

## CONCLUSIONS

Małgorzata Materniak-Pawłowska

In the present work, the ruminations concerning the systemic issues of the public prosecutor's office were carried out primarily on two different planes: 1. its position among other state bodies, especially its dependence on the organization of the common judiciary, and 2. in the sphere of specific legal solutions which constituted the basis of the system and of the activities of the public prosecutor's office.

This work delineates the model of the system of the public prosecutor's office. This model did not undergo significant changes in the interwar period, although the legal basis of its operation changed in 1929 together with the unification of the law on the system of common courts.

The model of the system of the Polish public prosecutor's office in the interwar period was presented against the backdrop of certain European solutions. The rationale behind this was the fact that different models of the system of the public prosecutor's office functioned in Europe in the interwar period. For this reason, the German model became one of the models discussed in the present monograph. It was one of the most important and also one of the most frequently employed models of the system of the public prosecutor's office.

It should be noted that in the delineated stormy period the Empire was substituted with the Republic in 1919, and it was subsequently changed into the Führer's national socialist state in 1933. However, there were relatively small changes in the normative shape of the public prosecutor's office, which was shaped together with the acts concerning the judiciary in 1877. Initially, a more formal adjustment to the conditions and the institutions of the Republic took place in 1924. The state, its police, and law enforcement agencies were not able to control the mass increase in the outbursts of political violence, which started around 1930. From the moment the Nazis took power in 1933 until the outbreak of World War Two, a significant increase in the powers of the public prosecutor's office occurred because, as a body bound by instructions, it constituted a proper instrument of interference into the system of criminal justice and it was politically controlled by the Nazi leaders. However, despite the fact that the public prosecutor's office acquired enormous influence over inquiry proceedings, judicial proceedings, and

executive proceedings as a result of the legal and actual changes mentioned above, it remained a second choice from the point of view of the Nazi rulers as a bureaucratic body which had a tendency to act in a formalistic manner. The police apparatus, and especially the Gestapo, was the first choice to completely enforce the claims of the Nazis, and not the judiciary or the public prosecutor's office.

The example of the German interwar public prosecutor's office is an example of a model which functioned in a country which was gradually progressing in the direction of an authoritarian political system until it reached its most extreme form, i.e. that of a totalitarian system.

Furthermore, two other models of the system of the public prosecutor's office were discussed in the monograph, namely the French and Czechoslovakian ones.

The Polish model of the public prosecutor's office was based on the German model. The prosecutor's office was treated as a state body which was appointed to prosecute crimes. It was subordinated to the Minister of Justice, who also performed the function of the Chief Prosecutor. With the exception of a handful of states, this was the case in the majority of contemporary Europe. For this very reason, the Minister had the right to supervise and manage all the public prosecutor's offices in terms of their organization, staff, and functioning. Simultaneously, the prosecutor's office was closely connected with the judiciary in relation to both their organization and remit. The public prosecutor's office was to stand guard over the law including making sure that the justice system not only lived up to the contents of the acts but also to their spirit.

The structure of the public prosecutor's office was adapted in order to fit into the system of the common judiciary.

The organization of the public prosecutor's office was based on several main principles which ensured that it functioned efficiently. Among them were the principles of centralism, hierarchical subordination as well as the principles of uniformity, substitution, and devolution. On the other hand, the principle of legalism stemmed from the main task of the public prosecutor's office, namely that of upholding the observance of the law.

Two basic periods can be distinguished in the system of the interwar public prosecutor's office. The first one covered the period between 1918 and 1928. The legal bases of the public prosecutor's office were separate at the time for each former post-partition area, ultimately creating a complex and quite complicated legal mosaic. And the second period occurred between 1929 and 1939. This was the period when uniform and simultaneously numerous sources of law regulating the prosecution system were in force for the entire territory of the state.

Even though the comparative analysis of the models of the public prosecutor's office in the selected European states presented in this monograph does not fully exhaust the subject matter in accordance with the authors' assumptions, it

---

is their fervent hope that it makes significant strides in the direction of fulfilling a research gap in historical and legal sciences. Furthermore, it will hopefully become a source of inspiration for other researchers to undertake further and even more detailed studies into the institution of the public prosecutor's office in the history of the Polish justice system.