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CRIME AND CRIMINALITY – PROBLEMS OF DEFINITION, THE ABILITY TO ANALYZE THIS ISSUE IN CONCEPTUAL AND STRUCTURAL TERMS

This article is addressed to students of security studies, and it intends to facilitate analytical processes concerning violent crime threats, especially crimes against life, health and property, and sometimes collectively named common crime. Another objective of this text is to introduce and organize knowledge about the basic categories of crimes and present definitions resulting from their classification. This knowledge will be useful for assessing phenomena related to criminal offenses, drug-related, juvenile and even organized crime. One of the research elements in this study involves a quantitative analysis of the most common criminal offenses, regarding which the following hypothesis can be put forward: common crime remains the largest category in overall crime statistics, but it does not clearly prevail in terms of actual crime. The concepts used in the hypothesis are explained and discussed below.

The analytical process in this matter should begin with the definitions of concepts that will help the reader acquire fundamental knowledge. The research problem which is the focus of considerations concerns criminality, seen as a dynamic phenomenon, and taking into account various processes pertaining to this area.

The broader interest in issues related to the assessment and forecasting of crime threats is related, among other things, to the need to conduct appropriate analyses required in bachelor's or master's theses. Their number has increased, due to expanded educational proposals for high school and university students, as well as doctoral students of a wide range of security studies. These studies are carried out as part of a well-thought-out system of teaching and conducting, more or less advanced, academic research. This is often collectively referred to as education for security, although this is a bit of a misnomer when applied to advanced academic research. Nevertheless, the research conducted in this area has an unquestionable impact on education and public awareness.

Until recently, undergraduate security students were obliged to write bachelor's theses; today the respective university authorities decide whether completing the thesis is obligatory or not. The observations of the authors of this paper allow them to con-

clude that students often choose topics such as descriptions and analyses of phenomena related to organized crime, domestic violence, homicide, rape, common crime, drug-related crime, and juvenile crime. They are much less often concerned with economic crime, cyber-crime or intellectual property crime – related to the violation of rights in this realm. The latter group requires specialized knowledge and a certain amount of experience, but also the ability to access the materials for analysis, which is not always easy. Meanwhile, the most popular topics of student papers seem more accessible, easy and understandable. Even at the stage of collecting materials and literature, however, problems are often encountered with access to both academic and practical knowledge of the phenomena described, as well as problems of interpretation related to the classification of crimes and precise definitions of their categories.

Embarking on the task of analyzing crime-related phenomena, students wonder how to classify crime, what criteria to apply in their analytical process, so that the considerations carried out and knowledge presented are as precise as possible and illustrate the scale of crime and the effectiveness of combating crime. When deciding to conduct research on crime, one must be at least basically prepared to define what is to be measured and how. It is therefore necessary to begin by defining the thing to be measured. Let us pause for a moment here to ponder about the absolute basics and answer the question of what constitutes a criminal offense and what is criminality. The answer does not seem to be very complicated. Reference can be made to the explanation provided by substantive criminal law and, more specifically, the general part of the Polish Penal Code. Importantly, criminal law can be understood either narrowly or broadly. “In a narrow sense, criminal law can be understood as a set of norms that define the rules of criminal liability for acts prohibited under threat of penalty and the means of response to these acts. In this case, the concept of criminal law is equivalent to that of substantive criminal law. In a broad sense, criminal law is also understood as criminal procedural law and criminal law enforcement” (Lachowski, Marek, 2018: 21). In a nutshell, the package of legal regulations indicated in the above definition refers to prohibited acts, presents the ways and possibilities of conducting procedural activities by law enforcement agencies, and defines the elements of court proceedings, which should be concluded by an unambiguous adjudication of whether or not the defendant has committed the alleged offense. However, the definition of an offense cannot be found anywhere in the indicated legal acts. Applying substantive criminal law, however, such a definition can be developed on the basis of several indicated criteria.

The criterion of the subject refers solely to a person who commits an offense and whose conduct consists of performing an activity aimed at committing an offense, or failure to act, whereby activity which the subject is obliged by law to conduct has not been performed. If the criterion of the object is adopted, the activity aimed at infringing interests protected by the law is addressed. One classification of offenses can refer to interests protected by the law, as is the case in the Polish Penal Code. The Penal Code specifies categories of offenses against life and health, such as murder, assault and battery; acts against property, such as theft, burglary or damage to property. The Polish Penal Code lists numerous categories of crimes, including those against protection of information, credibility of documents, business activity, money and securities trading, etc. Thus, performing an action aimed at infringing interests protected by law,

or failure to perform an act one is obliged to perform, is the basic criterion for assessing whether or not we are dealing with an offense. It is important that the criminal act be described and a penalty set. After all, there is no offense unless its statutory definition exists, which is an expression of the fundamental *nullum crimen sine lege* maxim. This is perhaps one of the most important principles of penal law, which states that if there is no corresponding provision in the law, an act cannot be described as unlawful. Since great importance should be attached to this principle, it is expressed by the solution adopted in the Constitution of the Republic of Poland which provides that “[o]nly a person who has committed an act prohibited by a statute in force at the moment of commission thereof, and which is subject to a penalty, shall be held criminally responsible” (Konstytucja Rzeczypospolitej Polskiej, Article 42). Another element identifying that an act is prohibited is the type of penalty that the perpetrator may incur. The word ‘may’ is used intentionally, since a penalty is not always mandatory. The indication of the penalty is another way to implement the Latin maxim: *nulla poena sine lege*, i.e. the principle whereby a penalty has to be determined. This principle obliges the legislator to specify the appropriate penalty for the act committed when criminalizing certain conduct as an offense.

However, the above elements do not exhaust the issue of liability for committing a criminal act as indicated in the Polish Penal Code. In order for the perpetrator to be held responsible for their act, guilt must be attributed to them and their conduct must be deemed to cause more than slight social consequences. “More than slight social consequences” is not a very precise term, and is affected by the type of interest infringed, the manner of action of the perpetrator, the circumstances under which the act was committed, as well as the perpetrator’s motivation and behavior. Interestingly, at different stages of social development, the judicial assessment of the level of adverse consequences of an act has varied, just as the values upheld by the law have varied. Taking into account this criterion, an act is an offense when it violates the social order at the time when it is committed. The issue of social consequences is particularly significant at the level of lawmaking, when it is taken into account “in relation to the constitutional principle of proportionality, which permits establishing penalties only pertaining to socially harmful acts” (Lachowski, Marek, 2018: 73).

To sum up, the construction of the proposed definition of an offense results from the analysis of Article 1 of the Polish Penal Code, which defines the conditions for liability to be penalized. In simple terms, it can read as follows: offense is a culpable deed of a person, causing more than slight social consequences, punishable by law at the time when the perpetrator committed the criminal act, or failed to act as they were obliged to. Such definitions are quite frequent in criminological literature. Błachut takes a very similar approach and argues that an “offense is defined as a human deed forbidden by law under penalty, unlawful, culpable, and causing more than slight social consequences” (Błachut, 2008: 75).

In addition to considering this simplified definition of an offense, proposed by the authors and derived from the principles of criminal liability, it is worth noting that the legislation classifies offenses in two basic categories, namely crimes and misdemeanors. Crime is commonly associated with highly condemned acts the social conse-

quences of which are especially severe. Other acts are defined in the Polish Penal Code as misdemeanors. The basic element that makes the distinction between misdemeanors and crimes relatively easy is the severity of the penalty. Crimes are acts that carry a minimum penalty of imprisonment of three years or more. It is common knowledge that homicide falls into the category of crime, but many other acts could be named as well. Crimes include, among others:

- genocide,
- coup d’etat,
- assassination attempt on the President of Poland,
- war crimes,
- hijacking a marine or air vehicle (piracy), resulting in the death of a person,
- human trafficking,
- establishing or leading an organized terrorist criminal group,
- robbery with the use of weapons,
- counterfeiting,
- child sexual abuse.

Another classification of offenses divides them into those committed intentionally or unintentionally, depending on the type of guilt. Importantly, the above category of crimes can only be committed intentionally. Yet another classification makes a division with respect to the interest protected by law, as mentioned earlier.

Adopting a simplistic view that an offense is a singular and individual event (which it is not always) we can move on by asking what criminality is. The easiest answer can be arrived at by referring to the preceding sentence and making the logical claim that criminality is the multiplicity of individual events, or a certain set of offenses. It should be borne in mind, however, that criminality is not static but dynamic and, therefore, its intensity, dynamics or size vary. Hołyst understands criminality as “a set of acts prohibited by law under penalty, which were committed in a given territorial unit at a given time” (Hołyst, 2000: 51).

The above classification of offenses is made in terms of criminal law. If criminality were to be considered in a slightly different way, for example, based on the collective type of interest attacked, the object of criminal interest, the number of people involved in the offenses and their mode of action and, for example, the age of the perpetrators, further categories could be indicated which could be defined here. Researchers dealing with criminological aspects of criminality make the following division:

- common crime,
- organized crime,
- juvenile crime,
- drug-related crime.

Discerning analysts of this division will soon realize that it is extremely difficult to identify ‘pure examples’ of the categories above. After all, organized crime is associated with the narco-business, while juvenile crime is almost exclusively associated with common crime. Many criminological categories refer to this classification. There is a difference, however, between the areas of criminals’ interest and criminal categories. Such a classification is therefore academically justified.

How are we to briefly define these categories?

COMMON CRIME

The term is often used in reports assessing the criminal threat, it sometimes appears in criminological literature and the media, and is eagerly used by officers in crime divisions or heads of police units when discussing threats, especially local ones. It is certainly not a statutory term used in criminal law acts. It is worth stopping for a moment here to explain this, because the analysis of crime threats to a municipality or district should address common crime for two reasons: not only is this type of crime very frequent and distressing, but it also reflects genuine social concerns. When analyzing source material for this publication, the following remarks were found that define or help define common crime:

1. “These are offenses against life and health, freedom, morality, property, justice, documents, etc. Some authors also include financial offenses in this group. All types of offenses can be treated as common crime, except crimes against humanity, war crimes, crimes against peace, and political crimes” (*Przestępstwo pospolite*, 2022). Admittedly, the catalog of offenses defined as common crime is very broad and not well thought out. This quote is a kind of warning by the authors of this article to demonstrate that using online ‘definitions’, including those from the Wikipedia students cite so often, should be thoroughly considered and minimized as much as possible in favor of professional, appropriately selected, literature.
2. “The public is informed about so-called ‘common’ crime against persons (life and health) or property on a daily basis” (Ziomka, 2006: 6). This specification definitely narrows the scope of common crime, focusing on specific types of interests protected by law, namely life, health and property. A certain peculiarity of this category of crime is worth mentioning and emphasizing, namely that offenses are often committed with the use of violence.

The following generalized definition can be proposed: common crime is a set of acts prohibited by the Polish Penal Code, pertaining to the area of criminal offenses committed mainly against life, health and property, frequently with the use of violence, which often occur in a given area, constituting a major public nuisance and threatening people’s safety by infringing their basic interests as protected by law. These offenses include what police officers refer to as the seven basic categories of offenses, namely theft of other people’s property, car theft treated as a separate category, burglary, robbery and extortion, assault and battery, property damage and damage to health. The Polish police began to strongly focus on the prosecution of these categories of offenses in the late 1990s. These decisions were made by the police authorities in the wake of the philosophy of community policing, introduced then and understood, simply, as the socialization of police activities with a focus on improving security in local communities. To demonstrate that the term ‘common crime’ actually refers to the offenses that are most frequently committed in Poland, their number can be compared with the total number of criminal offenses in recent years. It should be clarified that the acts referred to as common criminal offenses committed within the selected seven categories do not include, among other things, drug-related offenses, fraud, rape, murder, forgery, and abuse.

Table 1

The scale of identified common crime versus overall criminal offenses in Poland, 2016–2022

Overall crime / Seven selected categories by year							
Year	2016	2017	2018	2019	2020	2021	2022
Overall criminal offenses	518,865	490,691	517,861	530,697	488,591	507,885	509,281
Seven categories of offenses	281,467	243,102	231,403	236,722	229,505	238,126	248,900

Source: Authors' own compilation based on statistical bulletins of the Police Headquarters.

The category of common crime has long accounted for more than 40% of crime in Poland in general. In the period concerned, it even exceeded the level of 50% in 2016 and was close to 50% in 2022. Thus, it is justified to describe these offenses as common, frequent, and stress that offenses against property are most often committed in this category.

ORGANIZED CRIME

In Poland, especially since 1990, increasingly newer criminal phenomena have been recorded, which have been subjected to academic research, but which above all have posed a special challenge to and aroused the interest of the law enforcement sector. The general theory of systems classifies crime, especially organized crime, as an entropic factor in society. It introduces chaos, sometimes arising almost entirely spontaneously in a disorderly manner, becoming the 'natural landscape' over time. This could historically be seen in the rise of organized crime in Italy, the United States, Japan or Russia. Organized crime groups "upset the balance of social systems, often destabilize, and work against the general social order in legal, economic, as well as moral terms" (Rudniański, 1998: 34). Organized crime entities, which can be compared to large corporations, protect the interests of people who work for them or cooperate with them, posing a challenge to law enforcement agencies due to being a threat to state structures, but often not defying the social order per se. Today, organized crime is much less visible than in the past. Many countries have long been trying to create a universal definition of this type of crime, a difficult task given the complexity of processes involved in this activity, the multiple and various forms of operation of criminal groups, and their methods of getting money, for it is an inherent feature of criminal activity to make maximum profits. Most often, organized crime is defined in terms of its characteristic features or criteria. One such definition has been coined in the United States on the basis of the following criteria:

- satisfying the needs of part of the population through various illegal services that are firmly prohibited by law;
- adopting such forms of criminal activity which are associated with the least risk and the greatest profit, while costs and labor are minimized;
- recognition that a criminal group is a solidarity-based community of interests that seeks to maximize profit and power, and which provides a sense of belonging to the group;
- dividing roles and specializations within the group;

- adhering to the rules of the criminal group and loyalty to the group;
- enforcing compliance with certain rules in the group, using violence, if necessary;
- group members infiltrating law enforcement, the judiciary, politics and the economy sector, in order to ensure security and efficiency;
- taking advantage of the opportunities provided by technological progress and by the supra-regional or international nature of the group's operations (Mądrzejowski, 2008: 32).

In Europe, Europol developed an interesting systematics of organized crime features, which was then adopted by the Polish Central Investigative Bureau of Police to develop a definition of organized crime in terms of these characteristic criteria. These include:

- cooperation of more than two people,
- designating a specific range of activities for each of them,
- long and indefinite period of cooperation of these people,
- using internal control and disciplinary measures,
- suspicions of committing serious crimes,
- international operations,
- use of violence,
- the group's structure is modeled on business entities,
- money laundering,
- influence in politics, the economy sector, and the judiciary,
- acting out of a desire for profit and power (Mądrzejowski, 2008: 35).

Analyzing individual characteristics above, a general model of organized crime can easily be designed and defined as follows: organized crime always entails the activity of more than two people so that there is a division of tasks and a hierarchy of importance with a clearly defined role for the individual. The structure of the group is modeled on business entities, where one of the goals is to maximize profit, which – in the world of organized crime – is multiplied as a result of committing a series of crimes. To achieve this goal, the group uses both external violence – manslaughter, kidnapping, and intimidation – and internal violence to ensure team cohesion and the group's hermetic nature. Mądrzejowski presents a similar definition; in his opinion, “organized crime is a hierarchically organized criminal association established for profit to commit continuous and various crimes, seeking to achieve goals through corruption, blackmail and the use of force and weapons” (Mądrzejowski, 2008: 35).

The definition is apt, although researchers point out that there are many organized crime groups that do not necessarily have a clearly defined hierarchical structure and, on top of that, this structure is often dispersed and no longer constitutes a traditionally understood monolith with clearly distinguished hierarchical structures, as mentioned in many definitions. In any case, the phenomenon of organized crime, with its Sicilian roots dating back to the late 19th century, has been thoroughly modified and still poses a genuine threat. At the same time, organized crime is quite a challenge for the agencies that fight crime. Over the years, they have evolved considerably, specializing and focusing today almost exclusively on combating organized crime. Interestingly, the operations of organized crime groups are extremely extensive today, and involve criminal and economic offenses, drugs, human trafficking, weapons trafficking, money

laundering, etc. Some groups specialize in a specific criminal activity, such as economic, criminal or drug-related offenses. There are also multi-criminal groups with a much more extensive spectrum of interests.

Criminal organizations keep evolving, creating new forms, and operating in different capacities. This evolution can also be seen in Poland. Domestic organized crime can be divided into three types:

- criminal offenses,
- economic offenses,
- drug-related offenses.

These types of activity unquestionably are the main sources of income for criminal groups in Poland and elsewhere. Importantly, the real heyday of organized crime occurred in Poland after 1990, and was associated with the newly won freedom of movement between European countries, which facilitated the adoption of organized crime patterns in our market at a time when law enforcement agencies were relatively unprepared to effectively combat them. Thus, one of the main tasks back then boiled down to defining what organized crime is, identifying the level of threat, forming specialized forces to combat this category of crime and criminalizing participation in such groups.

As mentioned above, Polish law has not adopted a model of organized crime as defined earlier. Polish legislation has adopted the principles of criminal liability for participation in an organized criminal group or association aimed at committing offenses. The Polish model defines organized crime as an organized group and association aimed at committing offenses. Participation in a criminal association is commonly treated more severely. However, many other factors have an impact on the penalty, such as the type of criminal activity, the use of violence, the participant's awareness of the scope of activities of the group or association, and so on. In any case, the penalty is the same, ranging from three months to five years in prison. This type of legal qualification of the act includes also qualified forms which apply when the group or association uses weapons in its activities or commits acts of a terrorist nature.

JUVENILE CRIME

Legal systems have not always singled out juvenile crime as a separate category of perpetrators and the types of liability assigned to them. Let us emphasize again that this pertains to the category of perpetrators, and there is not a separate category of criminal acts for young offenders. Additionally, their actions most often fall into the category of common crime, discussed above, having a considerable impact on the number of criminal acts of this type. Singling this category out is more about protecting juvenile offenders through creating different (more lenient) conditions of criminal liability for their acts. "In Poland, juvenile justice dates back to 1919 which is when juvenile courts were established in Warsaw, Łódź and Lublin. On December 7, 1921, a draft law was enacted with the following assumptions: the juvenile age brackets were set at 13, up to which age a juvenile offender is not criminally liable, and 17, up to which age a transitional period extends, when detailed consideration is required to decide whether or not a penal measure should apply" (Rdzanek-Piwowar, 1993: 48).

The need for young offenders to be treated differently has been recognized, which has resulted in the introduction of appropriate legal solutions at the statutory level. The protection of juvenile rights also has an international dimension. The Convention on the Rights of the Child, adopted by the United Nations General Assembly on November 20, 1989, is the fundamental document defining international standards for dealing with minors. Poland ratified this convention in 1991 (Journal of Laws No. 120, item 526). Today, Polish law regulates the criminal liability of minors in two ways. The provisions of the Penal Code can apply to young offenders, which in exceptional situations provide for the general principles of criminal liability to apply to minors. There is also a *lex specialis* solution with a separate law on juvenile proceedings, which, among other things, regulates procedures applicable to minor perpetrators of criminal acts. This law has yet another – preventive – dimension, as it is intended to counteract all types of juvenile demoralization and criminality. As a rule, juvenile cases are heard by family courts.

The scale of juvenile crime is also interesting. For consistency, the number of the most distressing criminal offenses discussed above can be compared with the number of offenses committed by minors within the same category. The scale of these offenses can be estimated by analyzing police statistics, which show that in recent years, juvenile crime falling within the category of the seven most frequently committed offenses accounted for approximately 3–4% of the total. It should be noted that, as concerns the overall category of criminal acts, juvenile crime is practically exclusively theft, burglary, assault and battery, robbery, property damage, and damage to health. Rape and homicide are much less common, although 4 and 51 incidents of each were reported in 2019, respectively, 1 and 41 in 2020, 3 and 36 and in 2021, and 6 and 44 in 2023 (Biuletyny statystyczne Komendy Głównej Policji). This means that juvenile crime has been, and will probably continue to pose a threat, thus calling for multifaceted examination and implementation of various prevention programs. Analyzing the figures in Table 2 in purely mathematical terms, a simple conclusion can be reached that juvenile crime has been declining and significantly constrained, but this conclusion is not legitimate in social and practical terms. The scale of reported juvenile crime largely depends on the activity of the police. Measures taken to identify threats and crack down on these circles have a major impact on the number of offenses recorded. The greater the involvement of the police, the higher the number of offenses recorded. The data presented in Table 2 shows a statistical decline in the share of juvenile crime in the seven selected categories over the past few years and a slight increase in 2022. The question remains, however, whether the pandemic period of 2020–2021 and the huge commitment of the Polish police to assignments related to the health security of Poles did not reduce the capacity of the police to carry out their tasks in the area of effective detection of juvenile crime. The authors leave this question unanswered, but numerous suggestions seem to support the above claim.¹

¹ The authors consulted several commanders of District Police in the Wielkopolska region, who admitted, albeit with some caution, that such a significant decline in the number of crimes reported in the juvenile category in 2021 is certainly not the result of reduced activity of juvenile criminal offenders but rather of a lower number of recorded crimes. They indicated several possible reasons for this, including heavy involvement of the Police in combating the Covid pandemic.

Table 2

The scale of identified juvenile crime in selected categories versus overall criminal offenses in these categories

Overall crime in seven categories / Juvenile crime in seven categories							
Year	2016	2017	2018	2019	2020	2021	2022
Juvenile crime in seven categories	12,445	10,127	9,471	8,643	6,888	6,095	7,245
Overall crime in seven categories	281,467	243,102	231,403	236,722	229,505	238,126	248,900

Source: Authors' own compilation based on Police Headquarters statistics.

DRUG-RELATED CRIME

Many academic studies addressing drug-related crime in Poland, and associating it directly with organized crime, have been published over the last dozen years or so. One of the authors, Serdakowski, argues that “nowadays drug-related crime is a ‘classic’ area in which Polish organized crime groups operate” (Serdakowski, 1997: 225). Other authors have presented a similar position stating “that the entire narco-business has an international dimension and is distinguished by a very high degree of professionalization. This is primarily due to the funds at the disposal of drug gangs. They can afford the best equipment, offer very high bribes to customs officers, and control the activities of law enforcement agencies” (Pływaczewski, 2011: 32). This is mostly true; after all, it is hard to imagine that such a profitable criminal activity would not be of interest to global and domestic criminal groups. The production and subsequent distribution of various narcotics cannot, in principle, be strictly local as it would not provide sufficient economic incentive for criminal groups. After all, one of the basic characteristics of organized crime is its international character and profit orientation. It should be emphasized that the hermetic nature of these groups, the degree of their organization, and the fact that their members fear cooperation with law enforcement agencies, all guarantee a certain kind of security and prevent information from spilling to the outside which, in turn, does not allow investigators to broadly identify the scale of the phenomenon and thus fully assess it. Thus, organized crime dealing with narcotics primarily seeks to organize production and worldwide distribution. Teams working for the Ministry of Internal Affairs and Administration, and then the Ministry of the Interior, prepared *Reports on the state of security of Poland*, which were published until 2014. They indicated that, at that time, Poland was one of the European leaders in amphetamine production. Domestic organized crime groups were behind this production and international distribution. The attempts to estimate the scale of this phenomenon were based on the number of illegal laboratories liquidated, but this method does not allow reliable assessment of the threat to be made. One, although obviously imperfect option to make such assessments may involve an analysis of police statistics of drug-related crime, which is possible on a national rather than global scale. The data there demonstrates that the majority of what Polish law enforcement agencies report does not refer to organized crime but rather to common criminal offenses. Nevertheless, from the point of view of criminology, drug-related crime should be considered as a different crime category.

ry which is of interest to this discipline, and not as an element of common crime, as characterized above. Statistics of drug-related offenses, penalized in Chapter Seven of the 2005 Law on Counteracting Drug Addiction, are presented over a five-year period. To get an idea of the scale of these threats, they have been tabulated against the statistics of overall crime.

Table 3

Statistics of overall drug-related offenses found vis-à-vis the total number of criminal offenses

Overall crime / Drug-related crime							
Year	2016	2017	2018	2019	2020	2021	2022
Overall criminal offenses	518,865	490,691	517,861	530,697	488,591	507,885	509,281
Overall drug-related offenses	60,449	64,652	60,073	66,834	66,545	69,623	70,042

Source: Authors’ own compilation based on Police Headquarters statistics.

The scale of the phenomenon in question accounts for a dozen-or-so percent of overall criminal offenses. The term ‘scale of the phenomenon in question’, though, is deliberately provocative. Unfortunately, little is known about the actual scale of this phenomenon, so using it is not entirely legitimate, although it features in the literature. It should be explained that a peculiarity of drug-related crime is that it is highly under-reported. It is the task of law enforcement agencies, mainly the police, to detect these offenses, since persons involved in them that are willing to cooperate with the police are hard to find. In this category of crime it is difficult to identify victims. In the social sense it is obviously easier, although there is not a ‘clear picture’ of who the victim is here, unlike in cases of violent or property crime. Thus, the number of crimes committed in this category, and the resulting threat, is unquestionably heavily underestimated. Drug-related crime that has been detected does not allow its total scale to be estimated, which is many times higher than that indicated by police statistics. This category is probably dominant today, with the largest number of cases but, for obvious reasons, it is not always reported to law enforcement agencies.

CONCLUSIONS

Summing up all the above considerations, researchers who will conduct analyses in the area of any crime category, whether identified in the Penal Code, special laws, or criminological categories, must remember that the picture of crime that emerges from the statistics is far from complete. Crimes indicated in statistics reflect only what has been recorded by law enforcement agencies. Thus, the literature refers to this crime as apparent crime. The true number of crimes may largely be unknown and constitutes a dark figure of crime. In verifying the hypothesis on the dominance of certain categories of crime, a cautious assumption should be made that today it is drug-related crime that accounts for the largest number of criminal acts committed in Poland. This, however, can be claimed mainly on the basis of estimates, experience and information from police officers. This is because there are not sufficient victimology studies that could directly prove this claim. Estimating the dark figure of crimes in this area may

be unreliable, although there are opinions in the literature that reported drug-related offenses account for ten percent or more of the actual crime in this category.

The authors hope that the proposed classification of crime, the categorization of offenses and some interpretation guidelines will enable students who investigate these issues, to define the subject of their research more easily, focus on a specific topic and prepare valuable conclusions.

REFERENCES

- Biuletyny statystyczne Komendy Głównej Policji w Warszawie z lat 2016, 2017, 2018, 2019, 2020, 2021, 2022.
- Błachut J. (2008), *Czy „ciemna liczba przestępstw” istnieje?*, Archiwum Kryminologii, 2007–2008, Warszawa.
- Hołyst B. (2000), *Kryminologia*, Warszawa.
- Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Rozdział II, art. 42, Dz. U. 1997, nr 78, poz. 483.
- Konwencja o prawach dziecka Organizacji Narodów Zjednoczonych z dnia 20 listopada 1989 r., ratyfikowana w 1991 r., Dz. U. nr 120, poz. 526.
- Lachowski J., Marek A. (2018), *Prawo karne. Zarys problematyki*, Wydawnictwo Wolters Kluwer Polska, Warszawa.
- Mądrzejowski W. (2008), *Przestępczość zorganizowana system zwalczania*, Wydawnictwa Akademickie i Profesjonalne, Warszawa.
- Pływaczewski E. W. (2011), *Przestępczość zorganizowana i wybrane problemy jej przeciwdziałania w Polsce*, in: *Przestępczość zorganizowana*, (eds.) W. Pływaczewski, J. Świerczewski.
- Przestępstwo pospolite*, https://pl.wikipedia.org/wiki/Przest%C4%99pstwo_pospolite (15.03.2023).
- Rudniański J. (1998), *Przestępczość zorganizowana w świetle ogólnej teorii systemów*, in: *Przestępczość zorganizowana w Niemczech i w Polsce*, (eds.) B. Hołyst, E. Kube, R. Schulte, Warszawa–Łódź–Münster.
- Rdzanek-Piwowar G. (1993), *Nieletność i jej granice*, WSPS, Warszawa.
- Serdakowski J. (1997), *Zorganizowana przestępczość narkotykowa w Polsce*, in: *Policja polska wobec przestępczości zorganizowanej*, (eds.) W. Pływaczewski, J. Świerczewski, Szczytno.
- Skorupka J. (2005), *Prawo karne gospodarcze. Zarys wykładu*, Warszawa.
- Ziomka Z. (2006), *Przyczyny zachowań przestępczych oraz zjawisk patologicznych w świetle teorii socjologicznych*, Zakład Służby Prewencyjnej Szkoły Policji w Katowicach.

ABSTRACT

This publication is addressed to students of security studies who attempt to define crime and describe criminogenic phenomena when working on their undergraduate or graduate theses. It is intended to help students decide which specific categories of crime to study and later describe. The main focus of the study is on specific categories of crime, including common crime, organized crime, drug-related crime, and juvenile crime. Students are presented with proposed definitions within selected criminological categories of crime as well as with suggestions on

how to describe these phenomena in statistical terms. The hypothesis is that common crime remains the largest category in overall crime statistics, but it does not clearly prevail in terms of actual crime. The contents of this article are the product of the authors' considerations, supported by many years of police experience, with reference to selected items of literature.

Keywords: crime, offense, crime categories, security, statistics, studies, research, definitions

PRZESTĘPSTWO, PRZESTĘPCZOŚĆ – PROBLEMY DEFINICYJNE, UMIEJĘTNOŚĆ ANALIZY ZJAWISKA W ZAKRESIE POJĘCIOWYM I STRUKTURALNYM

STRESZCZENIE

Niniejsza publikacja skierowana jest do studentów kierunków bezpieczeństwa, podejmujących w swoich pracach licencjackich czy magisterskich próby zdefiniowania przestępczości i opisu zjawisk kryminogennych. Ma ona ułatwić studentom podjęcie decyzji o wybraniu określonych kategorii przestępczości, które podlegać będą badaniom i późniejszemu opisowi. Głównym przedmiotem badań są określone kategorie przestępczości, między innymi kryminalna przestępczość pospolita, zorganizowana, przestępczość narkotykowa czy przestępczość nieletnich. Studentom przedstawiono propozycje definicji odnoszących się do wybranych kategorii kryminologicznych przestępczości, jak i sugestie odnoszące się do opisu zjawisk w ujęciu statystycznym. Hipoteza zakłada, że: kryminalna przestępczość pospolita jest wciąż najliczniejszą kategorią w odniesieniu do statystyk przestępczości w ogóle, jednak jej udział w przestępczości rzeczywistej nie ma już charakteru wyraźnej dominacji. Tekst publikacji przedstawia zapis rozważań własnych autorów, popartych wieloletnim doświadczeniem służby w Policji, w odniesieniu do wybranych pozycji literatury fachowej.

Słowa kluczowe: przestępczość, przestępstwo, kategorie przestępczości, bezpieczeństwo, statystyka, studia, badania, definicje

