democratic state should aim to fully align the legal system with morality. (...) For these reasons, I believe the intention behind such a statutory solution is misguided and represents a regression in the progress of criminal procedural law, unless the legislator intends to pave the way for careers for various scoundrels, unconscionable people, societal failures, etc. A civilised society cannot allow this". Janusz Wojciechowski expressed a similar view: "And who can guarantee that, at the cost of his own impunity, the witness will not slander innocent people? Especially since the crown witness is, after all, a criminal, not a walking crystal"[30]. Romuald Kmiecik was equally critical, stating: "The reintro-

[28] J. Grajewski, *op.cit.*, p. 15.

[29] S. Waltoś, *Spór o świadka koronnego w Polsce*, [in:] *Prawo karne i proces karny wobec nowych form i technik przestępczości*, eds. H.J. Hirsch [et al.], Białystok 1997.

[30] J. Wojciechowski, *Na patelni. Po co komu świadek koronny?*, „Polityka", 1994, No. 3, p. 8.

duction of the outdated institution of the crown witness in some countries at the end of the 20th century reflects a crisis in the justice system and the helplessness of law enforcement. In particular, it is derived from the abolitionist and liberal principles of penal response, which are underpinned by highly controversial sociological and legal doctrines. These doctrines may be effective for so-called petty crimes, but they are completely ineffective when it comes to fighting serious crime, especially organised crime".

The quoted statements highlight the doubts that have accompanied every debate concerning the crown witness. The main criticism from the academic community concerns the analysed institution's violation of core principles of Polish criminal procedure, particularly the principle of legitimacy. The crown witness is an opportunistic exception that undermines the sense of equality before the law for all citizens, one of the most important constitutional norms. Ewa Kowalewska-Borys states: "In my opinion, no sufficient premise can be found to justify this type of violation of the principle of legality. Such a violation can only be circumvented by applying extraordinary mitigation of punishment to the crown witness and an appropriate protective program"[31]. Kazimierz Marszał expressed a mixed opinion on this issue. In his evaluation of the evidence from the crown witness's testimony, he stated that this measure can be discouraging when the offender tries to avoid punishment for the illegal acts committed. However, it is also possible that his testimony helps prevent new crimes. In such cases, the witness deserves a reward[32]. However, all researchers agreed on the need to develop effective mechanisms to combat organised crime. Critics rejected only this specific instrument. However, supporters, acknowledging the reservations mentioned earlier, supported its adoption regardless, arguing that "the institution of a crown witness will break the conspiracy of silence among criminal circles and contribute to the dismantling of gangs." They also cited "successful cases of this institution's application (e.g., in Italy), where, in the face of a growing wave of terror and murders of members of the justice system, the previously rarely used institution of the crown witness was utilised, and the mafia was practically crushed". During the legislative process on the Act, numerous clashes arose between representatives of the authorities and the broader legal community. Ultimately, a compromise was reached, implementing the Act, initially for a trial period. This demonstrated a determination to break down criminal solidarity and prioritise public interest.

The debate over the crown witness remains ongoing. It reemerges in public discourse whenever new information surfaces about proceedings

[31] E. Kowalewska-Borys, *op.cit.*, p. 117.

[32] K. Marszał, *Proces karny. Zagadnienia ogólne*, Katowice 2013, p. 406.

involving crown witnesses or organised crime cases. Sometimes, the discussion becomes more extreme, often influenced by the current political climate, media coverage, or data provided by the National Prosecutor's Office. As a result, there are frequent calls for radical reforms in its operations. Concerns persist over the institution's high operating costs and unjustified privileges granted to repentant criminals. It is recommended that spending on the operation of the crown witness institution be approached with caution and that any increase in potential privileges be tied to an improved standard of living for the average citizen, including better access to public services and protection for the 'ordinary' witness. An ideal approach would be the American model, which expands the Witness Protection Programme (WITSEC) to include ordinary witnesses, suspects, and their families when specific criteria are met. A definitive and all-encompassing view on the crown witness institution remains elusive. The debate should continue to ensure that the chosen model best fits current realities. *Auditur et altera pars* in discussion and in court[33].

Among the proposals to modify the institution of a crown witness, the most widely discussed is the need for strict vetting of suspects, who may be granted the status and have their conduct checked for legal compliance at later stages. The return of a crown witness to crime should be linked to increased criminal liability. This penalty should serve a deterrent purpose, discouraging even experienced former members of organised crime groups from engaging in criminal acts. *De lege ferenda,* it is also proposed to eliminate the provision in Article 6 of the Act on Crown Witnesses that renders a procedural act null and void. This has implications, especially regarding the liability of public officials for potential crimes committed in connection with an adverse outcome in a procedure for appointing a crown witness[34].

The testimony of a crown witness, seen from the perspective of a criminal who, lacking criminal responsibility and with extensive protection, "informs" on former criminal associates, has sparked much controversy. Paradoxically, however, this challenging evidence requires the witness to testify not only truthfully but with a very high level of credibility, which, in the court's view, may serve as one of the bases for establishing facts[35]. Z. Rau makes the same observation: the special provisions of

[33] K. Kiejnich, *Instytucja świadka koronnego w świetle nowelizacji oraz aktualnych problemów społecznych*, „Kwartalnik Prawno-Kryminalistyczny", 2015, no 2 (23), pp. 45–46.

[34] M. Gabriel-Węglowski, *Ustawa o świadku koronnym. Komentarz. Zarys instytucji w Europie*, Warszawa 2011, p. 48.

[35] See more: S. Matuszewski, *Kategoryczność (pewność) wypowiedzi świadka a jej prawdziwość*, „Problemy Współczesnej Kryminalistyki", 2002, Vol. V, pp. 145–150.

the Act[36] and strict secrecy related to the protection program are intended solely to ensure the witness's safety from co-accused and their associates, and nothing more. Holding the status of a crown witness does not exempt an individual from participating in all legally mandated activities arising from the criminal trial; it also adds the responsibility of establishing complete credibility and reliability in their explanations and testimony[37]. Furthermore, it is important to remember that in criminal proceedings, judgments are based on the probability of facts, not certainty. Discrediting a crown witness's testimony beforehand should be replaced with a careful and reliable verification of their statements.

The institution of the crown witness represents a compromise between violating substantive and procedural criminal law and the need to fight organised crime and corruption. Supporters and opponents also agree that it breaches certain constitutional principles. The doctrine addresses the constitutional principles of proportionality, equality before the law, the right to a fair trial, and the right to defense[38]. The institution's spokespersons argue that these violations are justified by the need to combat effectively the dangerous crimes committed by organized groups and associations[39].

Public support should be sought for legal but controversial institutions, such as the Crown Witness. This will be possible when it is demonstrated that it upholds the values that constitute its *ratio legis*[40]. The use of a crown witness should be limited to extreme cases where other "conventional" methods of evidence are insufficient. Their participation in the proceedings is justified only by the obligation to eliminate any doubts that arise during the process. Consequently, there is no valid debate about the principle of in dubio pro reo with respect to a crown witness throughout the proceedings. If such doubts cannot be resolved, the question is whether their participation in a specific trial is justified. This is especially crucial during the preparatory stages when they are considered potential crown witnesses. Law enforcement agencies should have a thorough understanding of their background and actions, as otherwise they could manipulate the information they provide, thereby put-

[36] Ustawa z dnia 25 czerwca 1997 r. o świadku…

[37] Z. Rau, *Instytucja świadka koronnego w świetle analizy wybranych postępowań karnych*, „Przegląd Policyjny", 2013, no. 4, p. 152.

[38] See more: L.K. Paprzycki, *op.cit.*, pp. 22–44.

[39] J. Kościerzyński, *Świadek koronny w świetle nowych regulacji*, „Prokuratura i Prawo", 2007, no. 4, pp. 60–61; K. Pawelec, *Koronny świadek, koronne wątpliwości*, „Gazeta Sądowa", 2001, no. 10.

[40] J. Paśkiewicz, *Aksjologiczne uzasadnienie instytucji świadka koronnego*, „Biuletyn CE UW", 1999, no. 3–4, p. 103

ting themselves in a privileged position over law enforcement and negatively impacting the fairness of the trial[41].

It should be noted that discussions about the crown witness, including arguments for and against, criticisms, and the identification of errors, help develop and improve this highly controversial procedural instrument. It should also be remembered that the Crown Witness institution represents a compromise between the fairness of criminal proceedings and its goals.

Conclusions

After roughly twenty years of the Crown Witness institution's existence, it is clear that it has provided notable social and legal benefits. However, issues arise from imperfect legal frameworks and law enforcement practices, leading to false accusations and the trading of testimony. Debates also focus on the costs involved–whether they are excessive and who should bear them. This raises the fundamental question: what is the value of a human life and what expenses are justified to protect a crown witness whose testimony helps solve crimes and convict offenders? Trials in which crown witness testimony helps dismantle organised crime groups involved in tax evasion, VAT fraud, or large-scale smuggling generate substantial revenue for the state. It is crucial to note that prosecutors must verify the testimony of crown witnesses against physical and documentary evidence to establish truthful facts. After an initial increase, the number of crown witnesses has now stabilized or slightly declined, reflecting shifts in criminal activity toward economic and fiscal crimes[42].

The good achieved by preventing organized crime should, of course, hold greater value than the good sacrificed in the name of preserving the integrity of the criminal process[43]. In this context, a crown witness becomes essential. The limit of violating principles is to behave, like Professor Władysław Bartoszewski, decently. However, for purists and legal aesthetes, this kind of assertion still seems inadequate and may even seem absurd. The question remains: can society function without the institution of a crown witness? The answer is somewhat unclear. According to the author, we are, *nomen omen*, condemned to it.

---

[41] M. Adamczyk, *op.cit.*, p. 214.

[42] A. Ruszczyk, *Ochroniarze „skruszonych", czyli jak działa zośk-a. Wywiad ze Zdzisławem Hanejko, byłym „ochroniarzem skruszonych", t.j. policjantem operacyjnym z Zarządu Ochrony Świadka Koronnego CBŚP*, Gazeta Śledcza, https://gazetasledcza.pl (29.11.2022)

[43] K. Bajda, E. Moczuk, *Polityka prawa Leona Petrażyckiego,* [in:] *Prawo i nauka w poglądach Leona Petrażyckiego*, eds D. Gil, Ł. Pikuła, Lublin 2013, pp. 99–118.

Bibliography

Adamczyk A., *Świadek koronny. Analiza prawno-kryminalistyczna*, Warszawa 2011.

Bajda K., *Criminological and Forensic Aspects of Selected Forms of Contemporary Organized Crime in Poland,* "Przegląd Prawno-Ekonomiczny", 2019, No. 46.

Bajda K., Moczuk E., *Polityka prawa Leona Petrażyckiego,* [in:] *Prawo i nauka w poglądach Leona Petrażyckiego*, eds D. Gil, Ł. Pikuła, Lublin 2013.

Brylak J., Gilardini A., Privitera R., *Instytucja świadka koronnego w systemie włoskiego prawa karnego procesowego*, „Prokuratura i Prawo", 2005, no. 11.

Gabriel-Węglowski M., *Ustawa o świadku koronnym. Komentarz. Zarys instytucji w Europie*, Warszawa 2011.

Grajewski J., *Instytucja świadka koronnego w procesie karnym*, „Wojskowy Przegląd Prawniczy", 1994, no. 3–4.

Kiejnich K., *Instytucja świadka koronnego w świetle nowelizacji oraz aktualnych problemów społecznych*, „Kwartalnik Prawno-Kryminalistyczny", 2015, no. 2 (23).

Kaczmarek A.M., *Świadek skuteczny*, „Prawo i Życie" on 2 August 1997, no. 31.

Kościerzyński J., *Świadek koronny w świetle nowych regulacji*, „Prokuratura i Prawo", 2007, no. 4.

Kowalewska E., *Wybrane problemy instytucji świadka koronnego ze szczególnym uwzględnieniem regulacji niemieckich*, „Przegląd Policyjny", 1997, no. 3.

Kowalewska-Borys E., *Świadek koronny w ujęciu dogmatycznym*, Kraków 2004.

Kowalski M., *200 lat polskiego pieniądza papierowego*, „Prawo Bankowe", 1994, no. 3.

Kuryłowicz M., *Prawa antyczne: wykłady z historii najstarszych praw świata*, Lublin 2006.

Kurzępa B., *Świadek koronny. Geneza instytucji. Komentarz do ustawy*, Toruń 2005.

Lach A., *Instytucja świadka koronnego w prawie angielskim z uwzględnieniem rozwiązań polskich*, „Przegląd Policyjny", 2002, no. 1.

Litewski W., *Podstawowe wartości prawa rzymskiego*, Kraków 2001.

Marszał K., *Proces karny. Zagadnienia ogólne*, Katowice 2013.

Matuszewski S., *Kategoryczność (pewność) wypowiedzi świadka a jej prawdziwość*, „Problemy Współczesnej Kryminalistyki", 2002, T. V.

Mitręga Z., *Świadek koronny czy konfident*, „Rzeczpospolita" on 19 September 1994.

Paprzycki L.K., *Instytucja świadka koronnego i świadka incognito w świetle Konstytucji RP i Europejskiej Konwencji Praw Człowieka*, „Palestra", 2008, no. 5–6

Pawelec K., *Koronny świadek, koronne wątpliwości*, „Gazeta Sądowa", 2001, no. 10.

Paśkiewicz J., *Aksjologiczne uzasadnienie instytucji świadka koronnego*, „Biuletyn CE UW", 1999, no. 3–4.

Paśkiewicz J., *Instytucja świadka koronnego w ustawodawstwie amerykańskim, włoskim i niemieckim*, Toruń 2006.

Płaza S., *Historia prawa w Polsce na tle porównawczym. Cz. 1, X-XVIII*, Kraków 1997.

Rau Z., *Instytucja świadka koronnego w świetle analizy wybranych postępowań karnych*, „Przegląd Policyjny", 2013, No. 4.

Rau Z., *Przestępczość zorganizowana w Polsce i jej zwalczanie*, Kraków 2002.

Słownik wyrazów obcych, ed. E. Sobol, Warszawa 1995.

Sondel J., *Słownik łacińsko-polski dla prawników i historyków*, Kraków 2006.

Toumi M., *Korzenie angielskie instytucji świadka koronnego*, [in:] F. Rodoniewicz, M. Toumi, *Ustawa o świadku koronnym. Komentarz*, Warszawa 2020.

Ustawa z dnia 25 czerwca 1997 r. o świadku koronnym. (Journal of Law 2016, it. 1197).

Waltoś S., *Świadek koronny – obrzeża odpowiedzialności karnej,* „Państwo i Prawo", 1993, no. 2.
Wojciechowski J., *Na patelni. Po co komu świadek koronny?*, „Polityka", 1994, No. 3
Wojtaszyn K., Kacperczyk A., *Świadek koronny. 15 lat doświadczeń*, „Przegląd Bezpieczeństwa Wewnętrznego", 2011, nr 5.
Zając B, *Świadek koronny – za i przeciw*, „Rzeczpospolita", 1997, no. 71.

Pojęcie świadek koronny i ocena jego funkcjonowania w doktrynie polskiej

Streszczenie

Instytucja procesowa świadka koronnego funkcjonuje w polskim systemie prawnym od roku 1997. Świadek koronny stanowi skuteczny mechanizm zwalczania przestępczości zorganizowanej, choć niepozbawiony jest kontrowersji. Argumenty krytyczne dotyczą przede wszystkim wiarygodności jego zeznań, gdyż w procesie występuje jako skruszony przestępca, który przywileje otrzymuje za cenę zdrady byłych przestępczych towarzyszy. Krytyce poddawane są ponadto wysokie koszty funkcjonowania instytucji, co związane jest z rozbudowanym systemem ochrony świadka koronnego, a także na gruncie doktrynalnym naruszeniem podstawowych zasad procesowych, z którymi instytucja świadka koronnego wchodzi w kolizję. W artykule autor przedstawia przegląd pojęć instytucji świadka koronnego w wybranych krajach, jej rys historyczny i pogląd doktryny na jej funkcjonowanie. Instytucja świadka koronnego stanowi kompromis między możliwym naruszeniem zasad prawa karnego materialnego i procesowego a potrzebą zwalczania przestępczości zorganizowanej i korupcyjnej, o czym mowa jest w treści artykułu poprzez wskazanie stanowisk przedstawicieli doktryny i wnioski własne. Autor posiłkuje się przeglądem dostępnej literatury polskojęzycznej i obcej. W badaniach zastosowano metodę dogmatyczno-prawną.

Słowa kluczowe: świadek koronny, ocena instytucji świadka koronnego, rola świadka koronnego, zwalczanie przestępczości zorganizowanej