

# The Use of a Document Attesting an Untruth. Review of Literature and Judicature

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**Abstract.** This article is devoted to criminal issues under Article 273 of the Criminal Code involving the use of a document attesting an untruth. The specific nature of this influenced the structure of the article. It is composed of an introduction, an exposition of four substantive areas and a summary. In the first section, which is of an introductory nature, the author analyses the construction of criminal law pertaining to documents and items of generic and individual legal protection. Attention is also drawn to the role of public confidence in documents and to the reliability of activities of state institutions and local government. Dogmatic considerations, which are an important element of this article, are supported by a comprehensive presentation of the opinions contained in the Polish literature. In the second section the criteria for a causative act of using a document are defined. In this case, beyond insights of a general nature, reference is made to jurisprudence opinion. The third section presents detailed definitions of documents attesting an untruth made by the issuer, and as a result of an issuer being misled, based on an analysis of existing legislation, doctrine and the jurisprudence of common courts. The last section is devoted to an executing entity referred to in Article 273 of the Criminal Code and the criminal sanctions threatened for this act. The concluding section of the study constitutes a recapitulation of the preceding considerations.

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## Introduction

The aim of this study is to identify the constituent elements defining the causative acts criminalised in Article 273 Chapter XXXIV of the Criminal Code entitled “Offences against the credibility of documents”.

As a general observation it is worth noting that the criteria for this type of criminal act are fulfilled when the perpetrator uses false documents attesting an untruth as a result of a deliberate act of the issuer, or because they have been deceived. The main subject of discussion therefore focuses around the relationship between the offences involved in conscious and unconscious attestation of an untruth. The first of these involves the creation, by a public official or other authorised person, of an authentic document from the formal point of view, but attesting a false state of affairs. The second of these involves the use of a document that was created as a result of deceitful action by the perpetrator with the aim of misleading a public servant or a person authorised to issue the document.

The scope of this analysis also applies to determining the importance attributed in the doctrine and practice of judicial bodies to the definition of the use of a document, legal interests subject to protection under Chapter XXXIV of the Criminal

Code, perpetrator of the offence, and punishment threatened for its commission. The study of these issues is based on an interpretation of the current legal regulations and analysis of statements of doctrine and jurisprudence. The methodology used in this article is the legal dogmatic method, by which are presented the conclusions of the analysis shown above. In the absence of legal definitions use is also made of the interpretation of the language and interpretation of the law based on an analysis of the language. The study also uses selecting, ordering and preparation of legal and empirical material through which is made an assessment and determination of the content of Article 273 of the Criminal Code.

## **1. The Concept of a Document in Criminal Law and the Legal Interests Subject to Protection Under Chapter XXXIV of the Criminal Code**

The concept of a document in criminal law has an autonomous character and, in accordance with the provision of Article 115 § 14 of the Criminal Code, means any item or any other carrier of written information related to a specific law or which, due to its content, is evidence of the law, a legal relationship or a circumstance which may have legal significance.<sup>1</sup> Therefore, attention — without putting its importance in a hierarchy — should be focused on two elements: a formalised nature, which is reflected in the physical construction of the written words “any item or any other carrier of written information “ and the so-called substrate material, that is, the content and the legal aspect confirming particular circumstances and facts, and thus guaranteeing the protection of the legal interest of a general nature in the form of specific obligations or privileges.<sup>2</sup>

It should also be emphasised at this point that the legislature did not provide for division between official and private documents, or between national and foreign documents.<sup>3</sup> They all have the same probative value, and it is only their content that is important, thanks to which a statement or legal circumstances acquire a lasting material form.

As has already been said, the basis for the functioning of the system of legal protection of documents in Poland is Chapter XXXIV of the Criminal Code which, in the title itself, indicates the object of protection — namely, the credibility of documents. Such credibility should be broadly understood, since its scope includes the correct functioning of legal and economic transactions and the related interests of individual participants. In this field, an individual enjoys, amongst other

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<sup>1</sup> The definition of a document as stated in the Act of June 6, 1997 *Kodeks karny* (Dz.U. [Official Journal of Laws] of 1997, No. 88, item 553).

<sup>2</sup> In respect of a document's characteristics having criminal and legal significance see amongst others: Ochman P, *Spór o pojęcie dokumentu w prawie karnym. Prokuratura i Prawo*, 1, 2009, p. 31. See also: Piórkowska-Flieger J, *Falsz dokumentu w polskim prawie karnym*. Kraków 2004, p. 12 and following.

<sup>3</sup> For more details, see: Resolution of the Supreme Court dated 12 March 1996 (I KZP 39/95), OSNKW 1996, No. 3–4, item 17.

things, the right to protection of personal property, honour, dignity and respect, as well as copyright and related rights. A particular object of protection in the case of offences covered by Articles 271 and 272 of the Criminal Code is citizens' confidence in the veracity of documents drawn up by persons with special rights for their issue as well as "principals' confidence in the reliability of the persons authorised to issue them".<sup>4</sup>

In providing protection for legal interests of a general nature, the Chapter also criminalises acts violating the authenticity and veracity of documents. Also according to the provision of Article 273 of the Criminal Code the impartiality and integrity of public officials, including public administration officials, "public confidence in the fairness of the institutions of the state and local government" and the capacity and safety of widely understood legal acts can be recognised as legal interests.<sup>5</sup>

## 2. Use of a Document

Due to the fact that the causative act in the Article 273 of the Criminal Code is rather laconically referred to as "the use of", it is extremely difficult to make a strict demarcation of the scope of that concept. Also, the regulation discussed does not provide the more specific characteristics of the type of activities undertaken, and only mentions a single possible form of fulfilling its criteria. In order to properly interpret its meaning, it seems necessary to refer to the judicial practice of common courts and the Supreme Court. According to a judgment of the Court of Appeal in Łódź, this term should be understood as a "submission of a document to another person or public body to which it is to have a legal effect".<sup>6</sup>

With regard to Article 273 of the Criminal Code, use will therefore boil down to the submission of a document attesting an untruth to another person or authority to "provide evidence of specific authorisation".<sup>7</sup> This could take the form of personal transfer to the recipient and also sending it by mail, e-mail, fax or by messenger. It is also considered admissible to leave the document at a pre-specified location permitting its contents to be learned.<sup>8</sup> This stands correlates with the case law of other courts. In the opinion of the Supreme Court, "the introduction of (...) a document into legal transactions is using that document understood as submitting it to authority, individual or legal entity to demonstrate their rights, the existence of a legal relationship or circumstances of legal significance arising from the documents.<sup>9</sup> Additionally, "every time a reference to its content is made if it has been submitted previously in a specific set of documents, a register or a file"

<sup>4</sup> The Constitutional Tribunal's decision of 15 September 2015 (SK 27/13).

<sup>5</sup> An interesting article on administrative corruption by Giezek J, *Zwalczanie zachowań o charakterze korupcyjnym w świetle przepisów ustawy o sporcie*, [in:] Szwarz A (Ed.), *Ustawa o sporcie*. Poznań, 2011, p. 91.

<sup>6</sup> Judgment of the Court of Appeal of 12 March 2015 (II AKa 199/14).

<sup>7</sup> Judgment of the Supreme Court of 9 February 2006 (III KK 164/05).

<sup>8</sup> Interpretation of the Regional Court in Piła of 9 July 2015 (II K 163/15).

<sup>9</sup> Judgment of the Supreme Court of 15 October 2002 (III KN 90/00 LEX No. 56839).

and “the use of functions that it can perform” will also be considered use.<sup>10</sup> However, the criteria are not fulfilled if the material is shown or delivered to another person in circumstances that do not have legal consequences”.<sup>11</sup>

It is not required to have in advance an explicit goal and circumstances in which a document attesting an untruth will be used. To fulfil the constituent elements of an offence under Article 273 of the Criminal Code it is sufficient that there is an intention to use it in the future, and the circumstances of such use are irrelevant. The introduction to the construction of the offence of explicit reference to Article 271 or Article 272 of the Criminal Code indicates that the document is clearly defined. In other words, it is not just any documents, but those exhaustively listed in that provision. As a result, there is no qualification of an offence against Article 273 of the Criminal Code if the perpetrator uses a document resulting from a material falsehood, the use of which is subject to sanctions under the provisions of Article 270 § 1 of the Criminal Code. Thus, if in given circumstances the causative act boils down to the use of one of the documents referred to in Article 273 of the Criminal Code, the role of the authority is to identify whether it is a “document attesting an untruth as a result of a deliberate act of the issuer or a document attesting an untruth as a result of the issuer having been deceived”.<sup>12</sup> It is only then that the legal classification gives a full picture of criminal behaviour. It does not matter whether the perpetrator of an offence defined in that crime provision uses a document issued by a public official or by any other person. It is also irrelevant whether the issuer intended to gain material benefits or the motives of their actions were different.

### **3. A Document Attesting an Untruth as a Result of a Deliberate Act of the Issuer (Article 271) and a Document Attesting an Untruth as a Result of the Issuer Having Been Deceived (Article 272 of the Criminal Code)**

The term document referred to in Article 271 of the Criminal Code should be understood as one that has been drawn up by a public official or a person who is not a public official but is authorised to issue it, and in which there is a so-called official attestation of an untruth or confirmation of facts or circumstances contrary to the truth. The essence of this offence may be as simple as documenting fictitious events, using an alias or concealing certain facts.<sup>13</sup> Following the judgment

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<sup>10</sup> *Cited in the first case after:* Judgment of the Regional Court in Ostrowiec Świętokrzyski of 5 November 2015 (II K 86/15). *Cited in the second case after:* Judgment of the Regional Court for Wrocław Śródmieście in Wrocław of 25 August 2014 (II K 302/14 VI Ds. 31/14).

<sup>11</sup> *See:* Judgment of the Court of Appeal in Białystok of 30 November 1997 (II Aka 105/97) and judgment of the District Court for the City of Warsaw of 10 August 2015 (III K 757/13).

<sup>12</sup> Judgment of the District Court in Suwałki of 31 October 2013 (II Ka 334/13). *See also:* Judgment of the Supreme Court of 4 December 2003 (WA 53/03).

<sup>13</sup> Judgment of the Supreme Court of 25 November 2004 (WA 24/2004).

of the District Court in Rzeszów, let us add that the behaviour of an offender consists in “ascertaining, guaranteeing the veracity, reliability, identity of someone or something, or conscious attestation of false facts having legal significance by a public official”.<sup>14</sup>

The criterion for criminal liability under Article 271 is the determination of the status of a specific aspect related to the individual concerned. Consequently, it is an individual offence, as it may be committed only by persons with special rights and employed in positions “not related to official subordination”.<sup>15</sup>

To fulfil the objective features of the offence, it is not required to result in specific criminal consequences. To find the perpetrator guilty, his action alone is sufficient without a requirement to assess the extent of any resulting damage. A causative act recognised as an attestation of an untruth does not, however, consist in counterfeiting or forgery and therefore is not directed against the authenticity of the document which was created “in the form and manner prescribed by law”, but its contents “confirm inauthentic data”.<sup>16</sup>

The document referred to in Article 272 of the Criminal Code is also one that has been drawn up by a public official or an authorised person; the difference lies in the fact that the issuer was under a mistaken belief as to the reality of the situation and, as a consequence, has become the victim of “deliberate, fraudulent procedures” on the part of the applicant receiving the document.<sup>17</sup> The attestation of an untruth was therefore fraudulently extorted.<sup>18</sup> The extortion could take one of two forms: direct, consisting in the use of forged “writings, witness testimony and their own testimony”, or indirect, consisting in an attestation of an untruth by other people.<sup>19</sup>

Apart from the fact that the form of a document attesting an untruth does not affect the fulfilment of the criteria of its use, it is necessary for the related misrepresentation to have legal significance.<sup>20</sup> As a result, it can be said that an action fulfilling the conditions of Article 272 of the Criminal Code must involve an aspect of trust.

<sup>14</sup> Judgment of the District Court in Rzeszów of 21 January 2014 (II Ka 573/13). See also: decision of the Supreme Court of 30 November 2007 (V KK 98/07).

<sup>15</sup> Krasnowolski A, *Zawody zaufania publicznego, zawody regulowane oraz wolne zawody*. Geneza, funkcjonowanie i aktualne problemy. Warsaw, 2013, p. 3.

<sup>16</sup> Both citations after: Zgoliński I, Kurowski K, *Prawo karne. Kazusy z rozwiązaniami*. Warsaw, 2013, p. 91.

<sup>17</sup> *Ibidem*. It should be emphasised that the relationship between the concepts of the person entitled and authorised to issue a document is vague and differences between them that are accentuated largely relate to semantic nuances. In both these cases, the purpose of entitlement and authorisation is common and boils down to the delegation of specific rights to perform duties that are regulated by law and have legal consequences.

<sup>18</sup> In discussing this issue it is appropriate to draw attention to the fact that the Polish legislator has not defined and clarified the notion of extortion, hence to interpret its meaning it is necessary to refer to judicial practice. According to it, this term should be understood as “gaining something through the use of lies, deception or fraud.” Cited after: Judgment of the Court of Appeal in Rzeszów of 1 October 2015 (I Aca 205/15).

<sup>19</sup> Judgment of the Supreme Court of 4 June 2003 (WA 26/03). This is also mentioned by Peiper L, *Komentarz do Kodeksu karnego*. Kraków, 1936, p. 390.

<sup>20</sup> Orłowska A, *Falsz intelektualny a faktura VAT. Prokuratura i Prawo* 9, 2004, p. 61.

An essential condition for this type of criminal act is also the taking by the perpetrator of broadly understood preventive measures aimed at blocking or significantly concealing the truth in this area. The criminalised behaviour also includes an “element of concealment” which is intended to confuse the authorised person and the detection of which “would require levels of attention above average”.<sup>21</sup> The introduction of this phrase into the definition of an offence under Article 272 of the Criminal Code is in order to distinguish between a causative act and an administrative offence as specified in Article 231 of the Criminal Code. This article also puts into law the requirement to check whether there is a cumulative legal classification under Article 233 of the Criminal Code, that is, perjury, false testimony or concealment in proceedings.

An offence under Article 272 of the Criminal Code is of a general nature, which means that the perpetrator may be any person who is subject to criminal liability. The qualification for the commission of this offence means that not only have “false claims” to be made but also specific actions and procedures to be taken defined in the doctrine as “sly, mocking its compliance with reality and hindering the detection of untruth”.<sup>22</sup> Such an approach to the constituent elements of the offence excludes the possibility of extortion of the attestation of an untruth with intent. That the intent is direct is essential.

#### **4. Use of a Document Referred to in Article 273 of the Criminal Code and Penal Sanctions**

On the basis of the law as presented it should be noted that this offence belongs to a group of common crimes. This is indicated by the pronoun “who” and “simultaneous lack of normative clauses” identifying the offender.<sup>23</sup> It may, therefore, be anyone who uses a document attesting an untruth. Criteria for this offence can be fulfilled both directly, when the offender is aware that the document contains information that is untrue and has legal relevance, and indirectly, when “the offender is not sure that the document contains information contrary to the law, and accepts this”.<sup>24</sup>

Where the offence consists of at least two of actions, i.e. a causative act in the form of extortion of a document attesting an untruth and a causative act in the form of its use, one can talk about a cumulative concurrence of provisions. Otherwise, one should accept the arguments of the Supreme Court, according to which “the perpetrator who extorts attestation of an untruth in order to use it, and then uses this, is guilty of a single offence under Article 272 of the Criminal Code”.<sup>25</sup>

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<sup>21</sup> Judgment of the Court of Appeal in Kraków of 8 March 2001 r. (II AKa 33/01).

<sup>22</sup> Judgment of the Supreme Court of 5 April 2011 (II KK 267/10).

<sup>23</sup> Similar assumptions concerning this definition are pointed to by Kardas P, Łabuda G, Razowski T, *Kodeks karny skarbowy*, 2nd edition. Warsaw, 2012, p. 775.

<sup>24</sup> Interpretation of the District Court in Lublin of 17 March 2015 (IV K 350/14).

<sup>25</sup> Order of the Supreme Court of 23 May 2002 (VKKN 433/00).

An offence under Article 273 of the Criminal Code is prosecuted by indictment, and the statutory penalty may involve a range of alternative sanctions, including a fine, restriction of liberty or imprisonment of up to two years.<sup>26</sup> An analysis of the normative structure also shows that norm sanctioned contained in the article is characterised by “dependent degree of completeness of the description” as, in order to apply them, it is necessary to refer to other code or non-code regulations, “to which these dispositions do not refer directly”.<sup>27</sup> In assessing the level of punishment for the offender the court takes into account not only the actions of the perpetrator, but also their personal circumstances”.

## Summary

An analysis of Article 273 of the Criminal Code indicates that it criminalises the use of an authentic formal document, in which an entity or a body authorised to issue it attests an untrue state of affairs as referred to in Article 271 of the Criminal Code. This offence also involves the use of a document attesting an untruth which has been fraudulently extorted due to misleading a public official or other authorised person, which is the offence referred to in Article 272 of the Criminal Code.

The provision of Article 273 of the Criminal Code, because of its positioning in the Criminal Code as well as the title of the chapter in which it has been included, protects in a wide understanding the credibility of documents. Therefore it considers both the material form of statements and circumstances as well as the efficiency of the functioning and the security of legal transactions to be subjects of legal interests. A generic object of protection is also the proper functioning of state institutions and the credibility of persons occupying prominent public positions. The individual interests of individual entities are a particular object of protection.

The action characterising the type of offence under Article 273 of the Criminal Code has been defined as the submission of a document to another person or body in order to enjoy the rights arising from it, or “in order to prove to another entity legal evidence, a legal relationship or circumstances of a legal significance resulting from the content of documents”.<sup>28</sup> This means that the use may occur as a result of the active participation of the offender involving personal transfer, sending by mail, e-mail, fax or messenger. It is also considered admissible to leave the document at a particular location permitting its contents to be learned.

The use of a document attesting an untruth belongs to the category of common offences. The perpetrator may thus be any person having the capacity to incur criminal liability. An action that violates the norms sanctioned is punishable by a fine, restriction of liberty or imprisonment of up to two years.

<sup>26</sup> For more, see: Włodkowski O, Z problematyki sankcji karnych w pozakodeksowym prawie karnym gospodarczym (uwagi de lege lata oraz de lege ferenda). *Nowa Kodyfikacja Prawa Karnego*, Vol. XXIV, AUW No. 3119. Wrocław, 2009, p. 137.

<sup>27</sup> Cieslak W, *Prawo karne: zarys instytucji i naczelné zasady*. Warsaw, 2010, p. 59.

<sup>28</sup> Interpretation of the Regional Court in Otwock of 8 October 2015 (II K 907/13).



## References

### Legislation

1. Ustawa z dnia 6 czerwca 1997 r. *Kodeks karny* (Dz.U. [Official Journal of Laws] of 1997, No. 88, item 553).
2. Kardas P, Łabuda G, Razowski T, *Kodeks karny skarbowy*, 2nd Edition, Warsaw 2012.

### Case Law

1. Interpretation of the District Court in Lublinie of 17 March 2015 (IV K 350/14).
2. Interpretation of the Regional Court in Otwock of 8 October 2015 (II K 907/13).
3. Interpretation of the Regional Court in Piła of 9 July 2015 (II K 163/15).
4. Judgment of the Court of Appeal in Białystok of 30 November 1997 (II Aka 105/97).
5. Judgment of the Court of Appeal in Kraków of 8 March 2001 (II Aka 33/01).
6. Judgment of the Court of Appeal in Łódź of 12 March 2015 (II Aka 199/14).
7. Judgment of the Court of Appeal in Rzeszów of 1 October 2015 (I Aca 205/15).
8. Judgment of the District Court in Rzeszów of 21 January 2014 (II Ka 573/13).
9. Judgment of the District Court in Suwałki of 31 October 2013 (II Ka 334/13).
10. Judgment of the Regional Court for the City of Warsaw of 10 August 2015 (III K 757/13).
11. Judgment of the Regional Court for Wrocław Śródmieście in Wrocław of 25 August 2014 (II K 302/14 VI Ds. 31/14).
12. Judgment of the Regional Court in Ostrowiec Świętokrzyski of 5 November 2015 (II K 86/15).
13. Judgment of the Supreme Court of 15 October 2002 (III KN 90/00 LEX No. 56839).
14. Judgment of the Supreme Court of 25 November 2004 (WA 24/2004).
15. Judgment of the Supreme Court of 4 December 2003 (WA 53/03).
16. Judgment of the Supreme Court of 4 June 2003 (WA 26/03).
17. Judgment of the Supreme Court of 5 April 2011 (II KK 267/10).
18. Judgment of the Supreme Court of 9 February 2006 (III KK 164/05).
19. Order of the Constitutional Tribunal of 15 September 2015 (SK 27/13).
20. Order of the Supreme Court of 23 May 2002 (VKKN 433/00).
21. Order of the Supreme Court of 30 November 2007 (V KK 98/07).
22. Resolution of the Supreme Court of 12 March 1996 (I KZP 39/95), OSNKW 1996, No. 3–4, item 17.

### Monographic publications and articles

1. Cieslak W, *Prawo karne: zarys instytucji i naczelné zasady*. Warsaw, 2010.
2. Giezek J, *Zwalczanie zachowań o charakterze korupcyjnym w świetle przepisów ustawy o sporcie*, [in:] Szwarc A (Ed.), *Ustawa o sporcie*. Poznań, 2011.
3. Krasnowolski A, *Zawody zaufania publicznego, zawody regulowane oraz wolne zawody. Geneza, funkcjonowanie i aktualne problemy*. Warsaw, 2013.
4. Ochman P, *Spór o pojęcie dokumentu w prawie karnym*. *Prokuratura i Prawo*, 1, 2009.



5. Orłowska A, Fałsz intelektualny a faktura VAT. *Prokuratura i Prawo*, 9, 2004.
6. Peiper L, Komentarz do Kodeksu karnego. Kraków, 1936.
7. Piórkowska-Flieger J, Fałsz dokumentu w polskim prawie karnym. Kraków, 2004.
8. Włodkowski O, Z problematyki sankcji karnych w pozakodeksowym prawie karnym gospodarczym (uwagi de lege lata oraz de lege ferenda). *Nowa Kodyfikacja Prawa Karnego*, Vol. XXIV, AUW No. 3119. Wrocław, 2009.
9. Zgoliński I, Kurowski K, Prawo karne. Kazusy z rozwiązaniami. Warsaw, 2013.

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**Streszczenie.** Niniejsza praca poświęcona została problematyce przestępstwa z art. 273 Kodeksu karnego polegającego na użyciu dokumentu poświadczającego nieprawdę. Konkretyzacja tak określonego założenia wywarła wpływ na strukturę artykułu. Złożony on jest ze wstępu, czterech rozdziałów merytorycznych oraz podsumowania. Podstawowym narzędziem badawczym wykorzystywanym w pracy była metoda dogmatyczno — prawna, wykładnia językowa zwana także obiektywną oraz selekcjonowanie, porządkowanie i opracowywanie materiału prawno — empirycznego. W rozdziale pierwszym, mającym charakter wprowadzający autorka przeanalizowała konstrukcję prawnokarną dokumentu oraz przedmiot rodzajowej i indywidualnej ochrony prawnej. Zwrócono także uwagę na rolę zaufania społecznego do dokumentów oraz rzetelności działań instytucji państwowych i samorządu terytorialnego. Rozważania dogmatyczne, stanowiące istotny element niniejszego artykułu, podparte zostały wyczerpującą prezentacją opinii zamieszczonych w polskim piśmiennictwie. W rozdziale drugim określone zostały granice zakresowe czynności sprawczej użycia dokumentu. W tym wypadku poza spostrzeżeniami natury ogólnej odwołano się również do zapatrywań judykatury. Część trzecia prezentuje oparte na analizie istniejącego stanu prawnego, poglądów doktryny oraz orzecznictwa sądów powszechnych szczegółowe definicje dokumentów poświadczających nieprawdę wskutek winy wystawcy oraz w wyniku wprowadzenia wystawcy w błąd. Szczególną uwagę poświęcono także bezpośredniej i pośredniej formie wyłudzenia oraz scharakteryzowaniu znamion czynności sprawczych opisanych w art. 272 i 273 k.k. Rozdział ostatni poświęcony został podmiotowi wykonawczemu określonemu w art. 273 k.k. oraz grożącym za ten czyn sankcjom karnym. Pracę zamykają wnioski końcowe stanowiące rekapitulację przedstawionych rozważań.

**Резюме.** Данная работа посвящена проблематике преступления, описанного в ст. 273 Уголовного кодекса РП, основанного на использовании заведомо подложного документа. Конкретизация установки, определенной подобным образом, оказала влияние на всю структуру данной статьи. Она состоит из введения, четырех разделов и заключения. Основным инструментарием, использованным в данной работе, был догматическо-правовой метод, языковое толкование, по-другому называемое объективным, а также селекция, упорядочивание и обработка юридическо-эмпирического материала. В первом разделе, имеющем характер введения, автор анализирует уголовно-правовую конструкцию документа, а также предмет типовой и индивидуальной правовой защиты. Обращает внимание на роль общественного доверия к документам и добросовестности в работе государственных учреждений и территориальных органов самоуправления. Догматические рассуждения, являющиеся важным элементом данной статьи, подкрепляются исчерпывающей презентацией мнений, которые можно найти в польских источниках. Во втором разделе определена сфера действия преступного использования подобных документов.

*Здесь кроме замечаний общего плана также сделана ссылка на судебную практику. Часть третья, основываясь на анализе действующего законодательства, мнений, доктрин и решений, вынесенных общими судами, представляет подробные определения документов, ставших заведомо подложными по вине предъявителя или по причине введения предъявителя в заблуждение. Особое внимание было уделено прямой и косвенной формам вымогательства и попытке охарактеризовать признаки преступного деяния, предусмотренные в ст. 272 и 273 УК РП. Последний раздел посвящен исполнительному органу, предписанному ст. 273 УК РП, а также уголовному наказанию, грозящему за совершение данного преступления.*