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ПРОТИВОДЕЙСТВИЕ КОРРУПЦИИ В ПОЛЬШЕ: ПРАВОВЫЕ И ЭКОНОМИЧЕСКИЕ АСПЕКТЫ

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Статья посвящена правовым и экономическим аспектам противодействия коррупции в Польше. В ней проанализирована трансформация понимания коррупции в уголовном и социально-экономическом смысле со времен Польской Народной Республики до настоящего времени. Показана роль антикоррупционных институтов, в том числе Центрального антикоррупционного бюро, полиции, Агентства внутренней безопасности, пограничной службы, военной жандармерии и службы контрразведки. Автор подчеркивает эффективность деятельности Центрального антикоррупционного бюро. В статье уделяется значительное внимание формам коррупции в сфере экономики и методам ее превенции и противодействия. Коррупция в сфере экономики рассматривается в контексте конституционализации уголовного процесса и изменений, связанных с приватизацией. Автор акцентирует внимание на превенции коррупции и роли общественных организаций в этом. В статье имеется детальный анализ некоторых судебных решений по коррупционным делам. Оценивается масштаб коррупции в Польше и сделан вывод о значительном прогрессе в Польше со времен Польской народной республики, хотя, по мнению автора, такие сферы как строительство, компьютеризация публичной администрации, использование фондов Европейского Союза, оборона, здравоохранение, энергетика, охрана окружающей среды и сфера оказания услуг остаются подвержены риску коррупции.

Ключевые слова: противодействие коррупции, Польша, Центральное антикоррупционное бюро, право, экономика, превенция коррупции.

Definitions of corruption. There are several possible ways to define the phenomenon of *corruption* in substantive criminal law, which has to influence the analysis of *anti-corruption* practises in contemporary Poland this article is designed to present. A distinction here can be made between the *substantive*

(i.e. legal) and *socio-economic* notion of corruption, where the former is not sufficient for the article's purpose due to its too narrow and too precise interpretation of corruption, and the latter seems to be quite ambiguous. Consequently, *anti-corruption* should be introduced both in *legal* and *socio-economic* terms to reflect its entire nature. However, before the methods of counteracting the corruption are brought for discussion, the forms and examples of the phenomenon of corruption should be presented.

Nevertheless corruption is commonly reduced to *bribery*, it is a more complex phenomenon, e.g. it may also be a misappropriation of public property. In other words, when someone uses his or her position to meet another person's expectations and in return he or she receives undue benefits, we are dealing with corruption. This especially applies to public officials and those who administer the funds. Among the most common corrupt activities are bribery, the use of budgetary resources and public property for private purposes, payable protection, revenue trading, public procurement irregularities, repealing before duty, favoring, nepotism and cronyism¹.

According to the *Central Anti-Corruption Bureau* (the CBA) the essence of corruption consists 1) in the promise, proposition or transfer by any person, directly or indirectly, of any undue advantage to a person performing a public function for himself or for any other person, in exchange for an act or omission in the performance of his or her duties; in the request or acceptance by a person performing a public function, directly or indirectly, any undue advantage, for himself or for any other person; 2) vis-*either* public authority or authorities consisting in promising, proposing or giving, directly or indirectly, to the person in charge of the entity not included in the public finance sector or working in any capacity for such entity, any undue advantage, for itself or for the benefit of any other person, in return for an act or omission of an act; 3) to the authority or authorities of the public, consisting in the request or acceptance, directly or indirectly, by the person in charge of the entity not classified in the public finance sector or working in any capacity for such entity, any undue advantage or the acceptance of proposals or promises of such benefit to himself or for any other person in exchange for an act or omission (CBA 2015: 6).

Areas at risk of corruption are identified by the Centre for Public Opinion Research, according to which the crime in question occurs primarily among politicians and party activists, i.e. in the health service, in municipal, county and provincial offices; in courts and prosecutors; in central offices and ministries, in the Police; in state-owned companies, in private companies, in education and science, in banks (Siemaszko et al. 2012: 77).

With thirty professional groups having been analyzed, *doctors* and *sport referees* were rated as the most corrupt. Respectively, almost 70% and 60% of respondents considered corruption to be a common phenomenon among the representatives of these professions. The remaining professions were considered

¹ URL: <https://www.antykorupcja.gov.pl/ak/archiwum-mswia/poradnik-antykorupcyjny/co-to-jest-korupcja/63>

corrupt by less than a half of those having been surveyed. The least corrupt turned out to be *teachers* (only about 15% of respondents claimed they often engage in corrupt behavior), *academics* and *bank officials* (about 20% of indications). As to *journalists* and *clergy*, accepting bribes is a rare phenomenon. Bribery is common among *police officers* (48% of indications), less often *city guards* (41%), *customs officers* and *border guards* (39%) and the least often *prison guards* (32%). However, the lowest percent attributed to the last professional group is probably due to irregular contact of the respondents with its representatives (Siemaszko et al. 2012: 22).

The phenomenon of Corruption in Poland in the second half of the 20th century and in the early 21st century. The phenomenon of corruption in Poland has existed for a long time. It was already in the second half of the 1950s, when a report by the Supreme Audit Office revealed a fraud in connection with the performance of the official duties for which they were additionally paid, as for commissioned work. The superiors argued this in relation to the mobilization of public officials. Krzysztof Madej describes this phenomenon in the article *On the history of corruption in Poland*.

Another notorious case to be mentioned was the “meat scandal” in Szczecin, disclosed in 1960, where falsifications of invoices, demonstrating fictitious losses and the illegal sale of over 30 tons of meat occurred. One more example of abuse was the assessment of work of the directors in the Ministry of Internal Trade made in 1964. As a result of the evaluation of the Central Party Commission, it turned out that officials assisted in receiving scarce goods and also facilitated obtaining sick leave and arranging stays in sanatoriums. Against the background of the widespread corruption in The People's Republic of Poland, the Kodeks Karny was adopted on April 19, 1969. In chapter XXXII it refers to crimes against the activities of the state and social institutions. The Code has also included responsibility for active and passive corruption. These entries fall from Art. 239 to Art. 244. It is also said: “One is not punishable by anyone who has given or promised upon request to grant an official or other person a financial or personal advantage in connection with their work, if they notified the authority appointed to prosecute crime before this authority became aware of this or at the latest revealed the truth at the first hearing of criminal proceedings”¹.

Despite these legal and codicil regulations, the phenomenon of corruption was still present. Overt and legalized corruption in the People's Republic of Poland continued to function. Among others, housing reserves were created, the advantage of which was taken by central and local officers, it also included vouchers for cars. In the years 1979–1981 there was a prominent case regarding the Hortex executives accused of accepting bribes for their allocation of scarce goods. It turned out that the representatives of national councils wrongly imposed taxes on the private sector. In 1980 the Supreme Audit Office released the names of people who built villas from public money in the 1970s (Dobrzyński 2020).

¹ URL: <https://www.antykorupcja.gov.pl/ak/retrospekcje/retro/6329>, Korupcja-PRL-kodeks-karny-1969-roku

Since 1989 a huge process of economic transformation has been developing in Poland in accordance to political changes. The Polish economy has been significantly improving, with standard of living of advanced European economies being approached. The GDP growth rate reached 5% in 2018. Despite all this, the phenomenon of corruption is still common in Poland.

Corruption is a manifestation of criminal activity reported in all countries. This is confirmed by annual meetings on counteracting corruption in the European Union. In 2011, a forum *What is the best way to protect whistleblowers?* was held in Trier. Considerations on corruption are also present in the Polish discourse, with much attention devoted to working out ways to prevent and eliminate it (Fusiecki 2020). The burden of anti-corruption lies primarily on a country that has the right instruments to combat it. NGOs and academic centers are also involved in fighting corruption: non-governmental organizations primarily carry out tasks involving research showing the extent and mechanisms of corrupt behavior. The subject of preventing this pathology is of interest to the research centers that run a broad discourse on the disclosure, elimination and fight against corruption (Kępa 2012: 41).

Major changes took place in Poland in 1995 due to law enforcement authorities faced the dilemma of effective ways of combating organized crime, including corruption. The changes concerned the scope of the operational control and the use of technical measures to covertly obtain information, including information got through the Police and *Urząd Ochrony Państwa* (*Office of State Protection*, the UOP). It was a little strange that the rules were introduced only two years later, i.e. in 1997, by ordinance of the interior minister (*Zrządzenie ministra...* 1997). The new solution was that the Police and *Office of State Protection* (UOP) were statutorily equipped with the authority to secretly take over items originating in crime and forfeiture or whose manufacture, possession, transportation or trading them is prohibited as well as for controlled acceptance or giving property benefits.

On 17 February, 2002, the Upper House adopted an amendment to the Law on goods and services tax and excise duty. Another current change since 1 January, 2003 was the possibility of choosing a cash settlement method. These were mainly changes made mainly in respect of VAT. Due to the changes, the provisions of substantive criminal law have also changed. In 2003 provisions amending the Act (e.g. the Penal Code and some others colloquially known as the “anti-corruption novel”) came into force. This act amended over 20 provisions of criminal law and introduced several innovative solutions. New terms have also appeared: *controlled bribe*, *sham transaction* and the most commonly used *police provocation*. This term, *police provocation*, is in conflict with the Polish legal system, therefore, using this term to describe the method of controlled operational work of accepting or giving financial benefits is unacceptable. It is also said that perhaps it is about preventing a morally unacceptable situation, such as controlled acceptance or giving of a personal benefit in the form of a promise of satisfying erotic needs (Kobuszeński 2012: 208).

To sum up, it should be stated that in order to organize the entire sphere of operational activity of various departments it is necessary to 1) create a uniform model of powers and duties in a form of a legal act of a statutory rank regulating the operational work of all services, 2) set statutory boundaries for the so called controlled bribe.

Institutional factor in counteracting. The institutional arrangements in many countries tend to meet *the anti-corruption* standards imposed on them either by civil society or by commitments to international Conventions on the issue. It cannot be underestimated that anti-corruption strategies adopted or international agreements oblige the signatory state to set up a specialized anti-corruption agency. For example Poland is a signatory to the United Nations, and Art. 6 of the United Nations Convention against Corruption, adopted by the United Nations General Assembly of 31 October 2003¹, requires from Polish government the appropriate actions.

Among the institutions designed to counteract corruption, the leading role is played by the *Central Bureau of Corruption* (CBA) established on the basis of the Act of 9 June, 2006. CBA in this way realizes the provisions of the United Nations Convention against Corruption. However, CBA has little in common with the convention itself. It prosecutes crimes against the activities of state institutions and local government, the justice system, elections and referendum, public order, credibility of documents, property, trading, trading in money and securities. Poland also failed to meet its international obligations because an independent body has not been created. The direct subordination of the CBA to the prime minister appeared to be a tempt to use this service for “political games”.

The Central Anti-Corruption Bureau is a special service, established as a central government office, to combat corruption in public and economic spheres, in particular in state and local government institutions, and to combat activities that undermine the economic interests of the state. The CBA Office is led by the Head of the Central Anti-Corruption Bureau, as the central body of government administration, supervised by the Prime Minister. The Head of the CBA is appointed for a year term and dismissed by the President of the Council of Ministers, after consulting the President of the Republic of Poland, the College for Special Services and the Parliamentary Committee on Special Services.

However, departments for Fighting Corruption were created in provincial police headquarters in Poland. These departments implement their duties, although there is a lack of understanding of how the economy functions on the daily basis. This kind of knowledge is in need for large, comprehensive investigations to be made. Unfortunately, there has been a failure to comply with preventive measures in the institutional sense. In practice, it is a service that does the same tasks as the Departments to Fight Corruption or the Central Bureau of Investigation, but it is much more expensive while using controversial instruments, e.g. provocations by the police.

¹ Journal of Laws no 84, item 563.

The police must protect citizens' lives, health, property, public order and safety, initiate and organize activities aimed at preventing crimes and offenses, conduct proceedings in cases of corruption offenses, including those committed by own officers and employees.

The Internal Security Agency (ABW) should recognize, prevent and fight threats to the internal security of the state and its constitutional order, in particular to sovereignty and international position as well as state defense. It recognizes and prevents crimes including corruption of persons executing public functions.

The Border Guard (SG) runs, among others, proceedings in cases of crime-related corruption committed by its own officers and employees in connection with performing official duties as well as those committed by non-officers.

The Military Police (ŻW) perform tasks within their scope of responsibility, conduct proceedings related to corruption offenses.

The Military Counterintelligence Service (SKW) detects corruption offenses and prevents them if they may threaten the security of the Ministry of National Defense organizational units. The area that is most at risk of corruption appears to be *the services*. The biggest case was reported in the Police sector. The next group in order is *Border Guard, Service Prison and customs officers*. Corruption can also be seen in such places as communes, city and province offices (Bill, Wawrzusiszyn 2012: 119).

The reactivation of local government was one of the most of all important political decisions taken to transform the Republic of Poland. This is a model of a democratic and decentralized state. The administrative staff holds special responsibility for relations with clients. Negative information about the conduct of many presidents, district governors and mayors is of deep concern.

Corruption also occurs in the departments and bodies set up to prosecute it. In 2014, 369 police officers were charged, and four officers were charged with corruption. In 2014, the Military Gendarmerie opened 28 investigations into corruption offences in the military. 31 suspects were presented. Law enforcement, on the other hand, presented a total of 12 charges to 10 customs officers (CBA 2015: 32-35). Despite corrective action and minimizing the risk of criminal behavior, there are unfortunately cases of officers suspected of corruption. It should be noted, however, that this is the primal of all those working in the service.

Corruption can appear in every area of social life, especially there, where positive or negative decisions depend on arbitrary decisions of individuals settling the matter. Sometimes corrupt customs established in society are a factor destroying state structures. In extreme situations, an extended system of criminal behavior and dependencies can occur (Ustawa 2006: item 621).

The other institution is the government's plenipotentiary for the prevention program of Irregularities in Public Institutions. This function was created at the end of 2007. However, it does not play an important role. The next one is the Civic Rights Ombudsman who is expected to be more involved

in the subject of anti-corruption, e.g. getting to a doctor in hospital or protection against an employer. On the other hand, corruption offenses concern the following matters: avoiding liability for a crime or offense, arranging work, housing and enabling tobacco smuggling.

As far as the punishment is concerned, imprisonment has been imposed in conditional suspension of its implementation. In addition to imprisonment, fines were also imposed. Were the indicated penalties effective then? Imprisonment is certainly severe, but it seems that a more severe dimension of punishment for this type of crime is depriving the perpetrators of "the fruit" obtained from the crime (Bill, Wawrzusiszyn: 120). Law enforcement agencies should secure crime-related property. The Anti-Corruption state policy is also ineffective due to the lack of explicit rulings that prohibit occupying a specific position or performing a specific profession. This prohibition is strictly observed only in the case of services or officials. Areas at risk of corruption are: administration, healthcare, courts, prosecutor's office and traffic centers (Bill, Wawrzusiszyn 2012: 120-121).

Corruption is sometimes well established in our social consciousness. In most cases it is not the official who suggest bribes, but clients who demoralize officials. Examples of the forms we can deal with are the following: 1) buying a bill (3 million American dollars), 2) a positive opinion of the building supervision inspector (100 000 Polish zlotys), 3) taking over a palace (8 million Polish zlotys), 4) setting up a tender, pushing through the resolution of the city council or cutting down a tree (200 Polish zlotys) (Bill, Wawrzusiszyn 2012: 101).

Many factors are influential in the process of shaping the anti-corruption attitude. In addition to legal regulations and penalties, it is important to influence internal motivation (and therefore, religious motivation). One of the basic mechanisms supporting legal provisions in the fight against various pathologies are sets of ethical principles that take on the form of a code. Each code of ethics is a substitute for the law because it is fortified by appropriate sanctions, and not at all moral, but service, disciplinary and regulatory ones (Majer 2012: 53).

Economic corruption. The issue of corruption in the sphere of economics is very important. One can think that a democratic system based on a free market will not cause corruption events in the economic sector, however, this turn out to be a hasty conclusion. The multiplicity of entities in the free market system affects the widespread competition for acquiring customers. The competition is not always fair, then the phenomenon of economic corruption in the private sector appears. Corruptive behavior include bribery of the entrepreneur's staff, which can become an active corruption factor. The phenomenon of corruption in the economic sector is manifested in various forms, from practices undertaken to maintain the entity on the market through elimination and limitation of competition up, to acquiring new customers through corrupt actions.

That is why economic corruption seems to be a serious problem for the development of the economy in general. It is the reason why informal sectors

emerge in developing states' economies. The dependencies caused by corruption can limit the growth of enterprises and companies forced to operate in the grey economy. Companies operating in the informal zone must consciously reduce expansion to reduce the attraction of unnecessary attention. Enterprises operating in the informal sector are generally smaller and operate on lower level than others. Corruption seems to be greater in small businesses due to ease of prosperity in the grey economy (Starzyński 2010: 81). A common phenomenon of corruption in business is demonstrated by, e.g. a study by Ernst & Young in 2012, in which 60% of respondents indicated that corruption is widespread in their country, and 84% said that bribery is common in the industries they represent as the method used to obtain contracts (O krok dalej... 2012: 17). The analysis of respondents show that the vast majority of entrepreneurs are in favor of applying corrupt practices. They consider the offering of entertainment to acquire business relationships as the most common form. The vast majority of companies in Europe emphasizes that the practices listed below lead to corruption: close links between politics and business, favoring specific companies, distorting competition business and preferring family and friends in business (Bill, Wawrzusiszyn 2012: 84).

Regarding economic corruption, it should be noted in the light of the law that there are United Nations regulations, European regulations and Polish legislation. Poland's efforts to join the European Union have led to the ratification of many legal solutions. In 2003 the introduction of the provision of art. 296 that penalized corruption crime in trade business trade is about economic corruption. Introducing the discussed regulation leads to covering all manifestations of corruption in business trading. Accepting financial benefits in connection with managing the entrepreneur's property should lead to an increase in penalty based on this provision by an individually specified entity.

The criminal behavior of the perpetrator of passive corruption in the private sector consists of accepting financial or personal benefit or its promise in exchange for proceedings that may cause material damage or dishonest competition, or for an unacceptable preferential act for the buyer or the recipient of goods, services or benefits. Acceptance of financial gain consists in taking it over in actual possession and obtaining access to it. The property benefits include money, the purchase of a given asset at a discounted price or also adopting an abnormally low interest rate (Bill, Wawrzusiszyn 2012: 104-105).

The penal code in art. 296a & 5 or the so-called clause "no criminal record" was introduced to prevent and combat corruption (also in the private sector). The application of this convenience for the perpetrator of bribery in the economic corruption sector is possible if three conditions are met. First, the benefit or promise was accepted by a salesman. Secondly, the perpetrator of bribery notified the law enforcement authorities of the committed act before they obtained information justifying the suspicion of this crime. Thirdly, the perpetrator disclosed all circumstances of the corruption incident. The limiting factor may be the fact of corruption events in the economic sphere related

to corporate crime, in which economic actors may consider corruption to be an indispensable element of the strategy and also use the collusion of silence between the perpetrators.

The register of corruption cases shows an interesting summary of committed acts of the economic corruption in different regions of Poland in 2013. The number of corruption episodes in each region is determined by the level of its individual economic development. A significant number of operators increase the number of contacts between companies, however, despite the significant economic development of some regions, such events did not happen in voivodeships such as *Mazowieckie* or *Greater Poland*.

Another interesting feature of corruption is the number of people convicted of an act of business corruption. The convicted persons should be divided into those who are convicted at first instance and those legally convicted (Bill 2015: 115). As a result of data analysis, it turns out that the judgments in the first instance do not coincide with a final conviction. Such a difference can be clearly seen in 2011, when 31 first instance cases were recorded and finally only 11 people were sentenced. On the basis of these considerations there is the question of what system of criminal sanctions would be an effective means for reducing corruption? Deprivation of freedom is surely a painful punishment. Based on the judgments applied in Poland, it can be emphasized that depriving of freedom is applied with a conditional suspension. The courts believe that this phenomenon is moderately harmful. The penalties used are judgments against perpetrators in the form of prohibition penalties regarding conducting a business, forfeiture of benefits obtained in connection with the act and disclosing information to the public about the use of corrupt practices threatening fair competition on the free market by the specified entrepreneur.

Finally, the data provided by the police is important because that is the service that deals with most cases related to corruption in the economic sector. A cursory data analysis already indicates that 2007 was a period of extraordinary dynamics to initiate preparatory proceedings on economic corruption in the years 2009–2013. Data provided by the Prosecutor General's Office regarding economic crime explain the complicated structure of this type of cases. A preventive measure was applied in the form of pre-trial detention and property sureties. Most cases have been conducted in recent years by District Prosecutor's Offices, to a lesser extent District and Appellate Prosecutors. The largest group reporting economic crime were physical persons. There were fewer notifications by legal entities and state institutions. The smallest number of notifications came from other bystanders.

However, the largest group of victims in cases of economic corruption are entrepreneurs, then are consumers and creditors. Most preparatory proceedings under the supervision of the prosecutor's office were led by the police, and to a lesser extent by the CBA. The statistical data suggests that the scale of corruption is not large across the country, but the number of crimes is still not fully reflected in the statistics. The conviction of businessmen about the correctness of corrupt practices, i.e. an effective mode of obtaining contracts does

not allow reliable recognition of the phenomenon. It is believed that if there is no public official, there is no corruption – and this is not the case.

The provisions of the Anti-Corruption Act have been violated in many cases by officials. CBA agents detected such irregularities, including in the *Lublin Voivodeship* and *Wielkopolska*. CBA agents carried out an audit of compliance with a member of the *Ryki district* Management Board on restricting business activity by persons discharging public functions. Such proceedings took place in 2010–2012. It was found that the man in the function of a member of the board of the county of *Ryki* was at the same time involved in the Supervisory Board of the Communal Peasant Self-Help Cooperative in Nowodworze, which broke the anti-corruption law. The CBA regulations were violated and a request was sent to the District Council in *Ryki* to dismiss this person from his position. The CBA agents also controlled the compliance with the provisions of this Act by the independent Director of Public Health Care Center in Gostyń. The proceedings covered the years 2008–2012. During the inspection, it was found that the Director was also conducting business activity and hence violated the provisions of the Anti-Corruption Act. This is why the CBA office addressed the request to the District Management Board in Gostyń in order to dismiss the Director from the position held (Dobrzyński 2020).

On the other hand, corruption in the private sector has different sides and is committed in many areas of business. Therefore, it is worth mentioning some interesting cases of corrupt behavior in the private sector. One of them is an example of scrap trading. An employee who was a foreman and a controller of quality scrap metal made an agreement with other employees of the enterprise in which they worked. Numerous crimes against the firm's property were committed at this establishment. The crime consisted of certifying untruth in documentation related to qualitative acceptance of scrap metal. The person committing the crime had an impact on making decisions related to the company's operations, i.e. issuing documents confirming the receipt of scrap metal, and hence giving a reason to pay for the delivered goods. 14 people were involved in this practice. This resulted in the disposition of the company's property, which resulted in losses of at least over 7 million zlotys. The main organizer of this deal received at least 180 thousand PLN from the scrap supplier for two and a half years in exchange for certifying untruth in documents regarding the declared quality of scrap metal. The entrepreneur provided 360 car transports with contaminated scrap metal. This person was accused of directing an organized crime group and for accepting property benefits related to economic turnover, which caused considerable material damage to the company in which he was hired. The example shows that corruption in the private sector has long ago extended outside the area of small business.

The prevention and counteracting economic corruption. This task is mainly addressed to the state organs that guard public order in a democratic state, but non-governmental organizations can also help. It is also important if private institutions take part in the process of implementation of ethic codes related to the prevention of corruption. As far as the state authorities are concerned, the so-called 'anti-corruption' strategies have been announced in the

fight against economic corruption. One of them was an anti-corruption strategy for 2002 to 2004.

State strategies include the anti-corruption strategy in 2002–2004 and 2005–2009, provided for detecting corruption offences through implementing effective anti-corruption mechanisms in public administration, raising public awareness and promoting ethical practices¹. There are also public benefit organizations and well-known non-governmental organizations, such as *Stefan Batory Foundation*, *the Institute of Public Affairs Foundation*, *Association “Stop Corruption”*, *Institute Kościuszki*, *Institute for Private Enterprise and Democracy*, *The Center of Citizenship Education*. One of them, e.g. *Stefan Batory Foundation*, is an entity founded in 1988 by George Soros, an American financier, with the support of the Polish democratic opposition of the 1980s. The foundation's task is improving the quality of Polish democracy, strengthening the role of civic institutions in the public life².

Education can also make contribution into counteracting corruption. Science appears to be the basic aspect of a new quality transformation in social life and the sphere of production. Anti-corruption education should be ultimately implemented in all teaching stages, starting from elementary school and ending with third degree studies.

According to respondents, the most common reason for giving bribes is the desire to avoid a fine. The amounts of fines are relatively high and in addition to the penalty payment, the driver also receives penalty points. Giving a bribe is therefore often “cheaper”. It is not surprising, that this reason came first in the ranking. It is most often indicated by men (46%); people aged 20-29 (56%), people with basic vocational or secondary education (45%), villagers (46%) and declaring that they are successful or very successful (49%). Slightly less (38%) is indicated that they have been willing to speed up the handling of the case, which indirectly demonstrates the inefficient functioning of the administration. This is most common reason for women (40%), respondents aged 15-19 (55%), who assessed that they were successful or not very successful (40%), living in cities up to 20 000 years old (45%), and respondents from the *Katowice* and *Wielkopolska* regions (47 and 46% respectively). Although the studies do not formulated *expressis verbis* what type of fine it is, as it can be issued by staff and inspectors of different services, it can be assumed that respondents most often had a fine for traffic offences.

One out of three respondents referred to the financial benefits obtained by the bribe. It can be assumed that frequent irregularities in the conduct of tenders or public procurement, which are widely reported by the media, as well as the observation of their own environment, prompted a relatively large percentage of respondents to such a choice. It is surprising that the need to save health or life as a reason for giving a bribe was only in the fourth place (29% of respondents). It is worth noting that almost one out of five expressed the opinion that giving a bribe is a socially entrenched moral.

¹ URL: <http://www.wyborcza.pl/1,75398,7180928>

² URL: <http://www.wroclaw.wyborcza.pl/wroclaw/1,35771,3004966.html>

Two reasons were by far the least. It points out that only one out of nine respondents expressed it was officials or officers who enforce bribes. One out of ten respondents, on the other hand, considered giving a bribe could be an expression of gratitude for a good job or service. The respondents were asked about the three most effective ways they felt to fight corruption. Listed according to the importance they are: 1) harsh punishment of those involved in corruption, 2) the creation of better laws and 3) increased internal control (Siemaszko et al. 2012: 30-31).

Constitutionalization context of Polish criminal proceedings. The process of development of the democracy is contingent nowadays upon the verifying every single step to the patterns under the Convention for the Protection of Human and Fundamental Rights and Fundamental Freedoms. This is the principle of a fair criminal process expressed in art. 6 ECHR (Convention on Protection of Human Rights and Fundamental Freedoms). In the context of constitutionalization of the Polish criminal proceedings, each regulation requires a test of the compliance with the principle expressed in art. 45 of the Polish Constitution of April 2, 1997. The fundamental directive addressed to the legislator should be in compliance with the principle of good legislation and the rule of law in creating abstract standards. This especially pertains to norms of repressive law. Departing from things related to the very concept of *reliable criminal trial*, it should be noted that a criminal trial can be fair and equitable procedurally *in abstracto*, as well as *in concreto*. Fair criminal trial, fair procedural *in concreto*, and therefore specific criminal proceedings, should be characterized by reliability.

Determining whether the criminal trial in abstracto and the criminal trial *in concreto* bear hallmarks of reliability within the meaning of art. 6 ECHR and signs of procedural justice according to art. 45 of the Polish Constitution, it requires answering to two basic questions. The questions are how many issues related to the criminal trial are in the Polish Constitution, and how many acts of international law and how many references are in the Polish Constitution and international law in criminal proceedings. This reference point also refers to criminal law regulations (Starzyński 2010: 50).

Constitutional principles were once the subject of confrontation with substantive regulations and procedural law of the Central Office of June 9, 2006 Anti Corruption. Well, the Constitutional Tribunal by a judgment of June 23, 2009 criticized one of the basic regulations of this act. The compliance of the definition of legal corruption was disputed including the requirements of correct legislation specified in art. 2 of The Polish Constitution. Art. 1 (3) of the Act on the CBA has been questioned. The definition was the following: corruption is promising, proposing, giving, demanding, accepting through any person, directly or indirectly, of any undue advantage property, personal or other, for her or any other person, or accepting a proposal or promise of such benefits in return for an act or omission in the performance of a public function or in the course of business (Starzyński 2010: 42). The Constitutional Tribunal, however, found that the cited definition of legal corruption (in the extent that corruption is considered to be a conduct in the private sector of any person who does not perform a public

function) is contradictory and does not constitute a constitutional or codex premise. Therefore, a lack of socially harmful reciprocal features within the private sector is tantamount to no harm (Starzyński 2010: 43).

Economic activity under the protection of Art. 22 of the Polish Constitution is related to shaping contractual relations and refers to the activity of private entities, it does not include persons discharging public functions. These behaviors can be limited only because of important public interest and only by statute but with taking into account constitutional freedoms and rights referred to in Art. 31 sec. 3 of the Polish Constitution. The Constitutional Tribunal also drew attention to the principle of proportionality, i.e. the real need to interfere in a particular case in the scope of law or freedom of the individual. The Constitutional Tribunal reasonably considered that the act challenged by the applicant, Art. 1 para. 3 on the CBA, in the scope of which corruption in the private sector covers non-public officials, should be narrowed down using the premises of “socially harmful reciprocity” and is not in accordance with Art. 2 and Art. 31 para. 3 of the Constitution. In this case, The Constitutional Tribunal shared the position of the general prosecutor in recognizing that the legal definition of corruption (Uchwała Nr 207, 2017: p. 2) is unreasonably extended (Judgment of the Constitutional Tribunal K 54/07, 2009: item 86). It is also stated that the legislator may not apply unclear wording of the provisions and leave it to the authorities that apply them with excessive freedom (Judgment of the Constitutional Tribunal K 33/00, 2001).

At the end of this thread, it should be emphasized that a lot of space in the international legislation is devoted to depriving the corruption perpetrators from their property benefits. United Nations Convention against corruption obliges in art. 31 of its signatories to take the measures necessary for declaring the forfeiture of proceeds from corruption offenses. In this spirit, the disposition of Art. 12 of the United Nations Convention against International organized crime obliges to establish signatory countries of legal instruments in national legal orders. That enables forfeiture of proceeds from offenses falling within the scope of the Convention, and therefore also offenses of corruption nature. The European criminal policy also shows activity in this respect. the Council of the European Union has stated that all member states are to have effective regulations regarding the confiscation of benefits from the crime.

As for Poland, the concept of confiscating property is negative, which results from the list of envisaged regulations that predicted obligatory ordering of an additional penalty in the form of confiscating property belonging to the perpetrator at the time of issuing a judgment, even if it is not final. It concerned all or part of the property in the event of a conviction for a crime against essential political interests or the economic policy of the Polish People's Republic.

In Poland, there is a fundamental difference between confiscation of property and forfeiture of property. The property benefits remaining in connection with the committed offense are lost (Kulesza, Starzyński 2008: 35-36). Confiscation, as defined is a penalty or measure ordered by a court resulting in the final deprivation of property as a result of proceedings concerning a crime or offenses.

Practical aspects of selected procedural steps in corruption cases. The process of detecting in corruption proceedings, despite many common features, significantly deviates from the traditionally adopted methodology of actions in other criminal investigations. The individual nature of these proceedings is manifested primarily in the poor possibilities of evidence. Therefore, some properly carried out procedural steps from a corruption point of view can bring the best effect. It should be noted that all organizational units of law enforcement agencies dealing with the fight against corruption have the technical and financial possibilities to use advanced methods and means of operational work successfully used by e.g. the Central Anticorruption Office or Internal Security. However, separate cells operating at district and municipal police headquarters, that do not have such possibilities, also deal with anti-corruption. Policemen use material only obtained by trial (Żywica 2012: 220). This can be, e.g. questioning a person as a witness. In order to break up corruption arising on the grounds of the crime (the so called Solidarity of the perpetrators), the institution of “criminal record” of the perpetrator was introduced.

One of the conditions for applying the institution of “no criminal record” is the notification submitted before the authority found out about the crime. Another element may be preparing for the interview. There are the following sources available for the Police: *KSIP*, *CEL*, *REGON*, *CEPIK*, *OSADZONY i INTERNET*. It should be emphasized that a large source often neglected by officers is the Internet, where you can get interesting information about specific people from portals like *Our class* or *Facebook*.

Another practical element is starting the interview and specific methods. The method of revealing the relationship of the witness with the case, the method of persuasion, the method of creating a sense of security in the witness, the “omniscience” method and the method of specific questions.

Another important activity in the course of corruption proceedings is the search. Often, there is no direct evidence of a bribery crime, or e.g. a recording video or audio but there may be a reconstructed logical sequence of events and circumstances that involves motives and effects. The search should under no circumstances occur on the basis of a hope that “something will be found”.

The last important matter of the procedural steps that when properly carried out can be of great importance for proceedings in corruption cases, is the act of inspection, which is mainly a document inspection. The evidence may be indirect or direct. The next thing may be the examination of a mobile phone (mainly the content of the memory card, then the phone is passed on to the expert in the field computer science). The next test can be done on computers, hard disc and other media information. When viewing video or audio files, the standard protocol of visual inspection is not used, but only inspection and playback record.

The recordings of corruption offenses are very often of such poor quality that there is no possibility of reproducing their content in the protocol. In such cases, it is worthwhile using the services of forensic phonoscopy laboratories. Other sounds like opening doors should also be saved (Żywica 2012: 220). In this

procedure, the professionalism of the officers performing procedural activities at the stage of preparatory proceedings for corruption offenses is very important.

The scale of corruption in Poland. It is not possible to determine the scale of corruption in Poland due to many cases have never been disclosed. However, it is one of the most harmful social pathologies that occurs in all sectors of public life, generally leaving no easy-to-read traces. In trying to identify the scale of corruption, it is important to seek an objective assessment of the problem, which is extremely difficult and even incalculable. When examine the measures of counter-acting corruption provided by anti-corruption institutions, we got the information relating only to the criminal acts have been committed.

Transparency International foundation has started the project *Corruption Perception Index* (CPI), which is a study constructed along the lines of economic indices (Siemaszko et al. 2012: 86). In a 2009 survey New Zealand was ranked first, with a score of 9.4 points. Somalia (1.1), Afghanistan (1.3), Myanmar (1.4) and Sudan and Iraq (1.5) were the worst rated. As to Poland, it got a score of 5.0 points. Pointing out the perception of corruption in Poland, it should be mentioned that the result obtained in 2009 was the best since 2003, when Poland had been put on the 64th place. Actually, Poland has being included in the survey since 1996 and was then ranked 24th, 29th a year later. The following years brought Poland a decrease, which was recorded until the aforementioned 2003. As in 2009, New Zealand was named the least at risk of corruption, which this time shared the place with Denmark and Singapore. Poland in this study came in 41st place with a score of 5.3 points (Siemaszko et al. 2012: 87).

Anti-corruption goals and strategies. The states have a special issue in terms of reducing corruption in public and economic life, i.d. they should create governmental *anti-corruption strategies*. These programs should be constructed with the conclusions and observations of the research, as well as other projects being taken into account. It is worth using other programs, not only domestic ones. On 17 September, 2002 at the request of the Minister of Interior and Administration, the Council of Ministers adopted the Anti-Corruption Program, which was named *Anti-Corruption Strategy*. It was the first strategy for 2002–2004, a set of directional settlements and a set of actions that the government was to take in the fight against corruption.

An anti-corruption strategy in Poland in the years 2002–2004 was aimed at achieving three basic goals: 1) effective detection of corruption offenses, 2) implementation of effective mechanisms to fight corruption in public administration and 3) increasing public awareness, and promotion of ethical practices. The effective detection of corruption offenses depends on creating of a solid legislative base ensuring a coordinated criminalization of corrupt behavior. A very important element of the anti-corruption activities was the implementation of transparency of the administrative procedures and eliminating excessive discretion of an official. It was also considered necessary to inform the public about the scope of actions taken by the authorities to prevent and combat corruption. The next intention of the authors of this program was to present the areas of public activities that were susceptible to corruption

with a prevention proposal. These areas are: public procurement, civil service, privatization processes and management of Treasury property, administration of central level, justice and anti-corruption authorities, public health services and public finances (Siemaszko et al. 2012: 43).

On 25 January, 2005, the Council of Ministers adopted a government document prepared by the Minister of Interior and Administration “Anti-Corruption Program – Anti-Corruption Strategy – Second stage of implementation 2005–2009” (hereinafter referred to as *the Strategy*), providing for the implementation of a further package of legislative, organizational and educational and information measures, complemented by new areas of risk of corruption and tasks related to the monitoring of the effectiveness of actions. The Strategy has achieved four strategic objectives: 1) preventing corruption and implementing mechanisms to combat it effectively; 2) coordinating efforts to comply with anti-corruption laws; 3) reducing social tolerance for corruption by raising awareness and promoting appropriate best practices; 4) creating transparent and citizen-friendly public administration structures tailored to an open information society (Siemaszko et al. 2012: 44-45). Despite formally defining the overall objectives, the Strategy was a set of instrumental measures, but not global principles, set up by the government. As a result, key anti-corruption measures such as the establishment of CBA were implemented independently of the Strategy. (Siemaszko et al. 2012: 76) The actions having been taken during the implementation of anti-corruption twin projects have indicated that there is little public knowledge of the anti-corruption strategy itself and its results. It is therefore necessary to include in the next stage of the Strategy an information program which, at the same time, will provide the public with knowledge of corruption and mechanisms to counter it.

In 2009, the implementation of the Anti-Corruption Strategy Program, which has been conducted in the second stages since 2002, was completed. The Government Program is an essential element coordinating national anti-corruption policy. The Efficient State Strategy is a document setting out the basic conditions, objectives and directions of the state aimed at improving the efficiency of country governance, developing social activity, meeting citizens' expectations and their security, implemented through development programs in order to improve the state's efficiency as a system of institutions responsible for the management of the country's development (Rządowy programu... 2011).

The offences discussed in the “Map of Corruption” are the acts described in Art. 11 of the 228, 229, 230, 230a, 231 § 2, 250a, 296a, 296b1 and 305 of the Criminal Code¹; Joke. 46, 47 and 48 of the Law of 25 June 2010 on Sport² and Art. 54 of the Act of 12 May 2011 on the refund of medicines, foodstuffs for particular nutritional uses and medical devices³ (hereinafter referred to as *the Reimbursement Act*).

¹ Journal of Laws of 1997 No. 88, item 553, as amended.

² Journal of Laws of 2014, item 715.

³ Journal of Laws of 2015, item 345.

The databases of the *National Centre for Criminal Information*, which operates within the structures of the Police Headquarters (KGP), collect information on matters subject to operational and reconnaissance activities and investigations initiated or concluded. This includes data on the offences committed, information on the persons against whom proceedings are conducted, as well as objects used to commit crimes or lost in connection with crimes. The data presented relates to the registration of corruption offences in the *Krajowe Centrum Informacji Kryminalnych* (KCIK) i.e. National Crime Information Centre) by the Internal Security Agency, the Central Anti-Corruption Office, the Police, the Prosecutor's Office, the Border Guard and the Military Gendarmerie.

In 2014, 9,354 corruption offences were recorded, i.e. 39% less than a year earlier, as there were 15,405 such cases in 2013. The statistics on the corruption offences since 2007 is the following: 11,145 cases in 2007; 8,824 cases in 2008; 11,726 cases in 2009; 13,938 cases in 2010; 9,703 cases in 2011; 10,978 cases in 2012. The predominant number of registrations for example in 2012–2014 (89%) was done by the Police, a service with the widest range of powers. The increase was noticed by ABW, CBA and SG, while the decrease in the corruption offences number was noticed by other authorities, which was clear in the case of the Police (CBA 2015: 8).

The largest number of registrations concerns crimes committed in the *Silesian Voivodeship* (2,359) and then in *Lubusz* (2,005). In comparison, in 2013 the highest number of registrations was recorded in the *Silesian* (7,141) and *Mazowiecki* (1,572) provinces. The fewest registrations from 2014 concern crimes committed in the *Opole* (57) and *Warmia-Mazury* provinces (118), in 2013 in *Podlask* (87) and *Lubuskim* (140) (CBA 2015: 11).

The vast majority of suspected corruption offences are men. In police investigations, women accounted for nearly 16% of suspects (17% in 2013), 5% (7%), CBA accounted for more than 19% (22%) border guards – more than 11% (14%). Almost 70% of suspects are Polish citizens. Among the foreigners whose nationality have been established, the largest group still concerns the citizens of neighboring countries – Ukraine (0.6% of all suspects), Lithuania (0.4%) and Belarus (close to 0.4%) (CBA 2015: 20-21). Financial guarantees are the most commonly used preventive measure in corruption investigations. The use of pre-trial detention – the most repressive measure – has increased significantly in border guard proceedings, while it has fallen in cases conducted by the Police. In proceedings conducted by CBA and ABW, this figure remained at 2013 levels (CBA 2015: 22).

The most frequently recorded offences were: exceeding the powers or failure to fulfil obligations for the purpose of obtaining a financial or personal advantage (Article 231 § 2 kk), bribery (Article 229 kk) and official sale (Article 228 kk). Compared to 2013, there was a decrease in the number of registrations of corruption offences by almost 40%. The largest decrease relates to the offences described in Article 1(1)(b) of the Basic Regulation. 228 kk (more than 63%), while the number of registrations of offences under Article 231 (2) and Article 229 kk decreased by more than 20%. In 2014, local

elections were held in Poland. This was reflected in a marked increase in the number of registrations of offences identified as electoral corruption (Article 250a kk) (CBA 2015: 9).

In contrast, the latest data from 2018 show that the total number of registrations of corruption offences in the KCIK decreased compared to 2017. Only ABW and CBA have recorded more corruption offences than in 2017. The most frequently recorded offence in 2018 was a certificate of untruth for the purpose of obtaining a financial advantage (Article 271 § 3 kk), followed by official sales (Article 228 CC) and bribery (Article 229 CC) and exceeding of powers or failure to fulfil obligations in order to obtain a financial or personal advantage. Registrations of corruption offences were mostly made by the Police. A similar trend has persisted for years (CBA 2020: 8).

We also have a report on the office's website about the CBA's operations in 2016–2019. As a result, the following effects are the following: 823 initiated operational cases, 695 completed operational cases, 971 initiated preparatory proceedings, 734 completed preparatory proceedings, 2,812 suspects with 8790 pleas and 146 applications for controlled granting of property benefit. There is also data comparing the years 2012–2015 and the period from 2016 to 2019. Certainly, this division on the CBA website is not accidental as it compares the time when Platforma Obywatelska ruled in Poland during the first period, and since 2016, full rule has been exercised by *Prawo i Sprawiedliwość* (PIS), i.e. Law and Justice, all data show high growth dynamics. Regarding the scale of corruption in Poland, data collected from all services indicate that in 2015 Transparency International placed Poland at 30th place in the World Ranking (out of 168 countries).

In comparison with the 2012–2015 period, in 2016–2019 there was increase in the following categories: preventive measures by 138%, including pre-trial detention by 223%, value of the secured property by 743%, number of suspects by 31%, number of applications pursuant to Art. 17 of the Act on the CBA (operational control) by 72.5%, number of suspects by 31%, number of applications pursuant to Art. 17 Act on the CBA (controlled benefit distribution) by 170%. However, when it comes to the security of property from 2006 to 2019, in all proceedings the amount is PLN 1 billion 105 million. A clear increase occurred in the period from 2016 to 2019 in the amount of 900 million PLN. The list also indicates damage to the property of the Treasury or exposure to such damage in the amount of PLN 10 billion 374 million. Property benefits (or a promise of such benefits) in the amount of PLN 1 billion 107 million were also revealed. In addition, one can indicate the non-operational activities of the people employed at the CBA in the years 2016–2019 – on December 31, 2019 there were 1,360 employees¹.

In addition, it can be explained what it means to commit a crime of untruthful evidence in a document to gain material or personal benefits. Confirmation of untruth cannot be mistaken for forging a document (Partyka-Opiela, Krak 2016).

¹URL: <https://www.cba.gov.pl/pl/aktualnosci/4342,Wybrane-dane-dotyczace-dzialalnosci-CBA-w-latach-2012-2015-2016-2019.html>

Such crimes may be committed by an official or other person entitled to issue a document. For example, the authorized person may be a doctor, a person conducting blood tests for alcohol content or an academic teacher responsible for the satisfactory completion of a subject.

As part of discussing activities and cooperation in the fight against corruption, it should be emphasized that a meeting took place in Lithuania on 7th March 2020. It was a meeting of the heads of the agencies dealing with counter-acting corruption in Poland, Lithuania, Latvia and Estonia. The first such meeting took place in March 2019 in Tallinn, Estonia. Cooperation, current challenges and new combat solutions were discussed there¹.

Corruption high-profile cases in Poland. One of the most famous examples of corruption in Poland is the so-called “Rywin’s affair” or “Rywin’s scandal”. It was the first big scandal and a parliamentary committee was formed to investigate it. The case concerned a corruption proposal that Lion Rywin made to Adam Michnik in July 2002. It was a project to amend the law on radio and television.

The new regulations did not allow the simultaneous possession of a nationwide newspaper and television. The scandal broke out after a meeting between Lew Rywin and Adam Michnik, which was recorded by the editor-in-chief of *Gazeta Wyborcza*². Lew Rywin and his son were detained by the CBA in 2009 and were under arrest for six months. The former company producer, Lew Rywin, was eventually sentenced to 1.5 year of imprisonment and 36,000 PLN fine for corruption and falsifying medical records, which was supposed to help him reduce his sentence³.

Another case known in Poland was the one concerning the former president of Poland Aleksander Kwaśniewski and his wife. They were never interrogated or even accused. The whole thing seems to be set up by the CBA. In 2006–2009, the CBA was managed by the current coordinator of special services, named Mariusz Kamiński, who personally hated Kwasniewski and ordered to investigate the so-called “Kwaśniewski villa”. Kamiński’s associates had a problem how to legally qualify this case. This qualification is necessary because the purpose for the proceedings must be presented. The case gained momentum when Lt. Col. Krzysztof Waclawek appeared in the CBA. He worked at the CBA and then at the *Supreme Audit Office* (NIK), where he was the deputy director of delegations in Olsztyn and Bydgoszcz, he has also been the deputy head of the *Internal Security Agency* since 2015. When he appeared in the CBA regarding “Kwasniewski villa”, the case was codenamed “Krystyna”. Finally, despite all the doubts, the case was classified as a crime of “washing dirty money”. The case was taken over by the *Operational Investigation Board* and Tomasz Kaczmarek as “Agent Tomek”. It should be added that the previous

¹ URL: <http://www.cba.gov.pl/pl/aktualności/4356,Spotkanie-Szefow-Sluzb-zajmujacych-się-corruption-fighting-the-Polish-Lithuanian-Lotwy.html>

² URL: <http://www.wiadomosci.onet.pl/korupcja>

³ URL: <http://www.fakt.pl/wydarzenia/polityka/lew-rywin-skazany-na-15-roku-wiezienia-za-korupcje-i-falszowanie-dokumentacji/dm31045#slajd-1>

head of the *Central Anticorruption Bureau*, Piotr Pogonowski, resigned from work at the end of January 2020 due to the renewal of the Kwasniewski case as a result of the new testimonies of Tomasz Kaczmarek. The disagreement between Pogonowski and Kamiński is common knowledge. It is claimed that the reason for the dispute (in addition to the present case regarding the head of the *Supreme Audit Office* Marian Banasia) was the significantly increased budget of the *Central Anticorruption Bureau* while the ABW financing remained at the same level¹.

The case of the “Kwaśniewski villa” reappeared in 2008 in connection with revealing a recording of a conversation between Józef Oleksy and Alexander Gudzwat, in which Oleksy was to say about the “secret home of the Kwasniewski family”. According to *Gazeta Wyborcza*, the action was run by the agent “Tomek”. The CBA assumed that the house in Kazimierz Dolny is actually the property of the Kwasniewski family. Agent Tom pretended he wanted to buy a house in Poland and wanted to pay PLN 3 million for the property to the owner Marek Michałowski. It was decided to enter the amount of 1,5 million zlotys in the notarial deed and give the other non-disclosed part personally, suspecting that Michałowski will go with this money to the Kwasniewski family. After handing the money to Michałowski, the CBA stopped him and accused him of trying to avoid paying tax. The house in Kazimierz Dolny is formally owned by the CBA².

The Kwaśniewski case has been going on for a decade. In 2009, the CBA even prepared a provocation, but the whole action ended in a spectacular compromise for the services. The Kwaśniewski family never heard any accusations. The prosecutor's office told agent Tomek that he exceeded his powers and discontinued the investigation.

In 2020, the reportage TVN *Supervisor* has contributed to the renewed interest in this issue. After years, former CBA agent Tomek Kaczmarek “Tomek” complained on TVN24 to the head of the Ministry of Interior and Administration Mariusz Kamiński and the deputy head of the office Maciej Wąsik that he was allegedly persuaded by the highest CBA officers to craft evidence and make the impression that former president Kwasniewski entered into ownership of a villa in Kazimierz Dolny. Agent Tomek said: “I was supposed to create a conviction that the house in Kazimierz Dolny belongs to Jolanta and Aleksander Kwaśniewski. I personally did not have such a conviction, and my notes and the testimonies are the result of pressure from my ex superiors”³.

In response to his accusations, the CBA released materials on February 11, 2020 from the investigation. However, this were not all the materials from the investigation from the Regional Prosecutor's Office in Katowice. No one has been

¹ URL: <http://www.fakt.pl/wydarzenia/polityka/gazeta-wyborcza-o-rol-i-nowego-szefa-abw-krzysztofa-waclawka-ws-willi-kwasniewskich/njzgdv>

²URL:<http://www.kazimierzdolny.pl/news/cba-kupilo-w-kazmierzu-dom/8067.html>

³ URL: <http://www.polskieradio24.pl/5/1222/Artyul/2453517,Sprawa-tzw-willi-Kwasniewskich-w-Kazmierzu-Dolnym-CBA-udostepniono-materialy-ze-sledztwa>

charged so far, nor has the Kwaśniewski family been questioned. The prosecutor's office has dealt with the witness Tomasz Kaczmarek and his testimony from July 2009 to December 12, 2019. In February 2020 former President Aleksander Kwasniewski said on TVN24 that the presentation of CBA materials was selective.

Summary. In the period from the Polish People's Republic to the present times, corruption has been fiercely fought in Poland, to which constitutional and privatization changes has contributed much. To a large extent the plunder of public property remained inhibited. The disclosure of corruption matters in public and media space made citizens aware that such acts are reprehensible. It hindered cronyism and nepotism to some extent as well. People holding significant positions and well-paid offices do not want and do not even think about participating in such practices. A court order and losing their good name could damage their reputation and position for many years. It is not only about the rules of ethics, but a simple calculation shows it is not profitable. However, it is disturbing that sometimes political authorities are tempted to use the CBA office for their political plans (regarding opposition or “uncomfortable people”).

To sum things up, the position of Poland in the world rankings concerning corruption is not bad. The increase in detection dynamics shows a better operation of the CBA services, while the education of society and business ethics classes conducted at universities are still quite insignificant. As to the areas that are still at risk of corruption, they are infrastructure, public administration computerisation, the use of EU funds, the defense sector, health, energy, environmental protection and clerical corruption.

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ANTI-CORRUPTION IN POLAND: LEGAL AND ECONOMIC ASPECTS

Abstract. The article is devoted to the analysis of legal and economic aspects of counteracting corruption in Poland; it monitors the transformation of how corruption has been interpreted in criminal and socio-economic senses from the times of Polish

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People's Republic to the present day. The role of anti-corruption institutions, including the Central Anti-Corruption Bureau (CBA), the Police, the Internal Security Agency, the Border Guard, the Military Gendarmerie and the Counterintelligence Service is also shown, with the efficiency of CBA activities being highlighted. The article pays attention to the variety of economic corruption forms and scrutinizes the methods of how corruption could be counteracted and prevented; the role of public organizations in this process should not be neglected. The concept of economic corruption is interpreted in the broad context of criminal legislation in Poland, and a detailed analysis of several court decisions on such corruption cases is presented. Having estimated the scale of corruption in Poland, the author concludes about significant progress in counteracting corruption from the time of Polish People's Republic to the present, although infrastructure, public administration computerisation, the use of European Union funds, the defence sector, health, energy, environmental protection and services are still at a high risk of being corrupted.

Keywords: anti-corruption; Poland; Central Anti-Corruption Bureau; law; economics; prevention of corruption.

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