

## **Sexual intercourse among relatives and criminal law. Penalization of incest**

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### **ABSTRACT**

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**Introduction:** Under Polish law there is a criminal offence, called incest, where close relatives perform an act of sexual intercourse with each other. Its penalization has a long tradition under Polish law. However, its criminalization remains controversial.

**Purpose:** To examine whether incest should still be penalized.

**Materials and methods:** The provisions of the Polish Penal Code and the relevant regulations of selected European states have been analysed. The judgement of the European Court for Human Rights and the criminal law literature have been examined as well.

**Results:** There are both reasons for the depenalization of incest and arguments in favour of its continued penalization.

**Conclusions:** The issue of incest may be seen both in the light of criminal law and from the point of view of morality. Looking at the problem solely from a legal perspective, the penalization of incest is not necessary and thus Article 201 of the Penal Code is redundant. Looking at the problem from a moral perspective, the opposite conclusion should be made.

**Key words:** incest, sexual intercourse, penalization of incest, eugenic reasons, decency, moral relativism

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