

## **Judicial immunity**

Pursuant to Article 181 of the Constitution of the Republic of Poland, a judge may not, without the prior consent of the disciplinary court specified in the statute, be held criminally liable or deprived of liberty. A judge may not be detained or arrested, except for being caught in the act of committing a crime, if his or her arrest is necessary to ensure the proper course of proceedings (i.e. in order to, for example, establish identity, take fingerprints, test sobriety). The president of the court with territorial jurisdiction is immediately notified of the detention, who may order the immediate release of the detainee. In the case of crimes, this is formal immunity that prevents a judge from being held liable without the consent of the disciplinary court. However, in the case of misdemeanours, it is material immunity, i.e. repealing the penalty for the offence. Immunity and inviolability guarantee that the judge will be free from pressure and harassment, as well as blackmail and provocation, in particular from people dissatisfied with his decisions.