

## **Summary of doctoral thesis**

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**Title of the thesis: "Crime in e-banking"**

The subject of this doctoral thesis is the crime in e-banking and, in particular, the description of its size and dynamics as well as the evaluation of binding regulations.

The basic aim of the thesis was to make an analysis of crime in e-banking in order to verify the hypothesis that the present state of legal solutions concerning responsibility for crimes in e-banking, despite legislator's activity in this area for more effective implementation of criminal responsibility of perpetrators of particular types of illicit acts, requires making amendments. For this purpose there were also constructed additional questions:

does, along with technological development in banking, increasing number of cards, etc. there increase crime in this area, do introduced and amended legal solutions enable counteracting appearing dangers, how are particular illicit acts qualified?, what interpretation doubts appear in this area?, how does the phenomenon of crime in e-banking look, what is its scale, dynamics, structure, who is the perpetrator of such acts?, what is the detectability of such acts, what problems appear in the practice of their prosecution?, what sanctions are imposed against perpetrators of particular types of illicit acts?

The application of appropriate research methods enabled the verification of proposed theses. In the study of regulation of crimes in e-banking there was used the historical-legal method, and in the remaining part was used formal-dogmatic method. There were analysed the opinions presented in literature and jurisdiction. Also a statistical analysis was made basing on statistical data obtained, for the purpose of research, from the police and court. The data was analyzed basing on criteria that allowed giving answers to the formulated questions.

First of all, the banking system in Poland was discussed, in particular, central institutions of the banking system and the principles of functioning of banks, including the specificity of banking operations. Next, e-banking was characterized, there was made a survey of standpoints concerning criteria of classifications of e-banking, taking into careful consideration the classification focusing on communication channels. Subsequently were analyzed selected types of payment instruments paying attention, first of all, to credit cards due to their universality in turnover as well as their rapid development. These considerations became the basis for making

a description of crimes in e-banking connected with credit cards. Moreover, there were described Internet crimes in e-banking, focusing on phishing and hacking which are most typical as well as most dangerous for the security of turnover within e-banking. The essential part of the thesis constitutes the analysis of statistical data concerning crimes with the use of e-banking in the period 1999-2015.

Statistical data analysis was made, first of all, basing on the data from police statistics. There was also used the obtained data concerning legally valid convictions of adults according to main act in the years 1999-2014 and the data concerning sentencing towards validly convicted adults in the years 2008-2014. There was made a statistical portrait of the statistical perpetrator of illicit act in e-banking, and additionally there was generated a sentence that could hypothetically have been pronounced by the court in the years 2008-2014 in selected legal qualifications concerning illicit acts in e-banking.

The carried-out analysis showed that the rapid development of e-banking made the underworld get interested in it. Despite undertaken actions to improve systems, revise procedures or implement other auxiliary measures in the fight with criminals the number of abuse increases. There was observed a significant growth in the quantity of proceedings, taken and completed, conducted for particular qualifications concerning illicit acts connected with e-banking in the years 1999-2015. There also appeared a big growth in the number of crimes stated and detected and, what is more, there decreases detectability, therefore it is more and more difficult to find perpetrators and saddle them with criminal responsibility. The rising tendency is caused, among other things, by technological development, changing character of crime, and also by adjusting law which includes in the system of penalties new types of illicit acts connected with e-banking. On the other hand, the doubts presented in the thesis concerning legal qualifications and the appearance of new modus operandi show the need to change the law.

At the end of the thesis were presented the summary of the considerations, the conclusions drawn on the basis of binding regulations and *de lege ferenda* postulates.

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