

CORRUPTION AS A THREAT TO THE INTERNAL SECURITY OF THE STATE

WOJCIECH M. HRYNICKI*

ABSTRACT

Corruption poses a serious threat to the internal security of the state as it destabilises social relations and has a deleterious effect on the political system, negatively affecting legislation and the economy in particular. Corruption, as a phenomenon which erodes social relations, also results in demoralisation and the slackening of morals in society, which is an important substrate of the state. As a multi-dimensional phenomenon, corruption poses a threat to social relations within states and to their internal security both in the broad sense – as a threat to the instruments of the state, and in the narrow sense – threatening the lives, health and property of citizens. Corruption destabilises multiple areas of the functioning of the state, damages the political sphere, in particular in the case of unclear party financing rules and illicit lobbying. It also results in faulty laws and provi-

* Wojciech M. Hrynicky, Ph.D., University of Public and Individual Security “Apeiron” in Kraków, Kraków Revenue Administration Chamber; correspondence address: University of Public and Individual Security “Apeiron” in Kraków, ul. Krupnicza 3, 31-123 Kraków; e-mail: wojciech.hrynicky@onet.pl

sions being introduced (or not introduced) which favour the few. Corruption also involves destructive economic phenomena, especially in the case of large public projects and tax-related crimes. Morally, it constitutes treason. It ultimately destabilises state structures, rendering them dysfunctional and inefficient, and perverting the fundamental principles of democracy.

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INTERNAL SECURITY AS A VALUE

In the early 21st century, it became fashionable among researchers dealing with various areas of security to define the concept of security itself. New definitions are constantly being developed, some being axiomatically claimed to be optimal and complete. However, this approach merits strong criticism – not only because it is unscientific, but also because it is important to realise that security is not only a state, but also a process which constantly develops along with its shifting determinants. Furthermore, security is an extremely important value, its importance lying in the fact that it protects other values. It is a concept related to human hopes, and one on the basis of which humans build their individual and family futures.¹

In general terms, security, despite its ambiguity, refers to the state of being free from threats, which enables correct social development provided that all principles of community life are adhered to. This claim combines the negative understanding of security with the positive. The former refers to the state of “freedom from threats”,² the latter involves the ability to create optimal developmental conditions (freedoms), which ensure that a wide

¹ W.M. Hrynicki, *The need to create a common European census system in order to prevent terrorism*, “Visuomenės Saugumas ir Viešoji Tvarka / Public Security and Public Order”, 2018, no. 20, p. 67.

² M. Brzeziński, *Kategoria bezpieczeństwa*, [in:] *Bezpieczeństwo wewnętrzne państwa – wybrane zagadnienia*, S. Sulowski, M. Brzeziński (eds), Warszawa 2009, p. 23.

range of social needs can be satisfied.³ Security is thus at the same time a state in which a security subject achieves a sense of security, and the process of ensuring that subject's sense of security. This understanding presents the natural, dynamic character of the phenomenon. In this sense, the security of a given subject refers to the area of its activity which ensures its continued survival (existence) and freedom to pursue its own interest in a hazardous environment, particularly via seizing opportunities (favourable circumstances), facing challenges, mitigating risks and counteracting (preventing and combating) a variety of threats to the subject and its interests.⁴ The positive understanding of security must become the dominant construal due to the fact that human life cannot be reduced to securing one's existence, and should instead be analysed from the perspective of striving towards constant development by way of setting goals which lend life value and meaning.⁵ Security is thus a fundamental human need and right, one which involves eliminating situations which threaten humans and the things they value.⁶ It is considered to be a state of certainty, peacefulness, safety, lack of threats and protection from them,⁷ as well as a guarantee of the uninfringed survival of a given subject and its freedom to develop.⁸ It is one of the most important values necessary for both individuals and social groups, including states, to exist. Security is a value upon which humans build their hopes for the future, both for themselves and their loved ones – in some cases forever. It is a value which enables (and compels) states – as subjects of international law – to ensure a stable existence and survival for themselves and their nations in particular, or the societies that comprise them in general.

Security is not a homogeneous state and does not only relate to the existence of individuals or groups of humans; it is multi-dimensional – individual, social, cultural, legal, existential, economic, political, military,

³ J. Stańczyk, *Współczesne pojmowanie bezpieczeństwa*, Warszawa 1996, p. 10.

⁴ S. Koziej, *Bezpieczeństwo: istota, podstawowe kategorie i historyczna ewolucja*, "Bezpieczeństwo Narodowe", 2011, no. II–2011/18, p. 20.

⁵ W. M. Hrynicki, *Potrzeba działań na rzecz bezpieczeństwa kulturowego w aspekcie jego współczesnych zagrożeń*, "Kultura Bezpieczeństwa. Nauka – Praktyka – Refleksje", 2015, no. 20, p. 223.

⁶ J. Gierszewski, *Bezpieczeństwo wewnętrzne. Zarys systemu*, Warszawa 2013, p. 11.

⁷ R. Zięba, *Instytucjonalizacja bezpieczeństwa europejskiego*, Warszawa 2007, p. 27.

⁸ J. Stańczyk, *Współczesne...*, op. cit., p. 19.

as well as psychological and spiritual.⁹ It is a category which relates to global, state, local and personal matters, creating or limiting opportunities in all of these areas.¹⁰ Thus, security encompasses multiple areas of life and fields of research.¹¹ It is multidisciplinary in nature as it would be difficult to imagine studying security without the support of law, military science, humanities or economics.¹²

Security thus equals a strong statehood, which in turn increases the sense of security, which means that the two values are closely intertwined. A state's security policy should take into account the various factors which determine state security: the demographic, geographic, economic, historical, psychological, sociological, systemic and cultural factors. As a result, modern states appear to guarantee the security of multiple areas of life, creating internal security.

Both the concepts of security and internal security are at the same time legal and extralegal in nature. Theoretically speaking, internal security is primarily associated with common security, public security and the systemic security of the state. Classical definitions of internal security are closely related to the state and its security. As an example, internal security is conflated with stable and harmoniously-operating state structures, in particular power structures, decision-making procedures which comprise these structures, and the relations between those in power and the citizens.¹³ Thus, internal security can be analysed in both the narrow and broad sense – the former is related to the instruments of the state, the latter with protecting lives, health and property.¹⁴ As a multi-dimensional phenomenon, corruption is a threat to internal security in both the broad and narrow sense. An important element which curtails corruption is control, which is an

⁹ J. Piwowarski, *Fenomen bezpieczeństwa*, Kraków 2014, p. 71.

¹⁰ *Bezpieczeństwo personalne i strukturalne wobec wyzwań współczesnego świata. Materiały z międzynarodowej konferencji naukowej zorganizowanej 21 października 1999 roku*, L. Kanarski, B. Rokicki, J. Świniarski (eds), Warszawa 2000, p. 5.

¹¹ W. M. Hrynicki, *Ochrona byłych nazistowskich obozów zagłady w aspekcie zagadnienia bezpieczeństwa kulturowego*, "Acta Pomerania", 2014, no. 5, p. 137.

¹² A. Urban, *Bezpieczeństwo społeczności lokalnych*, Warszawa 2009, p. 16.

¹³ S. Zalewski, *Bezpieczeństwo wewnętrzne RP w dobie członkostwa w NATO*, [in:] *Międzynarodowe i wewnętrzne aspekty członkostwa Polski w NATO*, W. Fehler, J. Tymanowski (ed.), Wydawnictwo Adam Marszałek, Toruń 2000, p. 70.

¹⁴ W. M. Hrynicki, *Znaczenie kontroli dla bezpieczeństwa wewnętrznego w państwie prawa*, "Security, Economy & Law", 2018, no. 20, DOI 10.24356/SEL/20/1, p. 23.

indispensable part of security and an instrument used by well-functioning states operating under the rule of law.¹⁵

CORRUPTION AND ITS MANIFESTATIONS

Corruption (*Latin corruptio*), in the most general terms, is demanding or accepting financial (material) or personal benefits for violating the law, or for performing certain official actions, or for refraining from performing them. Corruption is also referred to as bribery. It is a social phenomenon known to states for thousands of years, whose impact is multi-directional. It destabilises the internal social relations of the state, eroding the law and stifling economic development; it also destabilises the state and its democratic organisation from within and weakens its political standing internationally. It also significantly contributes to the demoralisation of society, resulting in cultural abnormalities.

Corruption is not a new phenomenon, as it has been known since antiquity. In ancient Greece, Olympic athletes were on occasion bribed to allow others to win, much to the chagrin of their fans. Such was the case of Sotades of Crete, winner of the marathon during the 99th Olympic Games, who sold his victory to Ephesus in the following games. Enraged, the crowd refused to allow their former hero to return to Crete.¹⁶ One of the first documented instances of corruption among those in power was the impeachment of 1376, when the English Parliament dismissed Lord William Latimer (close confidant of King Edward III) and the merchant Richard Lyons – both accused of intercepting goods imported into England, arbitrarily setting their prices and taking all the resulting profits for themselves, accepting a bribe for surrendering Becherel and St. Sauveur to the French, and accepting bribes from captured enemy ships.¹⁷ There have been numerous other interesting cases throughout history – for example the selling of well-paid positions on a large scale by Pope Sixtus IV, who

¹⁵ More: W. M. Hrynicky, E. Morozewicz, *Kontrola jako nieodzowny element bezpieczeństwa na przykładzie Regionalnego Centrum Krwiodawstwa i Krwiolecznictwa w Krakowie*, "Kultura Bezpieczeństwa. Nauka – Praktyka – Refleksje", 2017, no. 25, pp. 85–105, DOI 10.24356/KB/25/3.

¹⁶ *Korupcja stara jak igrzyska*, "Antykorupcja", <http://www.antykorupcja.gov.pl/ak/czy-wiesz-ze/3922,Korupcja-stara-jak-igrzyska.html> (accessed: 1.06.2019).

¹⁷ Centralne Biuro Antykorupcyjne, *Korupcja na przestrzeni wieków*, Warszawa 2012, p. 7.

sold nearly 650 of them during his pontificate,¹⁸ or the case of *HMS Sussex*, which carried 10 tonnes of gold, 100 tonnes of silver and other valuables as a bribe for the Duke of Savoy, Victor Amadeus, for breaking his alliance with France. The ship ultimately sank on 19 February 1694 one day away from Gibraltar.¹⁹

Corruption can be analysed from different perspectives. Weber defines corruption on the basis of subjective intentions intrinsic to or expected of individuals, such as possessing power and influence, economic and business success, gaining wealth in itself, social motivations and opportunism. His definition assumes that corruption reflects the improper functioning of a rationalised bureaucracy which normally operates in accordance with the established rules and in the interest of the public, which is reflected in the political system of a given state.²⁰

There is no single, commonly accepted definition of corruption. The Council of Europe, in its *Civil Law Convention on Corruption* drawn up in Strasbourg on 4 November 1999,²¹ defined corruption as requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof (Article 2). The Council of Europe is active in its anti-corruption efforts, as evidenced by the establishment of the Group of States Against Corruption (GRECO) in 1999. The aim of GRECO is to improve its members' ability to combat corruption via monitoring the compliance of their regulations with the anti-corruption standards set by the Council of Europe and a dynamic process of peer review and pressure. This helps detect deficiencies in state legislature and drives the necessary legal and institutional changes.

¹⁸ R. A. Haasler, *Tajne sprawy papieży*, Kraków 1999, <http://publicdisorder.wordpress.com/2010/09/22/tajne-sprawy-papiezy-robert-a-haasler-e-book/> (accessed: 15.05.2019).

¹⁹ Centralne Biuro Antykorupcyjne, *Korupcja na przestrzeni wieków*, Warszawa 2012, p. 29.

²⁰ M. Weber, *Die drei reinen Typen der legitimen Herrschaft*, [in:] *Gesammelte Aufsätze zur Wissenschaftslehre*, J. Winckelmann (ed.), Tübingen 1985, <http://www.zeno.org/Soziologie/M/Weber,+Max/Schriften+zur+Wissenschaftslehre/Die+drei+reinen+Typen+der+legitimen+Herrschaft> (accessed: 1.06.2019).

²¹ Journal of Laws of 2004, no. 244, item 2443.

According to the World Bank, corruption is the use of a public office or position for private gain. In December 2013, the then-President of the World Bank, Jim Young Kim, referred to corruption as public enemy number one in many developing countries, claiming that every dollar of foreign aid stolen by a corrupt official or business is a dollar taken away from a pregnant woman in need or children born to poor families. One of the proposals on how to counteract this pathological behaviour which was raised during the anti-corruption conference was to improve the monitoring of the flow of support funds. This was referred to as a “passport” for funds, which renders it possible to monitor the route along which the money flows and verify if it indeed reaches its destination.²²

The World Bank focuses a great deal on corruption and lists several of its types, concentrating on two fundamental varieties: administrative corruption and state capture.²³ The former is a deliberate attempt by a public person to circumvent existing provisions, laws and regulations to provide others with benefits, in return for covert and illegal private gain; the latter refers to actions by individuals, businesses, business owners or advocacy groups (both public and private) aimed at influencing laws, resolutions, strategic programmes and other policy elements so as to better suit their needs.²⁴ While the former is a classic form of bribery which an average citizen can encounter when interfacing with e.g. officials, police officers or medical professionals, the latter involves the state, its management or the justice system, with certain individuals and groups driving solutions or actions which are beneficial only to them. The former type is referred to as soft (or petty) corruption, and the latter type, political corruption, is referred to as hard (or grand) corruption.

Corruption is also closely monitored by the Organisation for Economic Cooperation and Development (OECD), in particular since 1989, when a special group of experts was appointed to draw up and present the first Recommendation on Combating Bribery in International Business

²² J. Yong Kim, *Corruption is „Public Enemy Number One” in Developing Countries*, “The World Bank”, 19.12.2013, <https://www.worldbank.org/en/news/press-release/2013/12/19/corruption-developing-countries-world-bank-group-president-kim> (accessed: 1.06.2019).

²³ The World Bank, *Anticorruption in transition*, Washington 2001.

²⁴ G. Kisunko, S. Knack, *The Many Faces of Corruption in The Russian Federation*, “The World Bank Blogs”, 22.04.2013, <http://blogs.worldbank.org/voices/the-many-faces-of-corruption-in-the-russian-federation> (accessed: 1.06.2019).

Transactions. The crowning achievement in the Organisation's anti-corruption efforts was the adoption on 17 December 1997 of the *Convention on OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*,²⁵ which drew the attention of the public as the first global tool for counteracting corruption in this type of transactions.²⁶ According to the document, corruption involves the intentional offering, promising or giving of any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of international business (Article 1).

However, the term is commonly used to refer to a wider range of phenomena than what is included in its legal definitions.²⁷ As an example, Polish law provides a broad definition of corruption in Art. 1 section 3a of the *Act of 9 June 2006 on the Central Anti-corruption Bureau*.²⁸ The offence itself is however penalised by the provisions of Art. 228–230a of the *Act of 6 June 1997 – the Polish Criminal Code*,²⁹ which differentiates between two types of corruption – venality (Polish: *sprzedajność*, Art. 228) and bribery (Polish: *przekupstwo*, Art. 229), in addition to penalising paid favouritism (Art. 230 and 230a). Art. 229 § 6 of the Criminal Code does not penalise persons committing bribery provided they inform law enforcement of the fact and disclose all material information relating to the crime before the relevant law enforcement agency discovers it. This is aimed at increasing the efficiency of battling corruption by attacking the solidarity between the briber and the bribee. This avenue is available to the person inciting the bribe, regardless of the form of participation and type of the crime.³⁰ Bribery is also closely related to paid favouritism as in both cases the intention of the party providing the material (or personal) benefits is to influence the actions (or lack thereof) of a public official. In the case of bribery, the briber

²⁵ Journal of Laws of 2001, no. 23, item 264.

²⁶ OECD, "Antykorupcja", <http://www.antykorupcja.gov.pl/ak/instytucje-antykorupcy/organizacje-pozarzadow/na-swiecie/1819,OECD.html> (accessed: 1.06.2019).

²⁷ M. Jarosz, *Władza, przywileje, korupcja*, Warszawa 2004, p. 200.

²⁸ I.e. Journal of Laws of 2018, item 2104 as amended.

²⁹ I.e. Journal of Laws of 2018, item 1600 as amended.

³⁰ B. J. Stefańska, *Komentarz do art. 229, [in:] Kodeks karny. Komentarz*, R. A. Stefański (ed.), Warszawa 2017, p. 1507.

contacts the official directly; in the case of paid favouritism they contact an influential individual in the hopes that their influence will enable them to affect the actions of public officials.³¹

Transparency International is also an important actor in the field of combating corruption. According to its definition, corruption is the abuse of entrusted power for private gain. It can be classified depending on the amounts of money lost (e.g. as grand or petty corruption), or depending on the sector in which it occurs (e.g. as political corruption).³² An important initiative of Transparency International is the annual assessment of how corruption is perceived in multiple countries by businesspersons and experts. The annual Corruption Perception Index is acknowledged as a reliable source by all countries intent on combating corruption, including Poland. For years, the least corrupt countries (those with the highest amount of points) have been: Denmark, New Zealand, Finland, Switzerland, Singapore, Sweden, Norway, the Netherlands, Canada and Luxembourg. For several years now, Poland has been 36th on the list of the least corrupt countries (along with Slovenia in 2018), though the number of points awarded decreased from 63 to 60 (see table below).

TABLE 1. CORRUPTION PERCEPTIONS INDEX 2015–2018 ACCORDING TO TRANSPARENCY INTERNATIONAL

No.	State	2018	2017	2016	2015
1.	Denmark	88	88 (2)	90 (1)	91 (1)
2.	New Zealand	87	89 (1)	90 (1)	91 (1)
3.	Finland	85	85	89	90
	Switzerland	85	85	86	86
	Singapore	85	84	84	85
	Sweden	85	84	88	89
7.	Norway	84	85	85	88
8.	Netherlands	82	82	83	84

³¹ P. Palka, M. Reut, *Korupcja w nowym Kodeksie karnym*, Kraków 1999, p. 99.

³² *What is corruption?*, “Transparency International”, <https://www.transparency.org/what-is-corruption> (accessed: 1.06.2019).

9.	Canada	81	82	82	83
	Luxembourg	81	82	81	85
36.	Poland	60	60 (36)	62 (36)	63 (36)
	Slovenia	60	61	61	60

Source: own elaboration on the basis of: *Corruption Perceptions Index 2018*, “Transparency International”, <https://www.transparency.org/cpi2018> (accessed: 1.06.2019).

Assessing the level of corruption in a society is related to a great deal of interesting topics, particularly how corruption is perceived by average citizens, not only by businesspeople and experts. For example, Heidenheimer lists three attitudes towards corruption present in societies:

- 1) *white corruption* – a tolerant view of corrupt behaviours; typical of systems based traditionally on the family, as well as systems based on the relationship between a caretaker and charge;
- 2) *grey corruption* – a view of corruption as something disgraceful and worthy of condemnation from the perspective of morality, combined with a view that those involved should not be punished for it; typical of modern state systems and those states which are on the way towards a democratic political culture;
- 3) *black corruption* – corruption is perceived as an extreme violation of social, moral and legal norms; a view typical of modern democratic societies.³³

Research conducted in 2010 demonstrates that corruption is considered to be the fifth most important issue in Polish society (22% of respondents), placed higher than petty crime (16%).³⁴

It is correct to claim that transparency of actions and the involvement of the public – as additional elements controlling the actions of those in power – can serve as a deterrent against those who would abuse their

³³ A. J. Heidenheimer, *Perspectives on the Perception of Corruption*, [in:] *Political corruption: a handbook*, A. J. Heidenheimer, M. Johnston, V. T. Le Vine (eds), New Brunswick 1989, pp. 855–869.

³⁴ B. Gruszczyńska, M. Marczewski, P. Ostaszewski, A. Siemaszko, *Spoleczna percepcja zagrożeń korupcyjnych w Polsce*, [in:] *Korupcja i antykorupcja – wybrane zagadnienia*, J. Kosiński, K. Krak (eds), Szczytno 2011, p. 636.

positions. Diligent control, targeted verification and public access – or a combination thereof – render it possible to detect abuse.³⁵

CORRUPTION AS A THREAT TO THE INTERNAL SECURITY OF THE STATE

Corruption threatens the internal security of states in multiple ways, in particular by disrupting social relations in the broad sense. As demonstrated above, corruption is regulated by multiple legal norms (both domestic and international), but it is a phenomenon which greatly exceeds the normative sphere. Corruption can thus violate not only legal norms, but also moral and symbolic values, such as the reputation of state officials, the founding principles of the system, or the pragmatics of being an official and the related responsibilities.³⁶ The threat to social relations manifests in that corruption is closely related to justice, especially in its broader sense – to what is referred to as social justice. Social justice is closely related to the impartiality of public organs, though it is not only focused on “making impartial decisions”, but also equally on “the general sense of impartiality”.³⁷ This general sense of impartiality directly translates to how every citizen perceives corruption, as mentioned by Heidenheimer, as well as how corruption is seen by professionals and businesspeople, which is studied by Transparency International (CPI). The diversity of definitions and norms related to corruption is proof that the phenomenon is extremely relevant. This does not imply that corruption should not be regulated or described. On the contrary: this needs to be done while taking into account that, unfortunately, this phenomenon is an element of our public life with enormous growth prospects.

The negative impact of corruption on the internal security of the state is determined by the social phenomena occurring within that state. If negative occurrences such as organised crime or corruption become commonplace, it begets the question whether the society in question is still functioning properly. Rejecting social relativism, it is necessary to

³⁵ L. Franková, *Regulacja konfliktu interesów – najlepsze praktyki europejskie*, [in:] *Jak skutecznie zapobiegać korupcji? Przegląd rozwiązań europejskich dotyczących konfliktu interesów, finansowania polityki i dostępu do informacji publicznej*, A. Kobylińska, L. Petrakova, F. Pazderski (eds), Warszawa 2015, p. 29.

³⁶ A. Kojder, *Korupcja – mechanizmy i strategie przeciwdziałania*, [in:] *W poszukiwaniu strategii zmian*, J. Kubin, Z. Żekoński (eds), Warszawa 1992, pp. 269–270.

³⁷ J. Kurczewski, *Czy możliwa jest socjologia korupcji?*, [in:] *Korupcja w życiu społecznym*, J. Kurczewski, B. Łaciak (ed.), Instytut Spraw Publicznych, Warszawa 2000, p. 161.

assume that something as terrifying as an unhealthy society can indeed exist. At this point, it is necessary to define a healthy society as one that meets the needs of humans – not necessarily what they feel their needs to be, as even the most pathological needs can be perceived as that which we desire most, but their objective needs, identified based on human research.³⁸ Thus, if corruption is becoming more commonplace in a society and is perceived as a need in social relations (both among the bribers and the bribees), such a society cannot be considered healthy; it must be diagnosed as ill. This constitutes a threat to the internal security of the state, a society that is ill cannot build healthy (proper) state structures. The most profound impact of corruption (as a social phenomenon) on state security can be felt in politics, where it negatively affects legislature, the economy and administration (state structures). In these areas, corruption most frequently occurs at the macroscale. Equally important is the impact of corruption on social relations, i.e. the resulting demoralisation of society. Sikorska correctly claims that, when anomic and corrupt behaviours begin to manifest in one's environment, it is important to realise that perhaps they affect a significant part of the group and are probably deeply rooted; in modern times, when development and wealth acquisition can be achieved in a multitude of ways (not necessarily legal or fair), anomie is a good way to "save face", which is why it is becoming more widespread in many professional and social communities.³⁹ According to Durkheim, anomie is a state in which a normative system loses coherency and plunges into chaos; the road signs for actions – goals and means – become indistinct, ambiguous; people lose the sense of right and wrong, of what is worthy and what is unworthy, what should be strived for and what should be avoided, which methods are permitted and which are prohibited; the disorganisation of the normative culture results in the disorientation of the members of the community.⁴⁰

Corruption is especially threatening to the political systems of states as it slowly but surely destabilises them. The deleterious effect of corruption-related phenomena on the politics of a state can assume multiple forms. The primary form is the intertwining of public and personal interests in

³⁸ E. Fromm, *Zdrowe społeczeństwo*, Warszawa 1955, p. 35.

³⁹ L. Sikorska, *Anomia – choroba uczciwego społeczeństwa*, [in:] *Społeczno-prawne aspekty przeciwdziałania korupcji*, J. Bil, A. Wawrzusiszyn (eds), Szczytno 2011, p. 26.

⁴⁰ E. Durkheim, *Definicja anomii*, [qtd. in:] P. Sztompka, *Socjologia. Analiza społeczeństwa*, Kraków 2007, p. 275.

the actions of individuals. It is true that *conflict of interest* is a relatively new legal term, introduced by most countries as an important aspect related to combating corruption and referring primarily to holding an official position while also operating a business or holding a position in a company, or to an economic conflict of interest.⁴¹ Regrettably, combining operating a business (especially one that is profitable and influential) with an official position is popular, not only among rank-and-file MPs and senators, but also even among the most influential politicians, such as ministers, which appears even less transparent if the business in question is conducted on a large scale. Such situations merit condemnation. This is because the condition necessary to successfully implement an anti-corruption strategy is, on the one hand, the existence of leaders who are credibly involved in combating corruption, and, on the other hand, authentic support for such efforts at the highest level possible. The actions of the prime minister and ministers must leave no doubt as to their complete lack of tolerance for corruption, nepotism and conflicts of interests in their subordinate institutions.⁴² Unfortunately, modern politics has accustomed the public to impressive election campaigns and spectacular election nights, which require large expenses, and those are easier to bear by the rich.

Another aspect threatening the political system is the financing or otherwise sponsoring of political activity by businesses, which becomes particularly relevant during election campaigns as well as other political gatherings aimed at strengthening the position of a particular politician (or party), especially if this happens beyond the control of the state. Corruption in such cases is facilitated by the non-public nature of party finances and the lack or ambiguity of the relevant legal regulations. It is extremely important to adopt a single act which regulates the financing of political parties and contains the principles of reporting and public access, as well as empowers an organ to enforce these rules.⁴³ As correctly noted by Jatsa, a number of rules must be implemented to achieve a transparent political system and party financing procedures:

- 1) parties must be financed from the state budget

⁴¹ L. Franková, *Regulacja...*, op. cit., p. 9.

⁴² G. Czubek, G. Kopińska, A. Sawicki, A. Wojciechowska-Nowak, *Jak walczyć z korupcją? Zasady tworzenia i wdrażania strategii antykorupcyjnej dla Polski. Program Przeciw Korupcji*, Warszawa 2010, p. 12.

⁴³ I. van Biezen, *Financing political parties and election campaigns – guidelines. Integrated project „Making democratic institutions work”*, Strasbourg 2003, p. 54.

- 2) financing from private sources must be regulated by law
- 3) a single act regulating the financing of political parties and introducing maximum expenditure limits must be adopted
- 4) a single enforcement body empowered to control, analyse, investigate and apply sanctions must be established
- 5) the members of the enforcing organ must be politically independent
- 6) the duties of the enforcement body and the right to monitor, investigate, and transfer cases to the police or courts must be clearly defined
- 7) all parties involved must work together⁴⁴

Within the context of Europe, it is advisable to consider establishing a common body for controlling political parties, especially how they are financed. Walecki is correct in his claim that, in addition to external control mechanisms, it is equally as important that internal control mechanisms exist within political parties in the form of internal audits, the results of which are presented during party conventions.⁴⁵

The consequence of destabilising a state's political security as result of lacking anti-corruption efforts is the perversion of the concept of the democratic rule of law, which is based on four basic principles:

- 1) the state guarantees citizenship rights and freedoms,
- 2) statutory law takes precedence over other normative measures,
- 3) the constitution and acts of law are the primary sources of law,
- 4) the subjective rights of the citizens are guaranteed institutionally and procedurally.

Corruption among political elites usually falls into the category of grand corruption and constitutes a serious threat to the internal security of the state as it significantly impacts the economy and law, erodes the administrative structure and violates the principles of democracy. It poses a threat to the proper functioning of democracy, particularly the rule of

⁴⁴ A. Jatsa, *Finansowanie polityki – najlepsze praktyki europejskie*, [in:] *Jak skutecznie...*, *op. cit.*, p. 57.

⁴⁵ M. Walecki, *Challenging the Norms and Standards of Election Administration: Political Finance*, [in:] *Challenging the Norms and Standards of Election Administration*, 2007, https://www.ifes.org/sites/default/files/5_ifes_challenging_election_norms_and_standards_wp_pf.pdf (accessed: 1.06.2019), p. 84.

law, political competition and system legitimacy.⁴⁶ Misconduct in public office is tantamount to betraying the public's trust and serves to erode the trust the citizenry has for its representatives and the government as a whole; untrustworthy officials act against the principles of being involved in public matters and serving the common good, which form the base of good governance.⁴⁷ Within the context of law, corruption can lead to the above-mentioned anomie.

Political corruption leads to defunct laws, in particular due to the fact that legal solutions are purchased by the wealthiest and most influential actors. Certain business areas are capable of significantly influencing members of legislative organs around the globe in order to force them to adopt favourable legal norms, whose existence (or non-existence) results in enormous profits. This may apply to both strategic sectors of state security such as energy, defence and food supply, and less important administrative solutions. For a number of years now, institutions such as the European Commission have been struggling, frequently ineffectively, with food producers, not only regarding informing consumers about the ingredients of their products, but even in relation to the harmful effects of using certain products or half-products in the food industry. Certain changes are postponed indefinitely, others are blocked with the use of allegedly valid research results conducted privately or sponsored by the businesses in question, and some are simply not discussed. Frequently, the required legal regulations are only adopted under the pressure of the public, NGOs and organisations such as the World Health Organisation (WHO), like in the case of highly-processed meat "tempered" with nitrogen and its compounds. Such situations are frequent when lobbying is involved, which itself is not prohibited provided it meets certain established criteria.

The European Commission is still under the influence of the wine and brewing industry, which is lobbying against regulations requiring that consumers be informed about the ingredients of beer and wine, which are both produced on a massive scale. The issue also applies to the chemical industry, including cosmetics. Corruption in the normative sphere may also affect environmental protection, including such important matters as carbon dioxide emissions and waste management. In actuality, legislative

⁴⁶ R. Karklins, *Wszystkiemu winien system, Korupcja w krajach postkomunistycznych*, Warszawa 2009, p. 17.

⁴⁷ *Ibidem*.

corruption can manifest itself even in the least expected areas where regulations apply. Between 2010 and 2011, when the provisions of the Act of 31 January 1959 on cemeteries and burials⁴⁸ were being amended, attempts were made to implement changes permitting human remains resulting from cremation (ashes) to be scattered in places other than cemeteries (e.g. the sea, mountains, rivers). Though there were no health-related reasons against it, the idea was successfully blocked by lobbyists acting on behalf of the death care industry (including funeral organisers), which of course implies corruption extending beyond permitted lobbying.

An identical impact of corruption on internal security can be observed within the context of the economy. As noted by Bojarski, the principle which drives businesses is maximising profits while minimising costs; the need to pay bribe money or deviate from optimal (at least theoretically) decision-making procedures results in increased expenditures; thus, it is valid to claim that corruption results in lower economic effectiveness of businesses, particularly when analysed from the point of view of society as a whole instead of individual businesses.⁴⁹

Economic corruption destabilises the internal security of the state as it directly impacts its finances. Corruption would not be possible if not for social acceptance and the opacity of the economic environment.⁵⁰ Within the context of the economy, it is particularly noticeable in the area of public procurement. For example, on 16 January 2018, the Central Anti-corruption Bureau detained four employees of a company which is part of a consortium building a new block for the Jaworzno III Power Station belonging to the Tauron Group. That day, an amount of PLN 50,000 (approx. EUR 11,650) was paid in bribe money for awarding the public contract. At least three such transactions took place in total. One of the defendants pleaded guilty.⁵¹ In 2014, the District Prosecutor's Office in Gliwice presented a total of 177 charges against more than a dozen

⁴⁸ I.e. Journal of Laws of 2017, item 912 as amended.

⁴⁹ J. Bojarski, *Korupcja gospodarcza. Studium z dziedziny polityki kryminalnej*, Toruń 2015, p. 27.

⁵⁰ M. Brol, *Ekonomiczne, instytucjonalne i kulturowe uwarunkowania korupcji*, Wrocław 2015, p. 29.

⁵¹ P. Kaczorek, *17.01.2018 Łapówka przy budowie elektrowni Jaworzno III. Zatrzymani na gorącym uczynku*, "Centralne Biuro Antykorupcyjne", 17.01.2018, <https://cba.gov.pl/pl/aktualnosci/3762,Lapowka-przy-budowie-elektrowni-Jaworzno-III-Zatrzymani-na-goracym-uczynku.html> (accessed 1.06.2019).

individuals who were involved in a corruption incident related to the construction of the Silesian part of the A1 motorway between 2008 and 2009. They reportedly accepted PLN 450,000 (EUR 105,000) in bribe money in return for favourable public tender results.⁵²

Economic corruption also manifests itself in the form of tax crimes. Particularly threatening to the internal security of the state are VAT carousels, which involve fictitious sales of the same goods between various entities registered in different EU member states. This activity has been successfully curtailed by the Polish government in recent years. VAT-related crimes are dangerous not only from the perspective of state interests, but the entire European Union due to the fact that the VAT applies to all EU countries. On 21 November 2018, the Central Anti-corruption Bureau detained the Head of the Ostrów Mazowiecka Revenue Office along with one other employee as they were accepting a bribe of PLN 150,000 (approx. EUR 36,000) in return for refraining from performing an audit which would result in imposing a tax several times higher than the amount offered.⁵³ Several days later on 4 December 2018, the Central Anti-corruption Bureau detained the Head of the Revenue Office in Jarosław, who protected companies involved in VAT fraud in return for PLN 10,000 (EUR 2,300) per month. He had been involved in this illicit activity for several years and is likely to have caused millions in losses for the State Treasury.⁵⁴ The Central Anti-corruption Bureau is constantly combating the VAT mafia in Poland. The latest detentions in this case took place in July 2019.⁵⁵

⁵² *Przerazająca skala korupcji na budowie autostrady A1*, "Interia Motoryzacja", 18.06.2014, <https://motoryzacja.interia.pl/raporty/raport-budowa-autostrad/budowa-autostrad/news-przerazajaca-skala-korupcji-na-budowie-autostrady-a1,nId,1445128> (accessed: 1.06.2019).

⁵³ *150 tysięcy złotych łapówki. Naczelnik Urzędu Skarbowego w Ostrowi Maz. odwołany ze stanowiska*, "Polskie Radio RDC »Radio dla Ciebie«", <https://www.rdc.pl/informacje/naczelnik-urzedu-skarbowego-w-ostrowi-i-komornik-zatrzymani-dzielili-sie-lapowka/> (accessed: 1.06.2019).

⁵⁴ A. Główczewski, *CBA zatrzymało na gorącym uczynku czworo biznesmenów i naczelnika US w Jarosławiu*, "GazetaPrawna.pl", <https://www.gazetaprawna.pl/artykuly/1377353,cba-zatrzymalo-na-goracym-uczynku-czworo-biznesmenow-i-naczelnika-us-w-jaroslawiu.html> (accessed: 1.06.2019).

⁵⁵ Wydział Komunikacji Społecznej CBA, *17.06.2019 Wspólna akcja CBA i CBSP. Uderzenie w „Mafię VAT-owską”*, "Centralne Biuro Antykorupcyjne", <https://cba.gov.pl/>

In recent years, officials dealing with housing developments have also been bribed – this particular area is not subject to public procurement laws and involves urbanisation and spatial planning. The end of Plattenbau and the development of the housing market, especially in large cities and agglomerations, resulted in the construction industry pressuring local authorities to make attractive urban areas available for housing projects. On 21 February 2018, the Central Anti-corruption Bureau apprehended the Mayor of Tarnobrzeg on accusations of accepting a bribe of PLN 20,000 (EUR 4,660) in return for favouritism in relation to the local land development plan.⁵⁶ A similar situation took place on 5 July 2018 – three female officials of the Kraków city hall were detained on similar charges (related to the local land development plan).⁵⁷ Such occurrences harm not only city residents, but also the economy itself as they pervert fair competition.

According to the 2002–2011 Global Financial Integrity report (GFI), Poland loses up to several dozen billion zlotys each year to corruption. According to GFI, Poland lost approx. PLN 20 billion (EUR 4.66 billion) in 2011 alone. For comparison purposes – approx. PLN 7 billion is required to meet this year’s demands of diagnosticians and therapists (higher pay and greater availability of physical therapy services).⁵⁸

Finally, corruption relaxes the moral norms of societies, resulting in demoralisation. This primarily applies to petty corruption, which is seldom punished and can be commonplace in certain communities (or states).⁵⁹ The issue is exacerbated by the fact that petty corruption involves

pl/aktualnosci/4144,Wspolna-akcja-CBA-i-CBSP-Uderzenie-w-Mafie-VAT-owska.html (accessed 1.06.2019).

⁵⁶ A. Głowczewski, A. Pipała, *Centralne Biuro Antykorupcyjne zatrzymał prezydenta Tarnobrzega*, “PAP Polska Agencja Prasowa”, 21.02.2018, <https://www.pap.pl/aktualnosci/news%2C1298975%2Ccentralne-biuro-antykorypcyjne-zatrzymalo-prezydenta-tarnobrzega.html> (accessed: 1.06.2019).

⁵⁷ M. Mrowiec, *Akcja CBA w Krakowie. Zatrzymane trzy urzędniczki i pośredniczka*, “Dziennik Polski [AKTUALIZACJA]”, 3.07.2018, <https://dziennikpolski24.pl/akcja-cba-w-krakowie-zatrzymane-trzy-urzedniczki-i-posredniczka-aktualizacja/ar/13308705> (accessed: 1.06.2019).

⁵⁸ *Polska traci miliardy*, “Antykorupcja”, <http://www.antykorupcja.gov.pl/aktualnosci/10587,Polska-traci-miliardy.html> (accessed: 1.06.2019).

⁵⁹ More: I. Osyka, *Anti-corruption policies in Ukraine*, [in:] *Criminal finances and organising crime in Europe*, P. van Duyne, K. von Lampe, J. Newell (eds), Nijmegen 2003, pp. 175–190.

temptation, and in such situations it is easy to find justification for illicit behaviours.⁶⁰ If a tiny sum of money or a gift results in a doctor's appointment, good grade on an exam or avoiding a ticket, a need emerges in society to act in this way, as well as public acceptance of this behaviour. A traffic officer who expects a small sum (e.g. PLN 100) in return for not giving a PLN 200 ticket must be aware of the fact that their behaviour is illegal, that the driver (or other offender) is indeed willing to pay this small sum to avoid the ticket and that the risk of discovery is minimal. Subjectively (though only in the short term), both parties to this illicit activity are satisfied – the police officer becomes wealthier, and the driver avoids criminal liability in return for a tiny sum. If the police officer in question (or any other official) considers such behaviour to be common practice, they do become wealthier (illicitly), but their morality (ethics) plummets, potentially resulting in actions which go against the ethos of truth and law in other areas (which may be more serious than a traffic ticket). Corruption becoming commonplace in a profession (police officers, officials, medical professionals) leads to the internal decay of that group, resulting in criminals being responsible for upholding the law. Those who give small bribes begin to believe that it is permitted to skirt the law or violate it, as there exist ways of buying one's way out of liability or otherwise settling difficult matters. The consequences of this are wide-ranging and terrifying: officers (officials) expect to be bribed as it constitutes a real and simple source of income, and society is more willing to commit offences, secure in the knowledge that avoiding responsibility is a simple matter. One party accepts bribes because he/she is accustomed to it and they are a source of income, while also thinking that those who offer bribes want to do so because it is profitable for them. The other party offers bribes because he/she thinks that those who accept bribes expect to be bribed, while also being able to easily avoid responsibility. As the phenomenon progresses and spreads, improper social attitudes arise – amoral, unethical, demoralising attitudes which results in a society where everyone “gives” and everyone “takes” (or nearly everyone). Objectively (and in the long term), everyone loses, however – both the bribers and the bribees – as they are laying the foundations for a degenerate (demoralised) society. The state itself loses as well, as it builds its structures upon an ill society, even though it may officially appear opposed to corruption, an attitude that manifests

⁶⁰ M. Kosewski, *Ludzie w sytuacjach pokusy i upokorzenia*, Warszawa 1986, p. 41 *et seq.*

in relevant anti-corruption legislation. In this sense, corruption is a type of treason – an internal attitude where the betrayer unilaterally breaks the bonds of loyalty and trust which have existed between them and the betrayed, or does so temporarily.⁶¹ The betrayed party in this case is the state, along with its political and legal system.

Corruption may thus give rise to a unique cultural phenomenon determined by corruption, regulated supra-individually by cultural values and norms.⁶² Communities are thus born in which corruption is part of the culture, especially in places where citizens feel no strong bond with the state. From the historical perspective, Poland is a good example of this as a country whose people were ruled by foreign powers (Russians, Germans) for many years. It was believed that tricking the authorities was a display of patriotism, and flaunting and circumventing legal norms was the way to survive in an oppressive reality.⁶³ This mindset has partially survived to this day, albeit it is neither the sole nor the dominant factor affecting corruption, especially of the soft (petty) variety. It is valid to claim that the depreciation of honest, hard work in favour of guile and hustling is a manifestation of corrupt mentality.⁶⁴ The tempo of modern life is conducive to this as the majority is intent on acquiring wealth or achieving success as fast and easily as possible. In addition, even though hard corruption is usually heavily criticised, especially in the case of the government, its soft counterparts and paid favouritism are permitted, and even accepted. Thus, on the one hand, corruption can be determined by cultural factors (especially historical), but on the other hand, due to its large-scale nature, it contributes to culture by giving rise to certain social phenomena and becoming part of it. This way, corruption significantly contributes to the slackening of social norms, injecting and promoting attitudes based on guile and hustling into culture.

⁶¹ P. Dembiński, *Korupcja jako symptom schorzenia systemu*, [in:] *Korupcja. Oblicza, uwarunkowania, przeciwdziałanie*, A. Dylus, A. Rudowski, M. Zaborski (ed.), Wrocław – Warszawa – Kraków 2006, pp. 121–122.

⁶² B. Pogonowska, *Kulturowa funkcja etyki biznesu*, [in:] *Etyka biznesu „po Enronie”*, J. Sójka (ed.), Poznań 2005, p. 133 *et seq.*

⁶³ A. Dylus, *Kulturowe uwarunkowania korupcji. Doświadczenia Polski*, [in:] *Korupcja. Oblicza, uwarunkowania, przeciwdziałanie*, A. Dylus, A. Rudowski, M. Zaborski (eds), Wrocław – Warszawa – Kraków 2006, p. 111 *et seq.*

⁶⁴ A. Kojder, *Godność i siła prawa. Szkice socjologiczno-prawne*, Warszawa 1995, p. 325.

CONCLUSIONS

To conclude, it is important to emphasise that corruption is a unique threat to the security of every state. Internal security is centred around the broadly-understood state activity and the instruments which are used to ensure security by regulating various areas of social activity and individual actions – protecting life, health and property. Corruption is a complex phenomenon and constitutes a threat to both security in the broad sense, whose subject is the state and its structures, and in the narrow sense, whose subjects are the individuals operating within the state, legal persons and other organisational units, as well as their associations and various communities.

Corruption, i.e. demanding or accepting financial (material) or personal benefits for violating the law, performing or refraining from taking certain official actions – is a destabilising factor in multiple areas of state activity. Most importantly, it threatens social relations. It is a socially pathological phenomenon, i.e. a behaviour of institutions or an element of the social system which stands in contrast to the worldview and value hierarchy accepted within the system. Corruption damages the political sphere, in particular in the case of unclear party financing rules and illicit lobbying. It also results in faulty laws and provisions being introduced (or not introduced) which favour the few, resulting in an economic advantage and disregarding the interest of the many. Corruption also involves destructive economic phenomena, especially in the case of large public projects and tax-related crimes. It renders everyday operations difficult for regular businesses, violates the free market principle, disrupting regional and global economies, and results in the stifling of economic progress and its equal distribution.

In addition, corruption is related to the demoralisation and moral slackening of society. Morally, it constitutes treason. It ultimately serves to destabilise state structures, rendering them dysfunctional and inefficient and perverting the fundamental principles of democracy.

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