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Forms of the consensus agreement in the latest amendments of the Code of Criminal Procedure

SUMMARY

The article presents the existing forms of the consensus agreement in the Polish criminal procedure. The paper covers the description of premises of the motion to be convicted without a trial (art. 335 § 1 and 2 of the Code of Criminal Procedure), conditions of voluntary submission to criminal liability and the institution provided for in art. 338a of the Code of Criminal Procedure. The evolution of the rights of the aggrieved within the consensus agreements and the execution of the aims of the criminal procedure with respect to abovementioned types have been also presented. Considering the changes introduced by recent amendments, the role of the consensus agreements has been emphasized, including their multiple advantages, their practice and the consequences which arise in further stages of the proceedings. One shall also pay attention to the mediation procedure, as well as the indications of consensus agreements, including among others the compensatory (restitution) discontinuation, in other legal acts.

KEYWORDS: process agreement, shortened trial, conviction without trial