

*Magdalena Błaszczak**

CRIMINAL LAW ASPECTS OF WEARABLE TECHNOLOGY. POLISH PERSPECTIVE

The proposed paper addresses aspects of wearable technology from the perspective of Polish substantive criminal law. The author has taken as its subject intelligent electronic devices that are worn on the human body and their main purpose is not medical indications. These products are often characterised by a high degree of innovation, namely the operation of interfaces based on algorithms, artificial intelligence or virtual reality. In the presentation, the author will consider both popular models such as fitness bands or smart watches, but also increasingly newer types of devices such as virtual reality goggles or clothing with embedded sensors. In addition, he will consider futuristic and, in parallel, more invasive prototypes, such as smart subcutaneous chips or interactive tattoos. Based on the conceptual scope outlined above, the author will characterise the typology of wearables and thus explain the reasons for excluding devices with a medical purpose from consideration. Autor will then list the Criminal Code offences that can be committed with the use of wearable technology. Because in addition to a number of benefits, the use of wearables poses potential (cyber) risks implying violations of legally protected goods. Thus, it is crucial to make a legal qualification of the criminal acts that may be committed in the future, in connection with the anticipated dissemination of the title technology. And observing the development of the Internet of Things and the EU goals of digitalisation of countries, talking about the risks of wearable technology should not be considered premature. The phenomenon, due in part to prosumption in the (post-) pandemic period, is unequivocally being referred to as a so-called plateau of productivity. Wearables are thus becoming so widespread that wearing

* PhD student, Adam Mickiewicz University in Poznań, Faculty of Law and Administration

devices is compared to wearing clothes and accessories. An examination of the current state of the law will make it possible to assess the safety of wearables users and other actors involved in their market. In turn, the formulation of a catalogue of criminal acts in the age of wearable technology will initiate an assessment of legal risks. These, in turn, should be discussed in international discourse and comparative studies of legal orders. Given the predictive nature of the text, the author adopted the functional method as the leading method in addition to the dogmatic method – creating hypothetical scenarios of events and subjecting them to a hypothetical case analysis. The final assessment will concern the validity of the adopted research hypothesis, that broadly conceived innovations arouse notorious conviction in the doctrine about the need to amend the existing regulations or to create regulations dedicated to particular technologies. However, the author assumes the rationality of the legislator in the face of current and imminent legal challenges in the area of wearables. The related conclusions may therefore contribute to the positions of other penal sciences, but also of the social sciences.

Keywords: wearable devices (wearables), wearable technology, new technology law, cybercrime, criminal law.

