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# SECURITY FORUM

SELECTED OPERATIONAL AND INTELLIGENCE ACTIVITIES  
AS ELEMENTS BODIES

THE MIGRATION CRISIS AS A THREAT  
IN THE THIRD DECADE OF THE 21<sup>ST</sup> CENTURY IN POLAND

ENERGY SECURITY IN THE LIGHT OF AMENDMENTS  
TO THE NATIONAL ENERGY LAW



# **SECURITY FORUM**

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# SECURITY FORUM

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# PREFACE

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It is well known that the activities of scientists boil down to conducting research and promoting its results. The latter area is related, in my opinion, to reaching the widest possible audience and supporting the educational process carried out in academic centres. Everything in this area is therefore based on acquiring and making available knowledge, which is nowadays increasingly sector-specific, but also contextual and, most importantly, social – both personal and structural.

The transfer and acquisition of knowledge is linked to the process of interpersonal communication. The simplest tool for this is widely available media, which include, among others, scientific journals. In addition to transmitting knowledge, they also serve to foster interaction among theoreticians and practitioners, which gives a social character to scientific and journalistic activity. Moreover, these mediums today overcome all barriers to the dissemination of knowledge, as they have been using modern information technologies for decades. Regardless of the above circumstances, it is important to remember that the use of knowledge is determined by the authors of a publication and its recipients. The former, when arguing their case, should remember to use as little hermetic language as possible and avoid cognitive closure. The latter should understand the complex nature of knowledge and scientific cognition. These are determinants of the correct disposal of research results.

The articles published in this issue of the semi-annual Security Forum are not commercially attractive, but their value is determined by the attempts made to combine scientific and colloquial discussions, which is a value in itself. Moreover, they have an applied and corrective character, which is what makes them attractive and useful. All those who read them will be convinced of this. I know this because in my professional career I have been associated both with academia and with the National Fire Service, which by virtue of their purpose have been, are and will continue to be closest to human safety.

Ryszard Grosset PhD  
Brigadier general  
Deputy Chief Commandant  
of the State Fire Service from 2000 to 2005



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# STATE SECURITY SYSTEM

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## Abstract

The objective of the article is to present the state security system and indicate research and adaptation directions undertaken by scientists that shape the changing security conditions. It is claimed that the internal and external environment of the state security system is characterized by constant variability, which is of fundamental importance in learning and understanding a number of ongoing processes and phenomena. An analysis related to security areas, as well as areas that cover responsibility for state security were carried out. It is worth reminding that research on security and related subsystems constitute one of the most important determinants of our sense of confidence in responsibility for processes taking place in a state and how it is inherently related to the national security system.

## Key words

system, security, state, theories, conceptions

## Introduction

The inspiration to write this article was the state security analysis. The analysis areas were proceeded basing on theory, concepts and management, while context conditions of its surroundings and the use of appropriate methods of influence were taken into consideration. The aim, on the other hand, is to present the phenomena taking place that have an impact on state security. The implementation of the above assumptions shows us the historical method, through which the formation of security, created theories over the centuries can be easily analysed. The legal method with established norms and customs. The political method, which probably has the greatest impact on our lives and sense of security. The identification of goals and conceptual sides for the scientific space shows that security is the most important for all of us.

The area of state security and its systems is subjected to long-term approaches along with a multi-directional strategy. The strategy includes the implementation of the interests of the state. State security area with its systems is subjected to long-term approaches along with a multi-directional strategy that concerns the implementation of the state's interests. Its coordination while aiming to synchronize goals, should strive for coherence of the tasks assigned to it. In other words, individual programs implemented should complete the objectives set in an objective and transparent manner, that are subjected to supervision and control. However,

the complexity of modern security state management places this environment in the face of a multidisciplinary and competence-based research. Also, the environment, due to its sectoral nature, creates time and space for key implementation tasks. In other words, individual programs implemented by teams in an objective and transparent manner complement the goals set, while being subjected to supervision and control. Therefore, before analytical reflections on state security system and its spheres are analyzed, it is worth understanding the basic, elementary structure, of which three definitional entries consist. It seems that each entry defines phenomena and events occurring in a sufficient and scientific way. By combining them, they become complementary research issue. Also, the issue that is an inherent and constantly evolving process of our everyday life. Although, for some, these processes may constitute cognitive abstract. Therefore, to conduct a scientific research well, it is necessary to approach the issue by using the method of general operation, through detailed operation, and ending with the logic and specificity of a given process.

## System, Security, State

As referred to encyclopedic knowledge, a "system" is defined as a set of interconnected elements (e.g. parliamentary, presidential, motivational, operational, identification, pension, etc.), fulfilling a specific function and treated as isolated from the environment for a specific purpose, e.g. descriptive

or research.<sup>1</sup> Therefore, it should be assumed that elementariness of a particular theory results from influence processes regarded as a whole system. This is possible by analyzing assumptions, which is separated for a specific purpose. The concept of a system and its use may be a method of presenting specific issues that are associated with the so-called “system approach” as well as problem solving, which is a systemic method. Logically, the concept of a set is connected with all of its components, which creates organized complexity<sup>2</sup>. That is why the system is defined as a set of interconnected elements, or to put it simply, a set of elements with the interactions occurring amongst them.

Safety is a positive feeling for our “ego” as an experience of circumstances favorable to our existence.<sup>3</sup> This model in a general sense is always understood as a state of lack of being threatened<sup>4</sup>. It takes into account the satisfaction of being alive, progress and existence. Generally, safety is associated with the conditions mentioned above, but also in a much broader spectrum as internal and/or external security, or objective and/or subjective security. When it comes to the state, this term is typically associated with its potential expansion and military power possessed. It is a

fact that the idea of security always has a social context, so it should be remembered about its specificity, difficulties and problems that have a context both in science and everyday life.

It is worth basing an individual security perception model on experiences of those who examine the essence of the issue by making a confrontation. Is my vision of security coherent with my experiences? Or with experience of the world of science? Or is it a kind of illusion, which resulted in construction of spurious feeling of being secure, and which is dangerous to an individual. Probably someone’s vision of security includes fascination with war, where, in her/his opinion, a conflict is a source of prosperity and provides security. This is an illusion that can be faced while observing the conflict between Russia and Ukraine. Russian society is fed by propaganda with its army successes. The German Third Reich may be also a good example.<sup>5</sup> But it must be remembered that safety is one of core human values that is highly ranked in the hierarchy of values. We consider safety in relation to an individual, a group, as well as national and international categories. The major factor that influences someone’s safety is the condition of the

1 *Encyklopedia PWN* <https://encyklopedia.pwn.pl> [access: 12.02.2024].

2 More: L. von Bertalanffy, *Ogólna teoria systemów*, Warszawa 1984.

3 Ego (łac.) means ME, it is the part of a person’s personality that identifies with “ME”; it is a system that develops over the course of life; determines the real action of a person as an individual (źródło: *Encyklopedia PWN* <https://encyklopedia.pwn.pl> [access: 12.02.2024]).

4 B. Wiśniewski, G. S. Sander, *Threat, Crisis, and Crisis Situation – as Conditions of Modern Human Life*, “Bezpieczeństwo i Technika Pożarnicza” 2016, No. 41/2016, p. 13.

5 The German Reich (German: Reich) is a historical term for the German state used to emphasize its unity with the autonomous regions belonging to Germany (source: *Encyklopedia PWN* <https://encyklopedia.pwn.pl> [access: 12.02.2024]).

nation in which an individual lives and functions.<sup>6</sup> Other are cultural, social and environmental factors. Individual safety, personal security is covered by the term “Human security”<sup>7</sup> as a security concept that was popularized in United Nations Development Report published in 1994.<sup>8</sup> After the Cold War ended the authors of the report claim that security is related to protection of national and state interests in internal as well as international context. On the other hand, for an individual, everyday life is a more important concern, such as losing a job, obtaining basic means of living, etc. The report assumes the universality of the concept, easier prevention towards the individual and focusing on human safety. Therefore, state security becomes of minor importance. This document, to some extent, combined assumptions and actions in the field of sustainable development.<sup>9</sup> Frances Steward in 2004 in his article claims that safety and development of the individual are highly interconnected, while unsustainable development becomes a source of conflict and violence escalation.<sup>10</sup> The concept of the individual is an important element of state security system perceived through national security.

The United Nations General Assembly in September 2000 presented a very important document, the “Millennium Report”<sup>11</sup>, which information covered by “Human security” turned into practical actions. Kofi Annan, at that time the UN Secretary-General, when presenting this report, declared on behalf of UN: “(...) we must always put human well-being at the forefront. This is the most important change that must take place in our thinking and behavior. There aren’t more noble and responsible tasks than to create conditions improving living standards.”<sup>12</sup>

According to the above mentioned theory, the Organization for Security and Co-operation in Europe (OSCE) focuses on identifying problems and identifying threats, which are related to the concept of safety. This forms the basis of configuration and arrangement security in a new way in social, economic and environmental matters. That resulted in creating a document called the European Security Charter, which was adopted on November 19, 1999.<sup>13</sup> The conference participants declared respect for human rights, a will to strengthen security as a complementary assurance in human, political, economic and military terms.

6 M. Tryboń, I. Grabowska-Lepczak, M. Kwiatkowski, *Bezpieczeństwo człowieka w obliczu zagrożeń XXI wieku*, „Zeszyty Naukowe SGSP” 2011, Tom 41; B. Wiśniewski, J. Prońko, *Elements of State Protection*, Warszawa 2003.

7 Human security – a state that gives a sense of certainty of existence, independence, identity, survival, and development (source: *Encyklopedia PWN* <https://encyklopedia.pwn.pl> [access: 12.02.2024]).

8 *United Nations development program, Human Development Report 1994*, New York 1994.

9 *Ibidem*, pp. 22-24.

10 More: F. Steward, *Development and security*, London 2004.

11 *Millennium Report of the Security General: We the peoples; the role of the United Nations In the 21st century*, New York 2000.

12 *Ibidem*, p. 5.

13 See: S. Bieleń, *Prawo w stosunkach międzynarodowych. Wybór dokumentów*, Warszawa 2007.



“Human security”, together with the documents processed for conducting and creating security policy, is a logical structure of analysis, setting directions and vision of security.

Undoubtedly, theories and concepts within the scientific mainstream are immersed in the environment that encompasses all of its resources and implementation. This component requires constant striving for reliable, conscientious work, the process of which, along with the development of appropriate and favorable conditions, creates durability of the above mentioned standards. Unquestionable conditions to which “we” are also subjected to.

Origins of the state, its organizational shape, functions, forms and methods of exercising power have been examined many times by scholars. The resulting concepts point to a range of differences for this particular institution of social life. Nowadays, social sciences deal with the issues of the state, presenting vast variety of political and legal doctrines. It may be taken for granted that the state emerged as the idea of connecting people into larger communities, capable of determining the power exercised within it. But observing how states came into being, how communities transformed into societies and later into nations, is not that simple. Philosophers, lawyers, strategists, politicians and church fathers developed various concepts how states were created, including: theistic,

conquest, violence, social contract, Marxist and democratic.

In 1933, during the international convention on rights and obligations of states, the necessary attributes of statehood were indicated.<sup>14</sup> The founding signatories were nineteen American countries, which indicates the local or, in some sense, regional nature of this international venture. In conclusion a convention was signed. The first article of the convention is invoked as a rule for defining the subject of international law as a state.

At the beginning of the 20th century, Georg Jellinek<sup>15</sup>, a German lawyer, then expert on state law and legal theorist, presented a three-element concept, according to which a state is an association of people settled in a given area, equipped with necessary power.<sup>16</sup> Following the assumptions of Jellinek’s concept, the state should have independent authority over the territory and population that inhabits this territory. Therefore, the first and indisputable constitutive element of a state is its area. This could be defined as an area where human activity takes place, which is separated from neighbors, and where only its jurisdiction operates in this area. Moreover, any violation of this territory constitutes a threat to its legal independence. As a consequence, it is natural that a defensive reaction to the critical situation and dangerous tensions takes place.

14 *Montevideo Convention on the Rights and Duties of States* <https://www.ilsa.org> [access: 12.02.2024].

15 According to Georg Jellinek’s concept the three-element nature of the state is power, territory and population.

16 G. Jellinek, *Ogólna nauka o państwie*, Warszawa 1924; B. Wiśniewski, *System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne*, Szczytno 2013, p. 34.

Each society configures its vision of homeland, shaping its identification map. In a sense, it is like an individual identification code, a fingerprint, which is recognizable by other countries, and which, by its assumptions, constitutes an identity diagnosis. Following this line of thought, actions aimed at inspiring ideas about the world and neighboring countries should demonstrate internal and external dependencies.

On one hand, the research process a source of creation, on the other hand, the variability of the context in relation to the demonstrated dependencies.

## From theory to process and adaptation

Law as the key issue in the area of state security, together with emerging both internal and external security systems has been postulated by scientists and philosophers of various trends and eras. One of the leading theorists was Niccolo Machiavelli who lived in the 16th century, and who is known for the maxim that “the end justifies the means”. He based this concept of security on the statement that “A man to feel happy must live in a safe country”. Although this motto had a noble message, it remained only a good wish. The obligation to implement this concept was assigned to politicians who recognized that security would only be achieved through the use of violence and deceit, with usage the so-called killing ceremony. All those who practiced this ritual, perceived harmony of

power and peace in that way, so they deserved honor and respect.

During the Enlightenment era, the major philosopher in the field of security was Immanuel Kant. He argued that “peace can be achieved by overcoming conflicts.” He is also known having claimed “Si vis pacem, para In”, which means “if you want peace, prepare appropriate law”. He seems to continue of earlier theses and practices to maintain security, however. Such conclusions could be drawn from the content of “Critique of Pure Reason”, the book he wrote.<sup>17</sup>

Cardinal Karol Wojtyła, later Pope John Paul II, referring to conditions of social security and state security should be fulfilled, in his book “Person and Action” writes that “dialogue is a method of shaping and deepening human solidarity, therefore the principle of dialogue should be adopted regardless of the difficulties that arise on the way to its implementation.”<sup>18</sup>

After having the few examples above considered, it should be claimed that the influence of historical conditions on security systems is undeniable. This is confirmed by the fact that processes taking place in the present time, i.e. are analyzed and compared with the phenomena and processes taking place in the past, which is a somewhat cyclical mechanism that occurs in different time and space. That is, a case that occurs in the past and is important for a given type of events or is an event that occurred in a historical perspective is examined. It may seem to us that the researched historical areas from which we

<sup>17</sup> I. Kant *Krytyka czystego rozumu*, t. II, Warszawa 1957.

<sup>18</sup> K. Wojtyła, *Osoba i czyn*, Kraków 1969.

draw knowledge and compare our life experience are fully satisfactory.

But here we encounter a trap. We will always be at the beginning of journey if trying to understand the mutual relations between history context and constructions of security systems areas at present times. On this comparative-analytical scale, there is probability to discover something new that could complement general knowledge for a given area.

Both internal and external environment of states is characterized by constant variability. And under its influence, the entity itself, the state, changes. Therefore, if the entity changes, what will we call the dynamics of the development of the country as an entity? Will any changes be noticed to be taking place when this adaptation process occurs? Will the change dynamics depend on internal and external environment of state itself?

The first thought is that the "State Security System" is a procedural and adaptive situation of the entity in which, depending on the degree of dynamics, situations are formed. These situations become developmental stimuli that trigger the initiation of specific developmental and adaptive processes. Or, on the contrary, the dynamics of processes decline, which may result in consequences, the scale of which is always assessed after the completion of a given process. Therefore, the definition of the state security system indicates

the elements of the management system as well as subsystems (e.g. executive, operational, support). According to White Paper on Security: the security system is the totality of forces, means and resources a state allocates to carry out tasks in the field of security, that is organized and prepared appropriately for these tasks and maintained.<sup>19</sup> Prof. E. Nowak claims, it is a state and process that ensures functioning of the state in basic areas, enabling survival, development and pursuing national interests in a specific security environment (...).<sup>20</sup> To define it in another way: it is an internally coordinated set of organizational, human and material elements aimed at counteracting all threats a state faces, in particular political, economic, psychosocial, ecological and military.<sup>21</sup>

Each of the above definitions proves that internal and external environment of the state is characterized by constant variability, which is crucial for understanding the ongoing processes and phenomena. To understand the reality that covers the state security system, attention should be paid to its universality, but also to the source of knowledge itself as a system of stimuli from which basic differences in its understanding arise. What is more, the state security system requires constant improvement in its management. It is because the security environment changes dynamically<sup>22</sup>, affecting the security system itself.

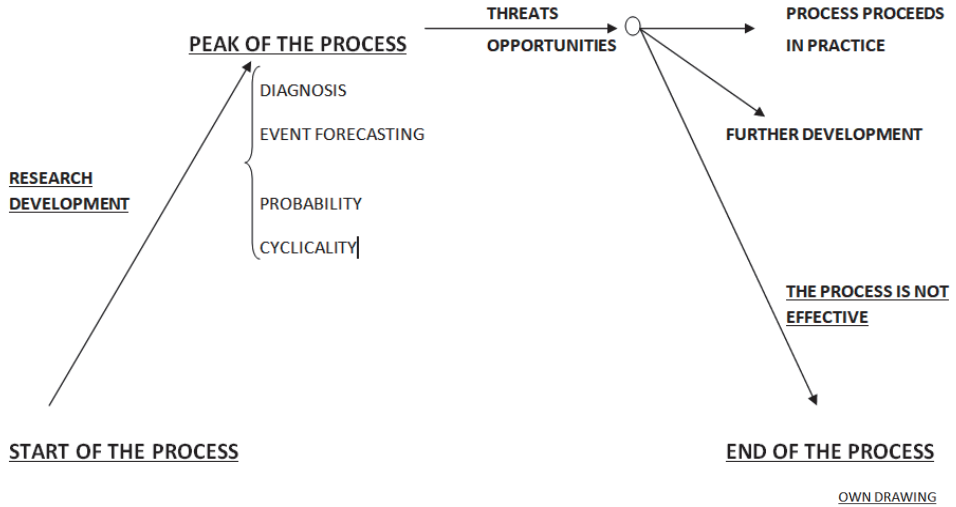
19 *Biała Księga Bezpieczeństwa Narodowego Rzeczypospolitej Polskiej*, Warszawa 2013.

20 See: E. Nowak, M. Nowak, *Zarys teorii bezpieczeństwa narodowego*, Warszawa 2015; *Wyzwania, szanse, zagrożenia i ryzyko dla bezpieczeństwa narodowego RP o charakterze wewnętrznym*, R. Jakubczak, B. Wiśniewski (eds.), Szczytno 2016.

21 See: A. Urbanek, *Wybrane problemy bezpieczeństwa. Dziedziny bezpieczeństwa*, Słupsk 2013.

22 See: R. Wróblewski, *Elementy koncepcji zarządzania bezpieczeństwem narodowym*, Siedlce 2021.

Fig. 1. The diagram shows the process of affecting the security system.



The dynamics of the development of security subsystems and their interdisciplinarity in relation to the system reaches the processes peak. The phenomena taking place in this system are realized as a given field in an effective manner. Potential changes and further development are obviously taken into consideration.

However, those that do not bring transformation and remain inactive will be subjected to termination within the process. This interdisciplinarity makes the processes taking place in subsystems depended on one another. What is more, they are complementary to one another, and, to some extent, a single process can take over the leading role within processes ongoing in another subsystem. Their relationality is coherent at a certain stage. Hence, the following conclusion. The state security system requires extensive cooperation between

sectors in various ways while maintaining appropriate procedures that, when managed in a skillful manner, shape the effectiveness of action for emerging crises. Yet, the coordination of activities leads to the selection of personalized decisions in a short time, which, when taken and properly communicated, are expressed in practical terms in direct actions for the entire state security system.

Theoretical cooperation expressed in this way in the state security system is a strong foundation in the implementation of subsystem models.<sup>23</sup> There remains one, most important factor for the entire task, a “human being”. Who, when properly prepared for the role of a leader, will consciously and responsibly take care of proper course of the process. By accepting values of subsystem models, the implementation of a process will be carried out with the utmost care. The risk in the beginning of the process and

23 R. Gwardyński, *Racjonalizacja działań formacji policyjnych*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne. Tom II*, B. Wiśniewski (ed.), Warszawa 2017, p. 40.

the major threat during its implementation is unpredictability of events that may occur. Regardless, the “top of the process”, which previously defined procedures are, should effectively influence the system’s interoperability with a human. In practice, this will probably lead to legal provisions, regulations, simulations, implementation of scenarios constituting the experience of previous years, as a need to consciously serve the state and society. That will be a strategy for the efficient implementation of needs imposed to the state security system by the directional security subsystem.

## Summary

The aspect of security divided into times of peace and war, as a period changing the nature and area of security identification, requires a cognitive approach and, as a result, an analytical approach with a dimension of practical experience. It is conscious service to the state and society. Political dominations pursuing their goals and proving who is right have often become an obstacle to proper implementation of tasks from the office held, service performed. For politicians, it is a kind of universal patterns and behaviors that raise doubts as to their justification. Is it action for safety? Or maybe it is the lack of adaptation to customs that a state must pursue goals for its security. Just like a human being, in order to stay alive, he or she must meet his or her basic needs.

To conclude: we are obliged to ensure the future of the next generations by enabling them further development and safe tomorrow as well.

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# VOLUNTARINESS AS A NOVUM IN THE MILITARY SERVICE IN THE POLISH ARMED FORCES

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## Abstract

Military service is an inherent element of the functioning of every country. Both in the 20th as well as at the beginning of the 21st century, in the Republic of Poland one of the main types of service was compulsory military service. The introduction to this article presents a historical outline of the functioning of compulsory military service from the time the Republic of Poland regained independence until the present day, as well as the general genesis of the idea of voluntariness in the military service.

The main part of the article characterizes the concept of Voluntary Basic Military Service, with particular emphasis on the recruitment process, as well as the benefits and rules of its performance. Then, the prospects for a soldier's development after completing the Voluntary Basic Military Service training is presented, with an emphasis on performing other voluntary types of military service, i.e. professional service, territorial military service and active reserve. Finally, an example "career path" of a soldier who wants to serve on a voluntary basis is presented.

## Key words

national security, The Polish Armed Forces, compulsory military service, voluntary basic military service, active reserve, territorial military service



## Introduction

The Armed Forces have been a tool of the national security of the Republic of Poland for thousands of years<sup>1</sup>, and it is the duty of a Polish citizen to defend the Homeland<sup>2</sup>. G. Piątkiewicz and R. Socha indicate that security is one of the most important values for the state, which ensures the image of a stable and trustworthy international partner<sup>3</sup>. After regaining independence in 1918, Poles once again had the opportunity to build security, national community and love for their homeland. The Polish Army, apart from its military purpose, was intended to educate society in the spirit of patriotism and the associated ethos of military service. Shaping national awareness and civic attitudes in an independent country, this was mainly done through training soldiers of compulsory military service<sup>4</sup>. Due to the obligation to perform it, in educational activities reference was made to sacrifice, dignity and the need to serve or threats from neighbours in order to build appropriate morale, motivation and willingness to perform it. In a talk from 1920, to the question *Why do I serve in The Polish Army*,

one of the respondents replied: “I am Polish, I love my homeland, I worked for Poland and my forefathers died in its defence from ancient times to the present. Can I be different? I must wait calmly until my fighting brothers die and the enemy floods Poland and start his bloody reign here? I want to be worthy of my ancestors, I want to defend my homeland and that’s why I joined the army”<sup>5</sup>.

It can therefore be concluded that the political and military situation during the Second Polish Republic was one of the determinants of the use of compulsory military service as the main type of service, and voluntariness was a feature completely unrelated to military service. A similar situation occurred after the end of World War II, where in The Polish People’s Army, military service was only an obligation. Additionally, difficult living conditions, the possibility of harassment, and sometimes brutality from superiors contributed to the negative stereotype of compulsory military service<sup>6</sup>. As P. Orłowski writes, “It was definitely an unpleasant duty, and not the cultivation of the ethos of the uniform from the interwar period, rooted especially in the country’s peripheries”<sup>7</sup>.

1 W. Kitler, *Bezpieczeństwo narodowe. Teoria i praktyka*, Warszawa 2020, p. 141.

2 *Konstytucja Rzeczypospolitej Polskiej* z dnia 2 kwietnia 1997 r., art. 85, No 1.

3 G. Piątkiewicz, R. Socha, *Evolution of Polish military missions on the example of the Polish Military Contingent of the International Security Assistance Force in Afghanistan. Part I. Evaluation of drills organized by institutions responsible for civil protection*, “Security Forum” 2023, No 2, p. 47.

4 T. Leszkowicz, *Żołnierz-obywatel. Miłość ojczyzny w wychowaniu wojskowym w II Rzeczypospolitej*, Warszawa 2022, p. 147–148.

5 *Pogadanki (dyspozycje) o Polsce i żołnierzu-obywatelu*, Warszawa 1920, p. 33–34.

6 D. Jarosz, *Doświadczenie społeczne służby wojskowej w ludowym Wojsku Polskim: terra incognita?*, „Kwartalnik Historyczny” 2023, p. 802.

7 P. Orłowski, *Społeczne, polityczne i kulturowe warunki służby wojskowej w latach pięćdziesiątych XX w. na przykładzie wybranych instytucji oraz związków taktycznych Sił Zbrojnych Polskiej Rzeczypospolitej Ludowej*, „Res Historica” 2023, p. 874.



After the political transformation in 1989, The Armed Forces of the Republic of Poland went through a process of restructuring and modernization, which also affected basic military service. During the 1990s and early 2000s, the Polish Army experienced significant reduction in numbers, which also resulted in a reduction in conscription. Along with the military reform in Poland, efforts were made to professionalize the Polish Armed Forces by promoting professional service while limiting conscript service, which was ultimately suspended from 2010<sup>8</sup>.

In 2014, the conflict that broke out in Crimea highlighted the possibility of a state that is difficult to define as a state of peace or war, but which can be defined as a “grey security zone” or hybrid war<sup>9</sup>. This became the basis not only for increasing the number of the Polish Armed Forces, but also for creating and promoting voluntary forms of its service. Concepts of service within the National Reserve Forces and the Academic Legion were created, which, in addition to preparing and training personal reserves<sup>10</sup>, were aimed at activating society in the field of national defence and promoting defence awareness. In 2015, the Territorial Defence Forces were established, to

which “the relationship of military service is established by appointment on the basis of voluntary application for this service”<sup>11</sup>. The actions against the Republic of Poland on the Polish-Belarusian border initiated in 2021, as well as the attack by Russian troops against Ukraine in 2022, were the basis for taking actions to increase Poland’s security. Their effect was the adoption of the new Homeland Defence Act from 2022, which the main assumptions are to increase the attractiveness of military service, including the creation of new types of service, especially voluntary service<sup>12</sup>.

## The idea of Voluntary Basic Military Service

Voluntary Basic Military Service is a novelty in the service in the Polish Armed Forces. A person who meets the following conditions may be called up for military service, including VBMS:

- has Polish citizenship,
- has an impeccable reputation,
- has the physical and mental capacity to perform military service,
- is at least 18 years old,
- has not been convicted of an intentional crime,
- is not intended for substitute service,

8 Ustawa z dnia 27 sierpnia 2009 roku o zmianie ustawy o powszechnym obowiązku obrony Rzeczypospolitej Polskiej oraz o zmianie niektórych innych ustaw (Dz. U. nr 161 poz. 1278).

9 K. Piotrkowski, M. Nowak, *Specyfika pozyskiwania i utrzymania kapitału ludzkiego w organizacji zhierarchizowanej w zmiennym środowisku bezpieczeństwa na przykładzie Sił Zbrojnych RP*, „Nowoczesne Systemy Zarządzania” 2023, p. 30.

10 B. Taczyn, *Szkolenie kadr rezerwy w Wojsku Polskim w latach 1945-2010*. Studia i Materiały Centralnej Biblioteki Wojskowej, Warszawa 2022, p. 157-158.

11 P. Żukowski, *Rola Terytorialnej Służby Wojskowej w systemie bezpieczeństwa militarnego Rzeczypospolitej Polskiej*, „Studia Bezpieczeństwa Narodowego” 2020, No 10, p.162.

12 G. Piątkiewicz, *Rys historyczny oręża polskiego*, „Ochrona ludności i dziedzictwa kulturowego” 2022, No 1/2022, p. 148-149.

- is not excluded from the obligation to perform active military service in the event of mobilization and during war,
- does not have an organizational and mobilization assignment to serve in a militarized unit,
- has education:
  - at least university – in the case of serving in an official position in the officer corps,
  - at least secondary – in the case of serving in an official position in the non-commissioned officer corps,
  - at least basic – in the case of serving in an official position in the private corps<sup>13</sup>.
- cook,
- operation of engineering equipment, excavators, bulldozers, bulldozer-loaders,
- operation of field power plants and mobile diesel-electric equipment,
- welder<sup>14</sup>.

The recruitment procedure is conducted by the Military Recruitment Centers and lasts no longer than 2 days<sup>15</sup>. VBMS is held for a period of up to 12 months. Its performance includes:

- basic training lasting up to 28 days, ending with a military oath and issuing a military booklet,
- specialized training combined with performing duties in an official position (...), lasting up to 11 months<sup>16</sup>.

Already during the recruitment process, a person interested in being appointed to this service indicates his/her preferred place of service. At the same time, she/he can indicate the powers he would like to obtain during his term of office. Below is a list of qualifications and authorizations particularly useful in the Polish Armed Forces, which can be acquired as part of the VBMS function:

Should be emphasized that the duration of the VBMS may be shortened for people who are graduates of secondary and high schools:

- driver with driving license – category “C”, “C+E” or “D” driving license,
- operator of earthmoving equipment and related devices,
- operator of lifting and transport machines and devices,
- diver,
- parachuter,
- implementing innovative or experimental programs of defence training or education in the field of state defence;
- receiving and completing their education in a military preparation unit;
- implementing educational programs related to state defence, supervised by the Minister of National Defence<sup>17</sup>.

It is worth noting that at the request of a person undergoing VBMS as part of basic training, it can be ended at any time, which involves dismissal and

13 Ustawa z dnia 11 marca 2022 r o obronie Ojczyzny, art. 83, No 1.

14 Rozporządzenie Ministra Obrony Narodowej z dnia 29 kwietnia 2022 r. w sprawie zgłaszania się do dobrowolnej zasadniczej służby wojskowej oraz uprawnień i kwalifikacji szczególnie przydatnych w Siłach Zbrojnych Rzeczypospolitej Polskiej (Dz. U. poz. 970).

15 Ustawa z dnia 11 marca 2022 r o obronie Ojczyzny, art. 181–182.

16 Ibidem, art. 143, No 2.

17 Ibidem, art. 144.

transfer to passive reserve<sup>18</sup>. It should also be noted that people who complete basic training have the opportunity to submit an application for appointment to the VBMS within 3 years in order to continue it as part of specialist training<sup>19</sup>. Activities, both during basic training and specialist training, are implemented in accordance with a training program dedicated to this service and the selected military specialty and is associated with the obligation to pass selected elements<sup>20</sup>.

The legislator also defined the rules for recognizing the completion of education as equivalent to completing the VBMS. They are:

- completion of the first year of military studies by a person who, before starting education, submitted an application for convocation to professional military service,
- completion of an officer's course by a graduate of a university other than a military university, who has completed a field of study ensuring the acquisition of qualifications particularly useful in the Armed Forces and has submitted an application for convocation to professional military service<sup>21</sup>.

In the case of students, completing a year of military studies is considered equivalent to completing Voluntary

Basic Military Service, provided that they have completed basic training. This applies to:

- university students who continue their education at a military university and have submitted an application for convocation to professional military service,
- students who, during their studies at a military university, submitted an application to be drafted into professional military service<sup>22</sup>.

An important aspect is also the fact that if the obligation to perform compulsory military service is introduced, persons performing VBMS who decide to complete it are not subject to the obligation to perform compulsory military service. However, those who have interrupted their VBMS performance are obliged to complete it<sup>23</sup>. Persons undergoing VBMS receive remuneration in the amount of the lowest basic remuneration of a professional soldier, i.e. PLN 6,000 gross<sup>24</sup>. They are also entitled to annual leave, which is granted in one continuous period of 2 calendar days for each period of service totalling 30 days<sup>25</sup>.

The role of VBMS is very popular among the public. In 2024, for the needs of the private corps, it will be carried out by up to 30,000 volunteers as part of

18 Ibidem, art. 146, No 3.

19 Ibidem, art. 146, No 4.

20 Rozporządzenie Ministra Obrony Narodowej z dnia 18 maja 2022 r. w sprawie dobrowolnej zasadniczej służby wojskowej (Dz. U. poz. 1078), No 12.

21 Ustawa z dnia 11 marca 2022 r o obronie Ojczyzny, art. 148, No 1.

22 Ibidem, art. 148, No 2.

23 Ibidem, art. 154.

24 Rozporządzenie Ministra Obrony Narodowej z dnia 16 lutego 2024 r. w sprawie stawek uposażenia zasadniczego żołnierzy zawodowych (Dz. U. poz. 222), zał. 1.

25 Ustawa z dnia 11 marca 2022 r o obronie Ojczyzny, art. 331, No 3.

9 stays (27-day) of basic training, 2 stays (12-day) for school graduates<sup>26</sup> and specialized training combined with the performance of duties in a service position in military units (training centers or training centers) for up to 11 months<sup>27</sup>.

Research conducted by J. Łatacz confirmed that mainly young people who associate their future with the army apply to VBMS.<sup>28</sup> The prospects for a soldier's development after completing the VBMS training are presented below.

## Perspective of a soldier's development after completing the Voluntary Basic Military Service training

As indicated above, the duration of the VBMS position is limited to a maximum of 12 months.

Based on conversations with VBMS soldiers, it appears that most of them are interested in continuing to serve. The legislator defined three ways of performing further Voluntary Basic Military Service, at the request of the interested person. These are: performing professional military service,

territorial military service or active reserve, with an application in the above-mentioned scope is considered taking into account the needs of The Polish Armed Forces<sup>29</sup>.

According to research, the most common reason for people to apply to VBMS is the desire to move on in the future for professional military service<sup>30</sup>. It should be noted that the legislator "ensured" priority in calling to professional service for people who have completed VBMS<sup>31</sup>. Moreover, the commander of the military unit in which a soldier serves as a VBMS may appoint him to a full-time position for professional service if the course of this service indicates the soldier's special commitment<sup>32</sup>. It is worth emphasizing that in the event of initiation of the procedure for calling up for professional military service, the commander of a military unit is obliged to refer a VBMS soldier to a military medical commission in order to determine the fitness for professional military service<sup>33</sup>. Additionally, he is subjected to psychological tests to determine the existence or absence of contraindications to performing active military service in a position requiring

26 Dotyczy szkół ponadpodstawowych, realizujących programy innowacyjne lub eksperymentalne przysposobienia obronnego lub edukacji w dziedzinie obronności państwa oraz programy edukacyjne związane z obronnością państwa, nadzorowane przez Ministra Obrony Narodowej.

27 Decyzja Nr 104/MON Ministra Obrony Narodowej z dnia 2 października 2023 r. w sprawie realizacji dobrowolnej zasadniczej służby wojskowej na potrzeby korpusu szeregowych w 2024 r. (Dz. Urz. MON z 2023 r. poz. 118), No 1.

28 J. Łatacz, *Dobrowolna Zasadnicza Służba Wojskowa w opiniach jej uczestniczek i uczestników*, „Bezpieczeństwo. Obronność. Socjologia” 2023, No 1 (18), p. 114.

29 K. Bieńkowski, *Ustawa o obronie Ojczyzny—zmiany w prawie wprowadzone po rosyjskiej inwazji na Ukrainę*. Studia i Materiały Centralnej Biblioteki Wojskowej, Warszawa 2022, p. 169.

30 J. Łatacz, *Dobrowolna...*, p. 97.

31 Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny, art. 121, No 1.

32 Ibidem, art. 147.

33 Dodatkowo, w zależności od rodzaju jednostki wojskowej, komisje lekarskie określają zdolności do pełnienia służby w rodzajach wojsk i służb oraz na stanowiskach służbowych i funkcjach wojskowych wymagających szczególnych predyspozycji zdrowotnych np. wykonywanie skoków ze spadochronem.

special psychophysical predispositions<sup>34</sup>. For professional military service

a person may be appointed to the rank and file corps if he/she meets all of the following conditions:

- has at least basic, lower secondary, vocational or basic industry education,
- has professional preparation or qualifications or useful skills in the personnel corps in which he/she is to perform professional military service,
- has completed at least the VBMS basic training referred to, unless he/she has previously performed active military service<sup>35</sup>.

Appointment to professional service is for an indefinite period<sup>36</sup>.

Performing territorial military service is another type of voluntary service that can also be performed after completing the VBMS. The duration of territorial military service is from 1 to 6 years, however, it may be extended by the commander of the military unit<sup>37</sup> for another period at the request or with the consent of a Territorial Defence soldier. It may be performed on a rotational basis in a military unit or another place specified by the commander of the military unit, on specific days of service, at least once a month for a period of 2 days during non-working time. On the remaining days, the TD soldier is on duty at his/her disposal. Importantly, the TD soldier may also perform this role on a

rotational basis on other days, according to the needs of the Armed Forces, after consultation with the soldier or at his/her request. The commander of the military unit in which TD soldiers serve as TMS determines – in the form of a collective list for a military unit – days on which rotational service is performed in a given calendar year<sup>38</sup>. After reading the list, the TD soldier immediately notifies his employer about the days on which he will perform the TMS rotationally and about changes to these dates, and also notifies the employer about calling him to perform this service on other days, except in the case of performing the TMS rotationally in the mode immediate appearance<sup>39</sup>. This may occur in order to:

- checking the mobilization and combat readiness of military units,
- participation of military units in combating natural disasters and eliminating their effects, anti-terrorist and property protection activities, search and rescue operations or protection of human health and life, clearing areas of explosives and dangerous materials of military origin and their disposal, as well as in the implementation of tasks related to scope of crisis management,
- counteracting threats to state security, if it is necessary to perform the tasks of the Armed Forces in this regard<sup>40</sup>.

34 Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny, art. 126.

35 Ibidem, art. 187, No 3.

36 Ibidem, art. 185, No 2.

37 Ibidem, art. 170.

38 Ibidem, art. 177.

39 W tym przypadku to dowódca jednostki wojskowej, do której żołnierz został wezwany, niezwłocznie po jego stawieniu się do służby zawiadamia o tym fakcie pracodawcę tego żołnierza.

40 Ustawa z dnia 11 marca 2022 r. o obronie Ojczyzny, art. 175, No 1.

The last type of service that can be performed voluntarily, also after the end of VBMS, is active reserve. This service is performed quarterly, once, for at least 2 days during non-working time, and once, for 14 days, at least once every 3 years. It may also be performed on other days, according to the needs of the Armed Forces, after consultation with the soldier or at his request, and on days on which he was obliged to appear immediately<sup>41</sup>. The days of service are determined by the commander of the military unit in the form of a collective list. Similarly to the TVS, after reading the list, an AR soldier immediately notifies his employer about the days on which he will perform military service, and about changes to these dates, and also notifies the employer about being called to perform this service on other days. Additionally, it is important that this list may be changed at the justified request of an AR soldier or with his consent. It should also be emphasized that an AR soldier may be assigned to serve in positions in the Polish Military Contingents at his/her request and may serve in the Polish Military Contingents in positions intended for professional soldiers<sup>42</sup>. It is also extremely important that an AR soldier can be appointed to another duty position if:

- the health condition of the AR soldier has deteriorated, making it impossible to perform military service in his

official position, and this was confirmed by the decision of the military medical commission,

- the AR soldier has lost the qualifications required for the position held,
- AR soldier acquired new qualifications,
- there has been liquidation or change of the position held,
- the employment needs of the military unit have changed,
- official reasons support this<sup>43</sup>.

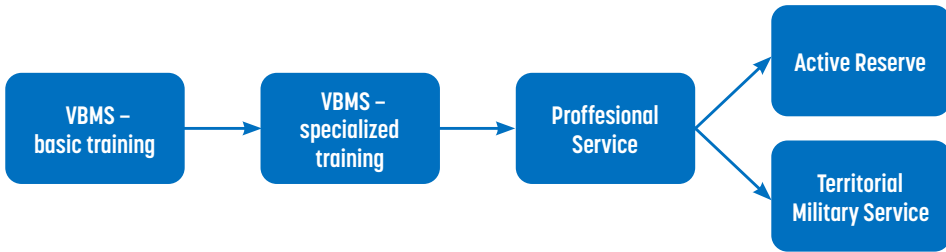
Service in the active reserve is performed on the basis of appointment for an indefinite period<sup>44</sup>. The types of Voluntary Basic Military Service described above create a wide range of possibilities for performing it after the end of VBMS. However, the choice of military service depends on many factors, including personal preferences, skills, interests, physical and mental health, and career and life goals. The figure below shows examples of “career paths” for a soldier expressing a desire to perform Voluntary Basic Military Service. Option 1 (Fig. 1) is proposed for people who want to connect their professional life with military service. For example, a person aged 18 may undergo VBMS as part of basic and specialized training, then become a professional soldier for about 25-35 years, and at the age of 45-60 he/she can continue to serve in an active reserve or territorial military service, sharing his knowledge and experiences.

41 Ibidem, art. 243.

42 Ibidem, art. 242.

43 Ibidem, art. 246, No 4.

44 Ibidem, art. 240.

**Fig. 1.** Option 1 of the “career path” of Voluntary Basic Military Service.

Source: Own study based on the Homeland Defence Act (2022).

Option 2 (Fig. 2) is intended for people who do not want to associate their entire professional life with military service, but are willing to actively serve in the local community. For example, a person aged 25 may undergo specialist VBMS training, take the

military oath and then become a soldier of territorial military service for a period of 6 years (or longer). In the following years, he can become an AR soldier, still bringing benefits to his development and to the Polish Armed Forces.

**Fig. 2.** Option 2 of the “career path” of Voluntary Basic Military Service.

Source: Own study based on the Homeland Defence Act (2022).

## Summary

Voluntariness is a real novelty in the performance of military service. As indicated in the article, it also refers to other types of military service, i.e. professional service, territorial military service and active reserve, which may be the next stage of a soldier’s life after completing VBMS. Voluntary Basic Military Service can bring many benefits both for military units and for the volunteers themselves. People who voluntarily decide to serve in the military are usually more motivated and committed to

performing their duties. Their dedication may lead to better efficiency in performing tasks, which has a positive impact on the entire functioning of the military unit. Volunteers often bring with them a variety of skills, experiences and knowledge that can enrich military personnel. People who voluntarily enter military service often choose this path due to their interests, passions or professional goals. This allows them to be more engaged in the implementation of specific tasks, which facilitates better adaptation to work and achieving higher results. Voluntary Basic Military Service



can contribute to strengthening the sense of national identity and patriotism in society. People who choose to serve voluntarily are often seen as role models and symbols of dedication to the good of their country.

To sum up, Voluntary Basic Military Service can bring many benefits, such as increased motivation, flexibility, skill diversity and social support, which promotes the efficiency and effectiveness of military operations.

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# EVOLUTION OF POLISH MILITARY MISSIONS ON THE EXAMPLE OF THE POLISH MILITARY CONTINGENT OF THE INTERNATIONAL SECURITY ASSISTANCE FORCE IN AFGHANISTAN. PART 2

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## Abstract

The Polish Armed Forces (Polish Armed Forces) have been participating in military missions since 1953. By 2023, Polish Armed Forces soldiers had actively participated in 92 missions around the world. These missions were of an observational, peace-keeping, humanitarian, police, war, stabilization and training nature. A series of three articles will present the basic principles of NATO, UN and EU military missions, the history of selected Polish military missions, the idea of ISAF (International Security Assistance Force), and the evolution of the Polish Military Contingent of the International Security Assistance Force (ISAF PKW) in Afghanistan. The articles will also include the results of scientific research by G. Piątkiewicz obtained for his doctoral dissertation entitled. "Socio-Professional Inclusion of International

Security Assistance Force (ISAF) Soldiers in Afghanistan” presenting the characteristics of Polish soldiers participating in the 9th quota of the PKW ISAF in Afghanistan. The first article presented the basic principles of military missions and the history of selected Polish military missions. This article, on the other hand, will present the idea of the International Security Assistance Force mission and the participation of the Polish contingent within this mission.

## Key words

Military missions, Polish Military Contingent, Armed Forces of the Republic of Poland

## Introduction

The Polish Armed Forces have been participating in military missions since 1953. By 2023, they had actively participated in 92 missions of various nature, all over the world<sup>1</sup>. These missions were of a nature, observation, peacekeeping, humanitarian, police, war, stabilisation and training. Foreign military missions are carried out especially during crisis situations in countries where the political and military situation is unstable. In many cases, it is the only effective way to ensure the security of the civilian population, provide humanitarian aid, rebuild state structures, resolve existing armed conflicts or temporarily stabilise the situation in the country<sup>2</sup>. It should be emphasised that if it were not for the consistent and systematic expansion of the Armed Forces, as well as the permanent presence of American soldiers in Poland, perhaps today the country would be in a situation where NATO countries would be carrying out mandated tasks, on a military mission basis<sup>3</sup>.

## Military operation “Enduring Freedom” in Afghanistan

On 7 October 2001, NATO troops launched the invasion of Afghanistan<sup>4</sup>. This was a rapid response to the vicious terrorist attack on the United States of America on 11 September 2001, in which 3182 people were killed<sup>5</sup>. The military operation in Afghanistan launched by NATO was named “Enduring Freedom” (OEF). In its initial phase, the operation was structured by US, French, Canadian, British and local Afghan security forces<sup>6</sup>. The main task of the operation was to dismantle the al-Qaeda terrorist groups<sup>7</sup> operating in Afghanistan and to remove the Taliban from power<sup>8</sup>.

Poland was officially invited by NATO to participate in OEF in autumn 2001. The first military contingent within OEF consisted of soldiers from: GROM, the 1st EOD Brigade in Opole, the 10th Logistics Brigade in Brzeg, the 4th Chemical Regiment and Biological Reconnaissance Team (about 300 soldiers in total)<sup>9</sup>. The Polish Military Contingent OEF started to perform its mandated tasks on 16 March 2002. The contingent carried out a number of tasks including: protecting the base and airport in Kabul, protecting foreign delegations,

1 *Misje*, <https://www.wojsko-polskie.pl/misje> [dostęp: 20.09.2023 r.].

2 J. Barcik, *Europejska Polityka bezpieczeństwa i obrony. Aspekty prawne i polityczne*, Bydgoszcz–Katowice 2008, p. 117.

3 B. Balcerowicz, *Sily Zbrojne w czasie pokoju, kryzysu i wojny*, Warszawa 2010, p. 28.

4 L. Jureńczyk, *Polska misja w Afganistanie*, Bydgoszcz 2016, p. 49.

5 Y. Alexander, M.S. Swetnam, *Siewcy śmierci. Osama bin Laden i inni szefowie Al-Qaidy*, Warszawa 2001, p. 75.

6 M. Tabor, *Polska w Organizacji Traktatu Północnoatlantyckiego*, [in:] S. Przymies, I. Popiuk-Rysińska (eds.), *Udział Polski w organizacjach międzynarodowych*, Warszawa 2012, p. 141.

7 J. Matuszak, P. Przeździecki, *10 lat Wojska Polskiego w Afganistanie*, Warszawa 2011, p. 35.

8 L. Jureńczyk, *Polska misja...*, p. 57.

9 *Ibidem*, p. 36.

escorting supplies for the contingent and providing assistance to the local population<sup>10</sup>.

It should be added that the Polish Navy also took part in Operation Enduring Freedom – the military logistic support ship ORP Konradmirał Xawery Czernicki from the 8th Coastal Defence Flotilla<sup>11</sup>. Since 10 July 2002, ORP Rear Admiral Xawery Czernicki performed tasks jointly with the US 5th Fleet in the Persian Gulf region. The ship's most important tasks included supporting, protecting and securing US Navy Fifth Fleet strike units. The Polish Armed Forces participated in OEF until 2007. X changes of the Polish Military Continent took part in this mission, no Polish soldier was killed.

## International Security Assistance Force (ISAF) mission

Two months after the start of Operation Enduring Freedom, i.e. on 20 December 2001, the UN, on the basis of the

Security Council Resolution 1386<sup>12</sup>, deployed further troops to the Afghan region. ISAF's main tasks were to support the Afghan government and ensure the security of the civilian population. The mission was carried out in parallel with OEF. The main objectives of the mission included: training, overseeing government structures and security forces, providing support in rebuilding civilian infrastructure, and humanitarian assistance<sup>13</sup>. The ISAF mission was to be completely distinct from the offensive-oriented counter-terrorism OEF. The main thrust was peaceful as well as defensive operations.

During the initial phase of the implementation of military operations in Afghanistan, ISAF forces were directly under the OEF operation. 11 August 2003. The UN officially handed over command of the ISAF mission to the North Atlantic Treaty Organisation. In connection with the assumption of command of the mission, NATO prepared a strategy of action consisting of five main stages<sup>14</sup>.

10 K. Kwapisz, *Wkład PKW w kształtowanie bezpieczeństwa w Afganistanie w latach 2001–2010*, „Obronność. Zeszyty Naukowe Wydziału Zarządzania i Dowodzenia Akademii Sztuki Wojennej” 2014, 1(9), p. 104.

11 J. Rybak, *Grom.Pl. Tajne operacje w Afganistanie, Zatoce Perskiej i Iraku*, Warszawa 2005, p. 97.

12 A. Sokołowski, *Niemcy w operacji antyterrorystycznej „Enduring Freedom” oraz misji ISAF w Afganistanie (2002–2007)*, „Rocznik Bezpieczeństwa Międzynarodowego” 2007, t. 2, p. 90.

13 M. Banasik, *Uwarunkowania misji w Afganistanie*, „Bellona” 2008, nr 1, p. 119.

14 Vide: C. Podlasiński, *Wpływ struktury organizacyjnej Polskich Sił Zadaniowych na realizację zadań niemilitarnych w strefie odpowiedzialności w ramach misji ISAF*, rozprawa doktorska, Akademia Obrony Narodowej, Warszawa 2013.

**Table 1.** ISAF strategy

Lp.	Stages	Main milestones of the ISAF strategy
1	Stage 1	Analysis of the area and preparation for the deployment of NATO forces in and around Kabul.
2	Stage 2	Expanding the territory of operations.
3	Stage 3	Stabilisation (training, support, supervision).
4	Stage 4	Gradual ceding of tasks to local security forces.
5	Stage 5	Gradual withdrawal of forces.

Source: own compilation based on G. Piątkiewicz, *Inkluzja społecznozawodowa żołnierzy International Security Assistance Force (ISAF) w Afganistanie*, Kraków 2021, p. 53.

Under the current UN Security Council Resolution 1510 of 13 October 2003<sup>15</sup>. ISAF was obliged to gradually and systematically increase its territorial responsibility in Afghanistan. By the end of 2003, ISAF forces were in control of the northern part of Afghanistan, control of the western part of Afghanistan was gained in 2005, and responsibility for the southern and eastern parts of Afghanistan was acquired in early 2006. At the end of 2006, the OEF Coalition Troops Command was dismantled. As a result of the changes, ISAF took responsibility for all ongoing military activities, and soldiers carrying out tasks under OEF transferred to its jurisdiction<sup>16</sup>.

One of the main fundamental objectives of the ISAF military mission was for the troops to try to win over the local populations trust. In order to achieve this goal, NATO began to introduce a variety of programmes aimed

at improving their quality of life. These programmes include: a programme to improve the economic situation of the locals; educating and showing how important the role of the state is in a citizen's life; providing humanitarian aid; increasing the security of the locals; and educating and training Afghan soldiers and police officers.

The aforementioned programmes were implemented through: strengthening the role of the government; strengthening the borders of the state; assisting government institutions; reducing local conflicts conducting preventive activities with the Afghan military and police, with particular emphasis on combating corruption and drug abuse. The main objective of the above-mentioned projects was to strive for the Afghan Security Forces to take over responsibility for state security. It was very difficult to achieve this goal due to the fact that

15 *Stopniowe zwiększanie odpowiedzialności terytorialnej w Afganistanie. Na podstawie Rezolucji RB ONZ nr 1510 z 13.10.2003* <https://isaf.wp.mil.pl/pl/15.html> [dostęp: 24.11.2023].

16 M.L. Everett, *Merging the International Security and Assistance Force (ISAF) and Operation Enduring Freedom (OEF): A Strategic Imperative*, Pennsylvania 2006, p. 13.

the following armed organisations were vying for power over Afghanistan:

- Pashtun troops, Uzbek troops and Hazara troops;
- Masud's troops;
- Talibans<sup>17</sup>.

Each of the organisations featured was well armed and trained. A significant contribution to the Pashtuns being well armed came from the United States, due to the fact that it had supported the Mujahideen during the war against the Soviets<sup>18</sup>. The Taliban, on the other hand, were systematically rearmed by Pakistan<sup>19</sup>, which in turn received arms and money from the United States.

From the very beginning, the ISAF mission faced serious difficulties. Firstly, the ISAF countries did not show commitment to take responsibility for the command of the contingents sent to the mission area (this was due to the multinational contingents and the responsibility for the tasks carried out). Secondly, global politicians as well as the general public had negative attitudes towards the ISAF missions<sup>20</sup>. The negative attitude was mainly due to the high self-inflicted losses in the form of killed and wounded soldiers, the high financial outlay, and the disruption through national and task constraints of the mission's mandated tasks. The national, task constraints and losses of soldiers

and civilians that occurred are detailed below:

- national restrictions: Rules Of Engagment – ROE (rules for the use of force): in most situations were not adapted to the prevailing realities in Afghanistan. Soldiers and their commanders were afraid to use weapons because weapons could only be used for self-defence. The use of weapons in other situations could have resulted in soldiers being court-martialed (which also happened in many cases);
- Task constraints: inability to use contingents in the most dangerous areas. ISAF wanted to minimise its own losses at all costs, through this approach, despite total control of Afghanistan, there were places in which ISAF soldiers did not appear. This approach had a negative impact on the morale of the local population and the terrorists' sense of impunity;
- losses among civilians and coalition troops: This was the main topic of international discussion by almost all governments, media and communities from around the world<sup>21</sup>.

The ISAF mission has been continuously carrying out tasks in Afghanistan for 13 years. The highest price was paid by the soldiers who died there, 44 Polish soldiers and 1 civilian employee, while as far as the American troops were

17 M. Pawlak, *Bezpieczeństwo międzynarodowe – dokąd prowadzi nas mapa drogowa Afganistanu*, p. 3, [https://www.academia.edu/7160695/Artykul\\_Bezpieczenstwo\\_miedzynarodowe\\_doka\\_prowadzi\\_nas\\_maapa\\_drogowa\\_Afganistanun\\_15\\_05\\_2011\\_Artykul](https://www.academia.edu/7160695/Artykul_Bezpieczenstwo_miedzynarodowe_doka_prowadzi_nas_maapa_drogowa_Afganistanun_15_05_2011_Artykul) [dostęp: 24.11.2023].

18 Ł. Jureńczyk, *Reakcja administracji Jimmy'ego Cartera na komunistyczny przewrót i wkroczenie wojsk sowieckich do Afganistanu*, „Dzieje Najnowsze” 2015, nr 3, p. 160.

19 M. Pawlak, *Bezpieczeństwo międzynarodowe...*, p. 3.

20 Ł. Jureńczyk, *Polska misja...*, p. 77–78.

21 M. Lasoń, *Stanowisko wybranych partii politycznych w sprawie udziału Wojska Polskiego w operacji ISAF w Afganistanie*, <https://repozytorium.ka.edu.pl/handle/11315/23308> [dostęp: 24.11.2023].



concerned, 2455 soldiers gave their lives<sup>22</sup>. ISAF forces made a lot of mistakes, but there were also successes.

One of the biggest mistakes of the mission was the too slow subordination of the entire Afghan territory to ISAF<sup>23</sup>. This resulted in the fact that the Afghan Security Forces could not be properly supported by ISAF soldiers. In addition, no provision was made for the fact that many terrorists were deliberately recruited into the Afghan police and military structures and 'executed' the soldiers conducting the training. The language and cultural barrier should also be noted. ISAF was supposed to support the local population, but often found it difficult to communicate properly verbally and non-verbally. This was caused by soldiers' lack of skilful behaviour in a Muslim environment and poor communication with elders (hired Afghan interpreters often deceived ISAF soldiers when interpreting meetings).

The successes of the ISAF mission, on the other hand, include the dynamic development of the Afghan Security Forces. Thanks to the enormous commitment of ISAF, the Afghan army and police rapidly increased their numbers. The increase in the number of Afghan police officers and soldiers was ultimately to allow them to take independent control of the entire Afghan state. ISAF forces also conducted training in specially prepared centres/schools, most of which

were located on military bases. The training provided included instruction in reading, writing, criminal law, the Afghan Constitution, drill and shooting<sup>24</sup>. In addition, ISAF soldiers carried out thousands of operational tasks, consisting mainly of providing security to the Afghan community, supporting the police and military, and dismantling illegal arms and ammunition depots. During the mission, hundreds of thousands of IEDs (Improvised Explosive Device) were located and destroyed.

The final major challenge of the ISAF mission was its completion. The realisation of this task was undertaken by US General John R. Allen. He commanded ISAF forces from 18.07.2011 to 10.02.2013. In 2011, he initiated the 'Process o transition' (gradual transfer of responsibility to Afghan forces)<sup>25</sup>. The process was divided into three basic stages:

1. By the end of 2012, the ISAF mission is responsible for providing security in Afghanistan while enhancing the security commitment of the Afghan government.
2. The Afghan State Security Forces will take over responsibility for state security by the end of 2013.
3. Since the beginning of 2014, ISAF troops have only supervised the training of the Afghan Security Forces.

With NATO achieving all its stated objectives, the decision was taken to

22 <https://www.nato.int/docu/review/pl/articles/2023/06/20/zaangazowanie-nato-w-afganistanie-lata-2003-2021-z-punktu-widzenia-planisty/index.html> [dostęp: 01.10.2023r.].

23 G. Piątkiewicz, *Inkluzja Społecznozawodowa żołnierzy International Security Assistance Force (ISAF) w Afganistanie*, Kraków 2021, p. 56.

24 J. Matuszak, P. Przeździecki, *10 lat Wojska Polskiego...*, p. 83.

25 *Zapoczątkowanie „proces transition”* [https://isaf.wp.mil.pl/pl/1\\_1815.html](https://isaf.wp.mil.pl/pl/1_1815.html) [dostęp: 24.11.2023].

officially end the ISAF mission, which took place on 28 December 2014 in Kabul.

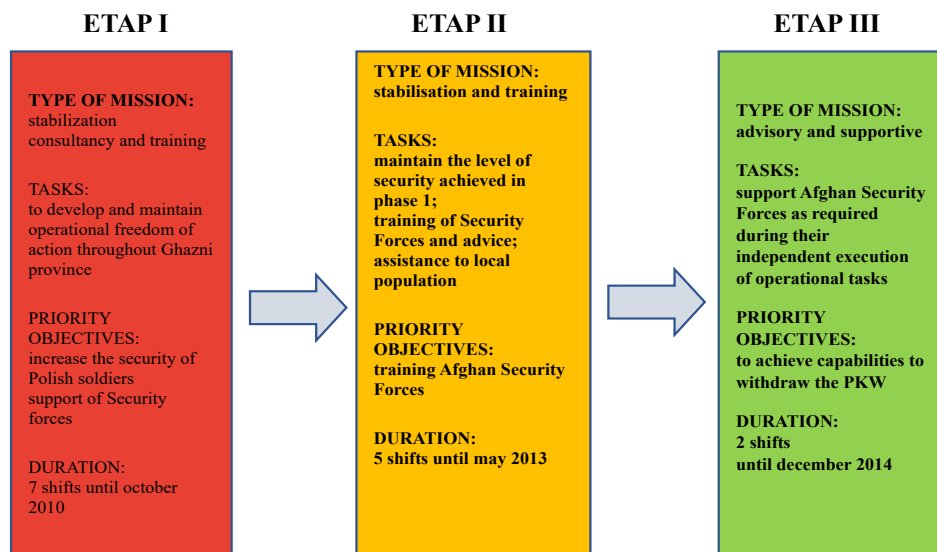
## Evolution of the Polish Military Contingent International Security Assistance in Afghanistan

The Polish Military Contingent ISAF (PKW ISAF) in Afghanistan was in some ways a rarity. On the scale of the entire Polish Army to this day, no other foreign military contingent has involved such a large amount of forces and resources, and has not carried out so many tasks, under such difficult combat conditions. The formation of PKW ISAF

was mainly based on the reformation of PKW OEF in Afghanistan. Taking such a decision created the right conditions for a smooth transition to the execution of tasks in a mission of a different nature, but in the same area.

By virtue of an order signed by the President of the Republic of Poland on 22 November 2006 amending the order extending the period of the Polish Military Contingent's deployment in the Islamic State of Afghanistan, the ISAF PKW began its operations in April 2007. Polish soldiers performed tasks under the ISAF mission on the basis of the "*Strategy of Polish involvement in Afghanistan*".

**Diagram 1.** Poland's engagement strategy in Afghanistan



Source: G. Piątkiewicz, *Inkluzja społecznozawodowa...*, p. 58.

The three-phase strategy outlined was built on NATO guidelines, which directed all troops in the international

coalition to carry out tasks based on the NATO prepared ISAF mission concept<sup>26</sup>.

26 M. Pytel, B. Pytel, *Bezpieczeństwo w Afganistanie*, „Zeszyty Naukowe Wyższej Szkoły Oficerskiej Wojsk Lądowych” 2013, nr 3, p. 22.

The largest Polish Military Contingent was commanded by many excellent commanders, including former Chief of General Staff of the Polish Army General Rajmund Andrzejczak. For

the purpose of this article, a table has been prepared below showing all the commanders and the most important tasks of each shift of the Polish Military Contingent ISAF in Afghanistan.

**Table 2. Evolution of ISAF's PKW in Afghanistan**

№ change	Duration	Commander
<b>I</b>	<b>as of 30.04.2007 until 31.10.2007</b>	<b>Brig-Gen Marek Tomaszycski</b>
<p>PKW size of 1200 troops. Location, military bases in Bagram, Sharana, Waza Khawa and Ghazni. Main task of the shift: to create the best possible conditions for the proper functioning of the civilian population in the area of Paktika and Ghazni provinces. The objective was achieved largely through joint patrol duty with ANSF (Afghan National Security Forces) troops.</p>		
<b>II</b>	<b>as of 31.10.2007 until 15.05.2008</b>	<b>Brig-Gen Jerzy Biziewski</b>
<p>PKW size of 1200 troops. Main location, military bases in Bagram, Sharana, Waza Khawa and Ghazni. In addition, a small number of soldiers were directed to bases in Gardez, Kabul, Mazar-i Sharif and Kandahar. Main task of the shift: continuing to carry out tasks in conjunction with the ANSF to improve the security of the Paktika and Ghazni area. Additional tasks: training of ANA (Afghan National Army) and ANP (Afghan National Police) troops, as well as deepening and strengthening contacts with the local population and authorities.</p>		
<b>III</b>	<b>as of 15.05.2008 until 30.10.2008</b>	<b>Brig-Gen Grzegorz Buszka</b>
<p>PKW size of 1200 troops. Location, military bases in Bagram, Four Corners, Ghazni, Giro, Kabul, Qarabagh, Warrior, Waza Khawa. Main tasks: preparations for linking up scattered elements of the PKW in Afghanistan, with a view to deploying them in Ghazni province; preparing to gain responsibility for the entire Ghazni province. This was a major undertaking due to the fact that the very difficult area of the province for combat operations was 23,378 km<sup>2</sup>, with 1,080,000 people living in the 19 districts of Ghazni. The aforementioned tasks forced a number of structural adjustments in the contingent.</p> <p>Among the most important were: the creation of a battle group stationed at the Ghazni base, the creation of an engineering company stationed at the Bagram base, the creation of a Special Forces Grouping stationed in Kandahar province, the assignment of some officer cadres to the commands and provincial reconstruction teams in various districts, as well as the retrofitting of the contingent with KTO Rosomak combat vehicles.</p>		

<b>Nº change</b>	<b>Duration</b>	<b>Commander</b>
<b>IV</b>	<b>as of 30.10.2008 until 29.04.2009</b>	<b>Colonel Rajmund Andrzejczak</b>
<p>PKW size of 1600 soldiers. Main location Ghazni. On 30.10.2008, the PKW was given full responsibility for the Ghazni province. The largest Polish base was named after Jacek Winkler (Polish mountaineer, opposition activist, partisan during the Afghan-Soviet war, photographer and journalist). Main tasks: providing security and support to the civilian population; cooperation with the Afghan National Army and police; training of the Afghan army and police (POMLT, OMLT teams implemented); assistance in the reconstruction of the country's infrastructure; reconstruction and demining of the areas around the Ghazni base; patrolling the main road (Highway One), located in the area of PKW responsibility on the Kabul-Kandahar route.</p>		
<b>V</b>	<b>from 29.04.2009 to 26.10.2009</b>	<b>Colonel Rajmund Andrzejczak</b>
<p>PKW 2000 troops. Priority tasks: ensuring calm during the presidential elections, scheduled for August 2009; increasing the number of operations, in view of the planned presidential elections (which were to be disrupted by rebel troops); infiltration of militants from the side of the Pakistani border, which could significantly affect the security of the local population; taking over responsibility for the operation of Kabul International Airport.</p>		
<b>VI</b>	<b>from 26.10.2009 to 20.04.2010</b>	<b>Brig. Gen. Janusz Bronowicz</b>
<p>PKW 2200 troops. Priority task: continuing the direction previously set to support and enhance the security of the local population. Task implemented through frequent patrolling of districts and engaging in dialogue with elders.</p>		
<b>VII</b>	<b>as of 27.04.2010 until 28.10.2010</b>	<b>Brig-Gen Andrzej Przekwas</b>
<p>PKW 2600 soldiers. Main tasks: to increase the security of the parliamentary elections being held in Ghazni; to intensify the training of Afghan soldiers and police officers. Training was carried out by specialised mentoring and liaison teams: the OMLT (Operational Mentoring Liason Team) dealt with the training of the army, while the POMLT (Police Operational Mentoring Liason Team) trained the police. The training of Afghan soldiers was handled by the ground troops, while the police were the responsibility of the Military Police.</p>		
<b>VIII</b>	<b>28.10.2010 to 20.04.2011</b>	<b>Brig. Gen. Andrzej Reudowicz</b>
<p>PKW size 2600 soldiers. Main tasks: operational tasks, mainly focused on the security of the people throughout Ghazni province; opening of the TSS (Troop Sustainment Site) police training centre at FOB Ghazni. The TSS trained Afghan police officers in literacy, law, Afghan constitution, drill and shooting.</p> <p>The 8th Shift was awarded the title of 'Leading Troop of the Polish Army' by the Minister of Defence for the first time ever.</p>		

№ change	Duration	Commander
<b>IX</b>	<b>as of 20.04.2011 until 26.10.2011</b>	<b>Brig-Gen Sławomir Wojciechowski</b>
<p>PKW 2600 soldiers. Main tasks: ensuring the security of the local population; training the Afghan Security Forces, with whom the Polish soldiers actively participated in military operations; harmonising the Polish soldiers with the assigned US military soldiers, 1400 in number, and civilians, 700 in number. The correct harmonisation of all elements of the contingent was a key challenge for the command.</p> <p>Skilful management resulted in a high efficiency of the tasks carried out. Soldiers carried out 14k combat tasks, conducted regardless of the time of day. Approximately 60 caches for warfare agents and 200 IED improvised explosive devices were dismantled.</p> <p>The Ninth Shift was another shift awarded the title of ‚Leading Troop of the Polish Army‘.</p>		
<b>X</b>	<b>as of 26.10.2011 until 18.04.2012</b>	<b>Brig. Gen. Piotr Blazeusz</b>
<p>PKW size of 2,500 troops. Main tasks: continuation of tasks enhancing the security of civilians; ANSF training; gradual coercion of Afghan Security Forces to take over responsibility for Ghazni province. During this shift, Polish soldiers were withdrawn from bases: Warrior, Ariana and Giro. They were then deployed to the Ghazni area.</p>		
<b>XI</b>	<b>as of 18.04.2012 until 24.10.2012</b>	<b>Brig-Gen Bogdan Tworkowski</b>
<p>PKW size of 2,500 troops. Main tasks: handover of 8 districts under PKW to US troops; ensuring security of civilians; ANSF training; gradual preparation of Afghan Security Forces to take over responsibility for Ghazni province; involvement in reconstruction of Afghan Security Forces infrastructure.</p>		
<b>XII</b>	<b>as of 24.10.2012 until 08.05.2013</b>	<b>Brig-Gen Andrzej Tuz</b>
<p>PKW size 1,800 troops. Main tasks: to accelerate the reconstruction of the Afghan Security Forces; to prepare the Afghan Security Forces to take over responsibility for the northern part of Ghazni province; to carry out operational tasks together with the Afghan police and army; to hand over the Polish bases of Vulcan and Waghez to the Afghan army.</p>		

№ change	Duration	Commander
<b>XIII</b>	<b>as of 08.05.2013 until 26.11.2013</b>	<b>Brigadier-General Marek Sokolowski</b>
<p>PKW size 1,600 soldiers. Main tasks: patrolling, inspecting, demining and securing the main road running through Ghazni province (Highway One). The road was of strategic importance for the retreating ISAF troops. During this shift, PKW soldiers were stationed in Ghazni and Bagram. On 28.08.2013 at 15.45, an attack took place on a Polish base in Ghazni. The attack resulted in the death of 1 American soldier, while 10 Polish soldiers were wounded. An unknown rebel group was responsible for the attack, all its members were killed.</p> <p>The 13th shift was the third shift in the history of the Polish Army to be awarded the title of "Leading Troop of the Polish Army".</p>		
<b>XIV</b>	<b>as of 26.11.2013 until 05.06.2014</b>	<b>Brig. Gen. Cezary Podlasiński</b>
<p>PKW size 1000 soldiers. Main tasks: handover of responsibility for Ghazni province to Afghan Security Forces (09.05.2014); support of ANSF operations and movement of soldiers and equipment to Bagram base.</p>		
<b>XV</b>	<b>as of 05.06.2014 until 04.12.2014</b>	<b>Colonel Adam Słodczyk</b>
<p>PKW 500 soldiers. Main tasks: strengthening the Bagram Security Zone security system; safe withdrawal of forces and resources from the territory of the Islamic Republic of Afghanistan; securing the closure of the Polish Embassy in Kabul.</p> <p>Location: at this point Polish soldiers were only stationed at Bagram base.</p>		
<p><b>The official end of the PKW ISAF mission took place on 04.12.2014 in Bagram.</b></p>		

Source: own elaboration based on: G. Piątkiewicz, *Inkluzja społecznozawodowa...*, pp. 58–64.

The presented comprehensive course of the Polish mission shows the enormity of the tasks faced by Polish commanders and soldiers. Entrusting the Polish Armed Forces with the Ghazni province under their jurisdiction was confirmation of how much respect and recognition the Polish soldiers earned in

the eyes of the entire NATO. The NATO areas of responsibility are shown below and the Ghazni province for which the Polish Army was responsible is highlighted. In addition, the military bases where Polish soldiers were stationed are marked.

**Figure 1.** The ISAF PAC area of responsibility

Source: Own compilation based on: G. Piątkiewicz, *Inkluzja społecznozawodowa...*, p. 60.

## Summary

7 years of the ISAF military mission contributed to the fact that Polish soldiers took part in 494 operations and conducted 21,754 combat patrols. During this time, more than 27,000 Polish soldiers served on Afghan soil<sup>27</sup>. Unfortunately, some of them remained there forever, as 43 soldiers and 1 civilian employee of the army lost their lives in the ISAF mission, while 361 soldiers were wounded<sup>28</sup>. Polish soldiers took part in 99 infrastructure projects, 50 training projects, 45 procurement projects (projects included: construction of roads (40 km), water supply (25 km), bridges (5), schools, kindergartens and orphanages (19), hydroelectric power plants (3), dams (4), sewage treatment plants, landfills, wells (30), medical waste incineration plants (10), renovation of hospitals (4),

expansion of the power grid of Ghazni city, modernisation of bazaars (4), development of green areas and service and technical areas (9), training of 4 thousand people in administration, judiciary, education and vocational activation, and equipping 130 public facilities). A crisis management centre was established in Ghazni city with the main task of collecting data on possible terrorist threats. A voice messaging system was set up to quickly notify residents of threats such as fire, flood and windstorms<sup>29</sup>. The Ministry of Defence donated 137 tonnes of various types of material resources (accommodation, medical, food, uniform equipment, etc.) to the Afghans. Polish soldiers also provided medical assistance to thousands of Afghan citizens.

Another important task was to train and prepare Afghan soldiers and police officers for their statutory tasks.

<sup>27</sup> Ibidem, p. 263.

<sup>28</sup> *Misja ISAF przeszła dziś do historii*, <http://polska-zbrojna.pl/home/articleshow/14612?t=Misja-ISAF-przeszla-dzis-do-historii> [dostęp: 30.11.2023].

<sup>29</sup> *Ghazni będzie bezpieczniejsze*, <http://www.polska-zbrojna.pl/home/articleshow/8093?t=Ghazni-bedzie-bezpieczniejsze> [dostęp: 01.12.2023].



During the ISAF mission, Polish soldiers trained under the Operational Mentoring and Liaison Team (OMLT), Police Operational Mentor and Liaison Team (POMLT) and Transitional Support Strategy (TSS) 9k Afghan soldiers and police officers<sup>30</sup>. The Poles were highly appreciated by both the Afghan Security Forces and NATO. This was confirmed when the NATO Commander-in-Chief awarded the 3rd Brigade of the Afghan National Army (ANA) stationed in Ghazni as the best-trained unit in Afghanistan (2013). In addition, police officers from Ghazni province, compared to police officers from other provinces, had the highest level of effectiveness in 2013 in combating crime. Taking into account the overall functioning of the ISAF PKW, it must be concluded that its actions have had a measurable impact on the security and improved living conditions of the people of Ghazni province<sup>31</sup>.

The ISAF mission officially ended on 04 December 2014. It was seven long, exhausting and intense years of carrying out extremely difficult tasks. During this time, the Polish Armed Forces have undergone an unprecedented evolution, both in terms of organisation, training and equipment of soldiers.

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<sup>30</sup> Ł. Jureńczyk, *Polska misja...*, p. 280.

<sup>31</sup> *Realizacja programu odbudowy prowincji Ghazni*, [https://isaf.wp.mil.pl/pl/1\\_2486.html](https://isaf.wp.mil.pl/pl/1_2486.html) [dostęp: 30.11.2023].



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# SELECTED OPERATIONAL AND INTELLIGENCE ACTIVITIES AS ELEMENTS BODIES

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## Abstract

The objective of this discourse is to elucidate the prospects inherent in the utilisation of operational and reconnaissance activities by protective formations to safeguard entities and individuals who are subjects of heightened security. Contemporary security frameworks for pivotal persons and infrastructures, essential to state operations, extend beyond mere physical or cyber defence mechanisms, focusing predominantly on the acquisition of intelligence that may forestall diverse threats. Presently, nearly every sovereign state maintains units commissioned with the security and defence of executive state bodies within the governmental hierarchy. A prevalent strategy employed by these entities involves the execution of operational and reconnaissance activities aimed at the assimilation, accumulation, and processing of data concerning potential threats to individuals and assets of strategic import for the functioning of the state (or organisation), thereby facilitating the meticulous planning of executed protective measures. The organisation and principles governing the deployment of operational and reconnaissance activities to ensure the security of specially protected persons and properties are significantly influenced by the administrative configuration and political framework of the state. The purpose of this paper is to delineate scientifically substantiated advantages derived from the capability to garner intelligence through ongoing operational and reconnaissance activities within protective formations, potentially serving as a springboard for further analyses, decisions, or scholarly works. Theoretical research methodologies have been employed in the preparation of this publication. The contemplations presented in the article

posit that the aptitude for intelligence gathering via suitably exploited operational and reconnaissance activities by formations tasked with the security of executive state bodies necessitates scholarly inquiry that could determine an enhancement in the security level for persons and assets of strategic significance.

### **Key words**

security, threats, protection, operational and reconnaissance activities, executive state bodies

## Introduction

The operational efficacy and the scope for executing operational and reconnaissance activities by protective formations<sup>1</sup> are extensively contingent upon their legislatively endowed status, thereby necessitating that such tasks be executed within the strictures and provisions of extant legal frameworks. Processes pertaining to the strategic planning and systematic organisation of protective measures<sup>2</sup> by formations expressly commissioned for this purpose in relation to individuals and entities under obligatory protection represent an integral component of governmental administration, particularly within the domain of security and public order administration<sup>3</sup>. Every institution tasked with the safeguarding and defence of pivotal individuals and assets within a nation houses specialised units whose mandate encompasses the procurement, processing, and analytical evaluation of intelligence<sup>4</sup> aimed at precluding scenarios that pose threats to life or health, as well as mitigating associated risks<sup>5</sup>.

It is pertinent to note that the nomenclature “operational and reconnaissance activities” may be employed interchangeably with terms such as operational actions, operational tasks, and operational work<sup>6</sup>. Such methodologies are among the most efficacious for garnering crucial intelligence concerning the security of persons and assets of strategic import to the national (or organisational) functioning. Authenticated and corroborated operational intelligence subsequently facilitates the identification of potential threats<sup>7</sup> and the development of tailored protective strategies. The effectiveness of preventive measures<sup>8</sup> is, inter alia, influenced by the systematic analysis of the intelligence gathered<sup>9</sup>. A preeminent factor in this continuum is the rapid dissemination and analytical processing of intelligence during the execution of operational and reconnaissance activities<sup>10</sup>.

The paramount consideration regarding the efficacy and efficiency of operational and reconnaissance activities undertaken by protective formations is the discernment and analytical assessment of potential threats during the preliminary stages of security procedure

1 See: B. Wiśniewski, J. Prońko, *Elements of State Protection*, Warszawa 2003.

2 T. Goryca, *Risk and threats in protective measures of the units responsible for security of executive states bodies*, “Security Forum” 2022, No 1, p. 138.

3 See: K. Chochowski, *Special Services in Poland*, Bukareszt 2021.

4 See: *Challenges, Opportunities, Threats, and Risks to the Internal Security of the Republic of Poland*, R. Jakubczak, B. Wiśniewski (eds.), Szczytno 2016.

5 See: T. Goryca, *The use of open sources of information in the activities of the formations responsible for protection of the executive bodies of the state*, “Security Forum” 2023, No 1.

6 Z. Niemczyk, *Operational and reconnaissance activities and the possibility of using their results in criminal proceedings*, “Quarterly of the National School of Judiciary and Public Prosecution” 2013, No 3, pp. 5–6.

7 See: P. Lubiewski, A. Drózdź, *Threat – Considerations in the Realm of Theory*, “Scientific Journals of the State Higher Vocational School of Witelon in Legnica” 2020, No. 34(1)/2020, pp. 77–88.

8 B. Wiśniewski, G. S. Sander, *Threat, Crisis, and Crisis Situation – as Conditions of Modern Human Life*, “Security and Fire Technique” 2016, No. 41/2016, pp. 13–18.

9 B. Wiśniewski, J. Koziol, J. Falecki, *Decision Making in Crisis Situations*, Szczytno 2017, pp. 26-27; *Security in Theory and Scientific Research*, B. Wiśniewski (ed.), Szczytno 2021, p. 33.

10 T. Goryca, *Theory and practical aspects of state authorities protection organisation*, “Security Forum” 2021, No 2, p. 59.

formulation for individuals and assets deemed critical to national welfare.

The utility of intelligence acquisition and exploitation was acknowledged in antiquity by one of the preeminent sages of the Far East, the author of “The Art of War” – Sun Tzu. In the chapter entitled “Espionage,” he expounded on the significance of procuring intelligence about adversaries and its judicious utilisation<sup>11</sup>.

A considerable debate surrounds the establishment of thresholds beyond which institutions engaged in operational and reconnaissance activities are permitted to monitor and regulate the behaviours of individuals (units). While democratic societies underscore the inviolability of individual (and societal) dignity, protective formations emphasise the imperative of ensuring the security and protection of key persons and assets vital to the operational integrity of a state (or organisation). In light of terrorist incidents in the United States, Spain, the United Kingdom, and Germany, this conundrum warrants an expanded public discourse<sup>12</sup>.

## Methodology

The principal issue addressed in this article is encapsulated in the question: How can operational and reconnaissance activities be utilised effectively and efficiently in the protective

operations of formations responsible for the security of executive state organs?

During the execution of the research process, theoretical research methods were employed, including: analysis (which facilitated the identification of constituent elements and distinctive features of the subject under study), synthesis (through which relationships between the individual components of the subject were established), definition (which aided in clarifying definitions related to the subject matter), and deduction (which assisted in deriving novel conclusions regarding the subject)<sup>13</sup>.

The analysis encompassed a review of extant literature relevant to the research subject<sup>14</sup>, particularly focusing on monographs in Polish and foreign languages, scholarly articles in print, and online sources, as well as specialised textbooks, manuals, and guidelines, together with applicable legal regulations.

## Definition of Operational and Reconnaissance Activities

Recognition, prevention, and identification of threats to individuals and facilities under special protection constitute the primary responsibilities of protective formations and other state bodies. For this purpose, designated bodies carry out a multitude of tasks referred to as operational and reconnaissance activities.

11 S. Tzu, S. Pin, *The Art of War*, Gliwice 2013, pp. 99-105.

12 K. Leśniewski, *Operational and Reconnaissance Activities and Contemporary Security Threats in the Prism of the Right to Privacy*, *Kortowski Legal Review* 2017, p. 37; P. Lubiewski, *A Brief History of Terrorism*, *Perspektivna. Legnica Theological and Historical Studies* 2018, No 2(33), p. 98.

13 *Security: Theory–Research–Practice*, Józef Tuliszkowski Scientific and Research Center for Fire Protection – National Research Institute, A. Czupryński, B. Wiśniewski, J. Zboina (eds.), Józefów 2015, p. 32.

14 *Security Studies: Selected Research Problems*, A. Czupryński, B. Wiśniewski, J. Zboina, J. (eds.), Józefów 2017.

Operational and reconnaissance activities are an indispensable component of the functioning not only of special services but also of formations established to ensure the safety and protection of the supreme administrative authorities of the state. These activities are instrumental in combating the increasing phenomena of organised crime and terrorism<sup>15</sup>.

The foundation for executing operational and reconnaissance activities is enshrined in the statutes governing protective formations as well as in the corresponding executive acts. It is indisputable that the competence to perform such tasks is vested exclusively in state organs. Private entities do not possess such authorities. It is also crucial to note that operational and reconnaissance activities are extrajudicial in nature, functioning outside the conventional judicial processes<sup>16</sup>.

T. Hanausek delineates operational and reconnaissance activities as a distinct system of confidential or secret actions conducted by police bodies. These activities are carried out extrajudicially, outside of the criminal process framework. Their primary objective is the prevention and suppression of criminal activities as well as other legally specified adverse social phenomena<sup>17</sup>. The author emphasizes the secretive, non-disclosed, and extrajudicial nature of such conducted activities, which can

be preventatively utilized by formations appointed to ensure the security and protection of the state's executive bodies.

S. Hoc asserts that "the primary aim of operational and reconnaissance activities is the prevention, identification, and detection of crime perpetrators, [...]. These activities do not have a procedural character; rather, they constitute extrajudicial, technical-tactical operations practiced by bodies [...] aimed at preventing and combating criminality"<sup>18</sup>.

S. Owczarski offers interesting insights into operational and reconnaissance activities, defining them as a set of secret or confidential, extrajudicial, yet lawful actions carried out by law enforcement agencies. These actions are based on confidential personal sources of information and technical means, conducted under the regulations of statutes governing the functioning of law enforcement, executive orders related to these statutes, and internal acts of individual institutions and bodies<sup>19</sup>. It is worth noting the potential for the prophylactic use of materials obtained operationally to enhance the security level of individuals and facilities under special protection.

According to M. Kulicki, operational and reconnaissance activities constitute a system of written but not protocolled, confidential, non-procedural actions based on regulations set by individual institutions. These activities are aimed

15 L. Roman, G. Winogrodzki, *Special Services in the State Security System*, Józefów 2016, p. 37.

16 N. Nowicki, *Normative Aspects of Operational and Reconnaissance Activities in the Context of Illegal Evidence*, "Internal Security Review" 2021, No 13(24), pp. 333–334.

17 T. Hanausek, *Criminology: An Outline of Lectures*, Kraków 2009, p. 112.

18 S. Hoc, *Issues of Criminal Responsibility for Espionage*, Academy of Internal Affairs Publishing, Warszawa 1985, pp. 339–340.

19 S. Owczarski, *Issues of Operational Procedures in the Light of Law and Practice*, "Judicial Review" 1994, No 4, p. 70.

at identifying criminal environments, their disintegration, and particularly through the use of forensic techniques and tactics, revealing crimes, their perpetrators, and tactically directing procedural activities and preventive-prophylactic measures<sup>20</sup>.

Another author, Z. Uniszewski, defines operational and reconnaissance activities as a collection of secretive initiatives by state organs (including protective formations) endowed with a series of appropriate statutory competencies, aimed at the extrajudicial disclosure of individuals engaging in illegal activities, particularly those against the fundamental interests of the state and its citizens<sup>21</sup>.

The increasing rise in crime, particularly organized crime and terrorism, compels protective formations to seek new ways and methods to combat them.

Operational and reconnaissance activities in the context of protecting executive state organs fulfill several functions, including:

- prophylactic function (preventative),
- recognition function (identifying criminal factors and environments),
- detection function (detecting crimes and their perpetrators),
- evidential function (proving the guilt of criminals),

- protective function,
- informational function,
- security function<sup>22</sup>.

Very often, the various functions overlap with each other. The special functions that all protective formations around the world utilize when carrying out operational and reconnaissance activities are the informational and protective functions. The activities of such formations focus on acquiring, analyzing, and processing information related to ensuring the safety and protection of key personalities within the state.

## Selected methods of conducting operational and reconnaissance activities used by protective formations

Operational and reconnaissance activities are conducted using specific forms and established methods. The literature on the subject presents several classifications of these issues. The division of operational and reconnaissance activities into simple and complex forms is primarily for educational purposes<sup>23</sup>.

According to B. Hołyst, the following methods are distinguished in operational work: intelligence gathering, area penetration, surveillance, ambush,

20 M. Kulicki, *Criminology: Selected Issues of Theoretical and Judicial Practice*, Toruń 1994, pp. 63–64.

21 Z. Uniszewski, *Professional Jargon of Investigative and Operational Staff: Criminological Issues*, Wrocław 1999, p. 148.

22 K. Marecik, A. Głodziński, P. Krawiec, *Ethics During Operational and Reconnaissance Activities*, “Security: Theory and Practice” 2009, No 1-2/2009, pp. 106–107.

23 K. Ożóg-Wróbel, *Catalog of Methods for Conducting Operational and Reconnaissance Activities*, “Yearbook of Legal Studies” 2021, Vol. XXII, No 4/2021, p. 120.



setting traps, utilizing criminal records and archival materials<sup>24</sup>, conducting experiments, analysis, cooperating with regulatory bodies, correspondence monitoring, and collaboration with personal information sources<sup>25</sup>. J. Widacki classifies the following as simple forms of operational and reconnaissance activities: intelligence gathering, surveillance, working with personal information sources, using data from registries and computerized collections, controlled purchases, controlled shipments, and the application of operational techniques<sup>26</sup>. Conversely, surveillance, operational development, and the infiltration of criminal or criminogenic environments are categorized by this author as complex forms of operational and reconnaissance activities<sup>27</sup>.

T. Hanausek defines an operational method as a purposefully applied set of behaviors and means that, through consistency as well as the utilization of knowledge and experience, enables the optimal achievement of previously established objectives<sup>28</sup>. The term “means” is attributed by the author to technical tools that facilitate the acquisition and preservation of information<sup>29</sup>.

According to T. Hanausek, simple forms of operational and reconnaissance activities include intelligence gathering and surveillance. As for complex forms, he distinguishes the use of secret collaborators, environmental infiltration, operational combinations, controlled purchases, controlled shipments, operational control, and operational analysis<sup>30</sup>.

Many of these methods are employed by protective formations to fulfill their statutory tasks concerning individuals and facilities under mandatory protection.

Surveillance is considered one of the oldest and most effective methods of observational work. The greatest advantage of this operational activity is its universality. The ability to acquire valuable information means that protective formations and other services prioritize it highly<sup>31</sup>.

S. Pikulski divides operational and reconnaissance activities into those pertaining to criminalistic tactics and those related to criminalistic techniques. Surveillance is categorized under tactical operational and reconnaissance means<sup>32</sup>. Surveillance is defined as the relatively constant focus of attention on

24 Compare, G. Sokolowski, P. Lubiewski, B. Wiśniewski, T. Zwęgliński, *Selected Problems of Church Archives Security*, “Archives, Libraries and Church Museums” 2022, No 119/2022, pp. 396–398.

P. Lubiewski, *A Systemic Approach to Cooperation in the Sphere of Public Security – An Outline of the Problem*, “Scientific Journals of the Main School of Fire Service” 2020, No 75/3/2020, pp. 51–65; P. Lubiewski, *Special Services in the Crisis Management System – Issues of Cooperation*, “Studies and Materials of the Faculty of Management and Administration of the Jan Kochanowski Pedagogical University in Kielce” 2017, No 21, p. 396.

25 B. Holyst, *Criminology*, Warszawa 1996, pp. 36–37.

26 *Forensic Science*, 2nd Edition, J. Widacki (ed.), Warszawa 2002, p. 138.

27 *Ibidem*.

28 T. Hanausek, *Criminology*... p. 113.

29 *Ibidem*, s. 114.

30 *Ibidem*, s. 114–121.

31 P. Kosmaty, *Selected Procedural and Criminological Aspects of Surveillance*, “Studies in Legal and Constitutional Sciences” 2022, Vol. XII, p. 27.

32 S. Pikulski, *Police Operational Activities*, “WPP” 1996, No 2, p. 54.

a specific subject (person, place, thing) with the aim of providing protection to that subject, or to understand changes in its position over time and space<sup>33</sup>.

Another definition characterizes surveillance as the deliberate, focused, and intended observation of an object or phenomenon. To implement this method of operational work, it is sometimes necessary to use cameras, infrared radiation, or other electronic devices, though it can also be carried out by an officer/agent. Very often, the situation requires a change in observation techniques, blending into the surroundings/crowd, concealing oneself, or moving around. In most cases, surveillance requires the involvement of multiple officers/agents simultaneously. It also necessitates the planning, proper positioning of observation teams, and an excellent knowledge of the area where the surveillance is conducted. As an operational work method, surveillance is conducted covertly. For many years, the most popular methods of overt surveillance have been monitoring systems primarily used to record behaviors for potential deviations from legally regulated norms of conduct. Another highly effective form involves the use of GPS (Global Positioning System) in vehicles, mobile phones, and other portable devices. It is important to note that surveillance is not constrained by strictures, does not adhere to special procedural modes, and can be applied in any operational case<sup>34</sup>.

Operational intelligence is another method used by protective formations as an operational and reconnaissance activity. Operational intelligence can be defined as the gathering of information through appropriately directed and planned conversations. T. Hanausek describes intelligence as obtaining information by engaging in casual conversation with another person<sup>35</sup>. Conversely, B. Hołyst defines intelligence as the collection of information through appropriately directed and planned official and unofficial conversations<sup>36</sup>. Here's an English translation of your detailed description of intelligence operations, ensuring the text maintains the professional and specific tone necessary for an accurate depiction: Intelligence operations are conducted to obtain information about individuals, objects, events, and can take the form of overt (official) or covert (unofficial, confidential, discreet, hidden) intelligence. Overt intelligence is when the person providing answers to an officer/agent's questions is aware that they are giving information to a specific service/institution. Conversely, covert intelligence (discreet, confidential, secret) is characterized by the officer/agent acting as a random individual and concealing from the conversational partner the fact that they represent a specific service/institution. Such activities are most commonly conducted to gather information about individuals suspected of activities that threaten the life or health of the state's

33 P. Kosmaty, *Wybrane procesowe...*, p. 30.

34 J. Jabłońska, *Factors Influencing the Safety of Officers Combating Organized Crime*, D. Walczak-Duraj, R. Wiśniewski (eds.), Płock 2014, p. 67.

35 T. Hanausek, *Criminology...*, p. 132.

36 B. Hołyst, *Criminology*, Warszawa 2007, p. 46.

executive bodies. It is important to note that the data obtained in this way are subject to official secrecy<sup>37</sup>.

Every person living within a certain community is subject to the opinions of others and is also an object of observation. This applies to individuals who are of interest to protective formations. Such formations can only operate effectively when they have a proper understanding of the criminal or terrorist environments, knowing their intentions, plans, etc. To achieve this goal, information obtained from open sources alone is not sufficient. Operational undertakings of protective formations only become truly significant when they are linked with information directly obtained from criminal or terrorist environments<sup>38</sup>.

Another extremely effective method of operational work used by formations dealing with the security and protection of executive state bodies is cooperation with personal information sources. Personal information sources are individuals who provide information to officers conducting operational work or perform tasks assigned by these officers. These individuals are defined as informants, agents, or secret collaborators. A common and essential requirement for individuals engaged in such activities is the maintenance of absolute secrecy, both during and after the period of cooperation<sup>39</sup>. The acquisition of a personal (confidential) information source is usually preceded by a meticulous

assessment and appropriate preparation of the officers/agents involved in these types of operational and reconnaissance activities. It is important to remember that in such cases, the protective formations are interested in very detailed information concerning the individuals with whom the suspects are in contact, their statements, etc. The best potential for obtaining information from personal sources includes neighbors who maintain contact with the suspects, members of formal or informal associations, and members of the same social subculture<sup>40</sup>. Personal information sources may comprise individuals of diverse ages, genders, educational levels, social backgrounds, religious affiliations, and occupations.

Operational control is one of the more effective and increasingly utilized methods of operational work by protective formations and other entities responsible for the security and protection of supreme governmental bodies. Within these operational and reconnaissance activities, we distinguish the control of correspondence (broadly understood to include not only traditional letters and packages but also electronic correspondence) and the utilization of operational techniques (operational means that enable the covert acquisition and preservation of information and evidence, particularly the content of telephone conversations and other information transmitted via telecommunication networks)<sup>41</sup>.

37 K. Ozóg-Wróbel, *Catalog of Methods for Conducting...*, pp. 121-122.

38 R. Teluk, *Personal Information Sources as One of the Methods of Operational Actions by Police Authorities*, "Legal Notebooks" 2013, No 13.4/2013, p. 179.

39 K. Ozóg-Wróbel, *Catalogue of Methods for Conducting...*, p. 128.

40 R. Teluk, *Personal Information Sources...*, p. 180.

41 K. Marecik, A. Głodziński, P. Krawiec, *Ethics in the Process...*, p. 108.

## Conclusions

A fundamental element of the modern functioning of protective formations worldwide is the recognition of any threats that could endanger individuals holding executive roles in the state. This is due to the changes occurring within the national security environment, which are not only dynamic but sometimes even chaotic<sup>42</sup>.

The fundamental role of operational work conducted as part of protective actions appears to be broadly understood prevention, aimed at preventing the materialization of threats or minimizing their effects on individuals and facilities under special protection. Actions taken within the framework of operational and reconnaissance activities conducted by authorized formations should aim to limit or neutralize threats. Through the acquisition of information from operational work, protective formations are able to understand the intentions of potential adversaries and allow for preemptive actions, simultaneously preventing hostile entities from operating.

It seems essential to acknowledge that performing protective tasks facilitated by the described operational and reconnaissance activities constitutes a highly effective tool in ensuring the safety and protection of the state's executive bodies. The effective and efficient use of the information gathered during operational and reconnaissance activities by protective formations should encompass the process of preparing and planning for a potential crime or attack, with the aim of preventing its occurrence.

In summary, it should be stated that materials obtained as a result of operational and reconnaissance activities should be acquired based on detailed regulations provided not only in statutes concerning protective formations but also in executive acts issued based on them.

In concluding the above considerations, it should be acknowledged that in order to enhance the security level of supreme governing bodies and their facilities, it is necessary to intrude into the privacy of citizens through the execution of operational and reconnaissance activities by formations appointed to ensure the protection of key personalities. Each state must also implement statutory as well as effective and efficient oversight of the conducted operational and reconnaissance activities.

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<sup>42</sup> *Security in the 21st Century: An Asymmetric World*, K. Liedel, P. Piasecka, T. Aleksandrowicz (eds.), Warszawa 2011.

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# PUBLIC ACCESS TO FIREARMS

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## Abstract

The issue of access to firearms in Poland is often discussed and from time to time subject to public assessment. Legal access to weapons in Poland is difficult enough. The regulations in country are much more restrictive than in most European Union countries. The right to possess a firearm commands quite justified controversy especially from the perspective of state administrative authorities. This law has a significant impact on the so-called public safety. The main concern of the state administration is that the increased number of weapons in the society and in households may lead to an increase in crime involving with their use. An analysis of the existing legal issues and conditions resulting from the regulations was carried out. The rules of access to firearms in Poland and other countries in the world were also presented. The possibility of possessing a gun was compared to the occurrence of crime both in Poland and in the world.

## Key words

legal access to weapons in Poland, crime involving firearms, civilians,  
police officers



## Introduction

The Dictionary of the Polish Language defines a weapon as “an instrument of warfare, any thing used for self-defence or for the purpose of injuring an enemy, a weapon”<sup>1</sup>.

The definition of a firearm is enshrined in OJ 2020, item 955 Article 7 and reads as follows:

- for the purposes of the Act, a firearm is any portable barrelled weapon that expels, is designed to expel or may be adapted to expel one or more projectiles or substances by the action of a propelling material,
- for the purposes of the Act, an object which, by virtue of its construction or the material of which it is made, can be readily converted for the purpose of throwing one or more projectiles or substances as a result of the action of a propellant is deemed to be adaptable,
- within the meaning of the Act, a signal firearm is a reusable device which, as a result of the action of compressed gases resulting from the combustion of propellant, is capable of discharging from a barrel with a calibre of not less than 25 mm a substance in the form of a pyrotechnic charge in order to produce a visual or acoustic effect,
- within the meaning of the Act, an alarm firearm is a reusable device which, as a result of the action of compressed gases resulting from the

combustion of the propellant, produces an acoustic effect, and the substance fired from the barrel or an element replacing it, strikes the target at a distance of no more than 1 metre<sup>2</sup>.

By their very nature, weapons are used to kill, injure, destroy, and thus to inflict various types of physical destruction, including the infliction of psychological destruction in the form of anxiety, fear, panic, a sense of helplessness, anger and rage, a sense of harm, a desire for revenge and retaliation. Weapons have culturally defined symbolic meanings. Kopalinski's *Dictionary of Symbols*<sup>3</sup> states that: “[weapons] symbolise power, peace, justice; the execution of the condemned; power, arrogance, threat, revenge; conflict, war, the enemy; decisiveness; attack; defence; slaughter, fury, brutality; cunning; brotherhood; fear; death; spoils of war; destruction, misfortune”.

Political and legal conditions include the right of citizens to use and possess weapons, in particular firearms. In Poland, as in many other countries, access to weapons is subject to significant restrictions under the Weapons and Ammunition Act and requires a state weapons permit. In a certain group of developed countries, such as the United States, Switzerland or Israel, access to weapons is more liberal<sup>4</sup>. The ethical and utilitarian implications of these differences are the subject of worldwide public debates<sup>5</sup>. Mention should be made of

1 W. Poznaniak, *Socio-psychological aspects of gun ownership*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2003, z. 2, p. 265.

2 *Act of 21 May 1999 on arms and ammunition* (i.e. Journal of Laws of 2020, item 955.).

3 W. Poznaniak, *Socio-psychological...*, p. 265.

4 [https://pl.wikipedia.org/wiki/Prawo\\_dost%C4%99pu\\_do\\_broni](https://pl.wikipedia.org/wiki/Prawo_dost%C4%99pu_do_broni) [access: 01.09.2022].

5 *Regulation of the Minister of Internal Affairs and Administration of 29 August 2011* (Journal of Laws of 2011, No. 191, item 1140).



the categories of firearms, which are enshrined in the Regulation of the Minister of the Interior and Administration on types of firearms corresponding to the categories of firearms defined in the Directive on control of the acquisition and possession of weapons of 29 August 2011 and further described in the Directive of the European Parliament and of the Council on control of the acquisition and possession of weapons (Journal of Laws No. 191, item 1140).

The following categories of firearms were distinguished:

- Category A – a category of firearms, as defined by the Directive, to which firearms and ammunition belonging to them are not permitted to be acquired and possessed by natural persons on the territory of the Republic of Poland,
  - category B – a category of firearms as defined in the Directive, in which firearms belonging to them require a permit issued by the competent Polish authorities for acquisition and possession by natural persons on the territory of the Republic of Poland;
  - Category C – the category of firearms, as defined by the Directive, to which the firearms belonging to it require registration,
  - Category D – a category of firearms, as defined by the Directive, to which the firearms belonging to it do not require a licence or registration,
  - short firearm – a firearm with a barrel not exceeding 30 cm in length or whose overall length does not exceed 60 cm,
  - long firearm – any firearm other than a short firearm,
  - automatic firearm – a firearm that reloads automatically after each shot fired and is designed to fire more than one round at a single trigger pull,
  - Self-reloading firearm – a firearm that reloads automatically after each shot fired and is designed to fire only one round at a single trigger pull,
  - repeating firearm – a firearm which, after firing a cartridge, can be reloaded manually from a magazine or cartridge drum,
  - single-shot firearm – a firearm that is loaded before each shot, by manually loading a cartridge into the cartridge chamber or an element performing such a function.
- The categories of firearms specified in the Directive correspond to the following firearms on the territory of the Republic of Poland:
- Category A:
    - a. self-propelled firearms capable of hitting targets at a distance,
    - b. firearms:
      - manufactured or altered in such a way as to conceal its purpose, and firearms imitating other types of objects,
      - fitted with a bang silencer or adapted for shooting with a bang silencer,
      - not detectable by the equipment designed for the control of persons and luggage,
    - c. ammunition:
      - with projectiles filled with explosives, incendiaries or other substances whose effects endanger life or health, and projectiles for such ammunition,

- with full-bore bullets containing a core made of a harder material than lead alloy,
  - with sub-calibre bullets, with a jacket or leading element made of plastics, excluding ammunition designed to be fired from smooth-bore weapons, not manufactured, including those using brand new ammunition components, excluding ammunition manufactured for personal use by persons owning hunting, sporting or collector firearms;
  - Category B:
    - a. long and short firearms, including self-reloading, repeating or single-shot firearms,
    - b. long and short firearms, structurally designed to be fired only with blank ammunition, including automatic weapons,
    - c. long and short firearms designed to be fired using only black (smoke) powder;
  - Category C – does not correspond in the Republic of Poland to any type of firearm<sup>6</sup>.
  - Category D – does not correspond in the Republic of Poland to any type of firearm.
1. Literature review:
    - existing academic literature, government reports, NGO publications and newspaper articles on access to firearms, legislation, crime-related statistics and the impact of firearms on public safety were analysed,
    - key theories and models on firearms regulation and their application in different countries were identified.
  2. Legal analysis:
    - a detailed analysis of the existing laws on access to firearms in selected countries, including Poland, the United States, Switzerland and Australia, was conducted,
    - differences and similarities in regulations on the possession, carrying and use of firearms were identified.
  3. Analysis of statistical data: data from databases such as Eurostat, FBI Uniform Crime Reports, Small Arms Survey and other international sources were used.
  4. Case study analysis:
    - a case study method was used to analyse specific firearms-related incidents such as mass shootings, self-defence incidents and incidents of private gun misuse,
    - the effects of these incidents on local communities and on the public debate on access to firearms were analysed.
  5. Comparative analysis: a comparative analysis of firearms policies and regulations in different countries was conducted to identify best practices

## Methodological and Methodical Assumptions

In order to explore the issue of public access to firearms, a multifaceted research approach was used, which includes both qualitative and quantitative analysis methods. The key research steps and techniques used in this article are outlined below:

<sup>6</sup> Ibidem.

and the impact of different regulatory approaches.

Cultural, historical and social influences on differences in regulation and their effectiveness were considered.

The methodology adopted has enabled a comprehensive assessment of the issue of public access to firearms. The legal and comparative analysis provided insights into the diversity of regulations around the world, while the analysis of statistical data allowed an assessment of the practical effects of access to firearms.

## Functions and determinants of access to arms

A citizen's right to possess weapons cannot be derived from the applicable provisions of law, including the provisions of the Constitution of the Republic of Poland and the norms of international law. The issuance of a permit to possess firearms must therefore be justified in each individual case by specific factual circumstances, and these must not be subjective but objectively existing circumstances. The person applying for a weapon is obliged, in the course of administrative proceedings, to convince the Police authorities that there is a 'justified circumstance' in relation to him or her, i.e. he or she possesses such a characteristic that distinguishes him or her from the general public that he or she unquestionably and obviously deserves to use an individual weapon. According to the ruling of the WSA in Warsaw of 22.10.2007 the right to possess firearms

is not a right granted by the Constitution of the Republic of Poland<sup>7</sup>. Possession of weapons is strictly rationed.

The legal act regulating access to firearms is the Act of 21 May 1999 on arms and ammunition<sup>8</sup>. The Act defines the principles of issuing and withdrawing permits for weapons, acquisition, registration, storage, disposal and deposition of weapons and ammunition, transport through the territory of the Republic of Poland and the transport from abroad and export abroad of weapons and ammunition, as well as the possession of weapons and ammunition by foreigners and the principles of functioning of shooting ranges.

The right to possess firearms is a subjective right that does not apply *erga omnes*, but only to a group of citizens fulfilling strictly defined conditions by law. In Poland, there is no legal norm shaping the notion of a universal right of citizens to possess firearms. In fact, the law states *expressly verbis* that, except in the cases specified therein, possession of weapons is prohibited. The right to possess firearms may be obtained as a result of a weapons permit issued by the Provincial Police Chief Commandant competent for the place of permanent residence of the person concerned or the seat of the entity concerned, and in the case of professional soldiers, on the basis of a permit issued by the competent Chief of the Military Gendarmerie Unit. It is not required to obtain a weapon permit in the case of: the collection of weapons in museum collections on the

7 K. Chłupka, *Permission to possess firearms – remarks de lege lata and de lege ferenda*, "Nowa Kodyfikacja Prawa Karnego" 2014, Vol. XXXII, p. 103.

8 *Act of 21.05.1999 on arms and ammunition* (i.e. Journal of Laws of 2020, item 955).

basis of separate regulations, the use of weapons for sporting, training or recreational purposes at a shooting range operating on the basis of a permit issued by the competent authority, the use of signal and alarm firearms for the purposes of calling for help, rescue, search and by persons authorised to signal to competitors the start of a sports competition during a sports competition, if it requires such signalling<sup>9</sup> the possession of weapons by entrepreneurs trading in weapons and ammunition on the basis of a licence or providing gunsmithing services on the basis of separate regulations, provided that this is directly related to the conduct of business activity, the possession of weapons transferred for the purpose of deprivation or confirmation of their deactivation, the possession of firearms deprived of their functional qualities, the possession of firearms discharged from a separate load manufactured before 1885 and replicas of such firearms, and the possession of alarm firearms with a calibre of up to 6 mm.

The disposition of Article 15(4) of the *ubopia. expressis verbis* excludes the issuance of a weapons permit to persons:

- a. under 21 years of age;
- b. with mental disorders or significantly impaired mental and physical capacity;
- c. exhibiting significant psychological dysfunction;
- d. addicted to alcohol or psychoactive substances;
- e. who do not have a permanent residence in the territory of the Republic of Poland;
- f. posing a threat to themselves, public order or safety:
  - sentenced by a final court decision for an intentional crime or an intentional fiscal crime,
  - convicted by a final court decision of an unintentional offence:
    - against life and health (e.g. manslaughter resulting in more than seven days' hospitalisation of the victim)<sup>10</sup>,
    - a gainst traffic safety committed while intoxicated or under the influence of an intoxicant, or when the offender has fled the scene.

The legislator imposes obligations on the person who holds a weapon permit. Such a person is obliged, according to the disposition of Article 15(4) of the AIA, to submit to the competent police authority once every five years up-to-date medical and psychological certificates. This provision unambiguously refers only to a person holding a weapon permit issued for personal protection or protection of the safety of other persons or property and there is no justification for its broadening interpretation, resulting in the assumption that the obligation indicated therein is also imposed on other weapon permit holders<sup>11</sup>. At the same time, it should be emphasised that the police authorities have the possibility

9 W. Depa-Wasilek, *The right of access to firearms of Polish citizens in the light of legal and security norms*, "Geopolitical Review" 2019, No 27, p. 118.

10 K. Chłupka, *Permission to possess...*, p. 111.

11 *Ibidem*, p. 117.

to check whether the holder of a weapon permit is not one of the persons listed in Article 15(1), points 2-4, i.e. those to whom a weapon permit is not issued.

A condition for obtaining a weapons permit is also knowledge of the regulations on the possession and use of a given weapon and the ability to use that weapon – confirmed by an examination (the examination commission is appointed by the competent police authority)<sup>12</sup>.

A weapon permit may be revoked at any time if the authority issuing it finds that the holder of the weapon does not comply with the conditions specified in the weapon permit or violates the provisions of the Act.

We also distinguish between types of weapons by purpose. Table 1 shows the specifications of the weapons for which a permit can be obtained.

**Table 1.** Specification of weapons by purpose for which a permit may be obtained

Purpose	Type of weapon
Personal protection	firearms: combat, gas and alarm in the form of pistols or central-fire revolvers in calibers from 6 mm to 12 mm
Protection of persons and property	firearms: combat, gas and alarm in the form of pistols or central-fire revolvers in calibers from 6 mm to 12 mm, signal pistols, submachine guns in calibers from 6 mm to 12 mm, repeating rifles in calibers of 12 gauge, automatic carbines in calibers from 5.45 to 7.62 mm
Hunting	weapons authorised for hunting on the basis of separate regulations
Sports	firearms: sidearms with threaded barrels, calibre up to 6 mm, bolt-action rifles with threaded barrels, calibre up to 12 mm, smooth-bore, designed to be fired only with black powder (smoke)
Training	each as referred to above
Historical reconstructions	alarm or other firearm by construction designed to fire blank ammunition only, including self-propelled ammunition
Collectors and Commemorative	each as referred to above.

Source: W. Depa-Wasilek, *The right of access...*, p. 120.

It should also be noted that gun ownership fulfils various psychological functions:

- the weapon provides the bearer with a greater sense of security for himself and those close to him,

<sup>12</sup> B. Pawlaczyk, *Theoretical and practical problems of access to firearms vis-à-vis the views of young Poles*, "Ante Portas – Security Studies" 2016, No 2(7), p. 172.

- the weapon is intended to reduce the attacker's sense of impunity, the sight of it and the threat of its use is intended to make him fearful and induce him to abandon his intention to commit a crime,
- owning a gun is used to emphasise one's own power, worth and importance – having a gun means as much as 'being someone', someone important who 'no one will touch',
- possession of a weapon and the threat of its use can be used to commit a crime,
- hunting weapons are used for hunting purposes,
- weapons are acquired for collection and commemorative purposes,
- shooting is a specific sport in which sporting weapons are used,
- most weapons remain in the equipment of the police and the military, the weapons in their hands being used to ensure the security of the state and its citizens, to fight crime, to defeat enemy troops<sup>13</sup>,
- weapons are also used for training purposes.

## Firearms in the hands of Polish citizens

Poland has had restrictions on the acquisition and possession of firearms since the beginning of the 20th century. The first Polish law restricting access to firearms was the Decree of the Head of State of 25 January 1919, which provided for one

year's imprisonment and a fine of 5 000 marks for illegal possession of firearms, ammunition or military material, and for illegal possession of hunting weapons or short firearms, a sentence of up to three months' imprisonment or a fine of up to 3 000 marks<sup>14</sup>. Citizens who wished to own weapons had to apply for a weapons permit initially to the police, then to the administrative bodies of first instance, i.e. the district governors.

In the Polish legislative tradition there are not and never have been legal guarantees related to the possibility of possessing firearms, either at the level of fundamental rights and freedoms guaranteed by the Basic Law or by acts of lower rank<sup>15</sup>. It should be noted that also jurisprudence has always modelled a system of values, such as security, property and freedom, without the possibility for the individual to secure them with firearms.

Statutory regulations restrict citizens' access to weapons. According to the Weapons and Ammunition Act 1999, a weapons permit may be obtained if the applicant does not pose a threat to himself, public order or safety and presents a valid reason for possessing the weapon. A weapons permit can be obtained for the following purposes: personal protection, protection of persons and property, hunting, sporting, historical reconstruction, collecting, commemorative or training. Police statistics show that by 31 December 2016, 197,929 people had a weapon permit, with 424,675 registered weapons in their possession. A weapon permit issued for

13 W. Poznaniak, *Socio-psychological...*, p. 265.

14 A. Dragan, A. Krasnowolski, A. Stawicka, J. Tracz-Dral, S. Woronowicz, J. Wozniczko, *Principles of access to weapons in selected European countries*, "Topical Studies" 2017, no. 658, p. 3.

15 R. Mikowski, *Some remarks on the legal forms of administrative action regarding access to firearms*, "Legal and Economic Digital Library" 2018, No 3867. p. 164.

personal protection is held by 45,481 people<sup>16</sup>. In 2016, 244 people obtained a weapon permit for personal protection, the largest number of weapon permits were issued to hunters – 50 072. It was stated that Poland is one of the most ‘disarmed’ countries in Europe. It is worse only in Lithuania and Romania<sup>17</sup>.

If we consider the views of young Poles, Bogumiła Pawlaczyk conducted a survey among students of the President S. Wojciechowski Academy of Kalisz, in which research on the essence of civic and patriotic attitudes was carried out. One of the questions that is relevant to this study is the question of attitudes towards universal access to firearms and their possible use for personal protection. The opinions of the respondents were divided. 50.3% of respondents were in favour of universal access to firearms, while 45.8% were against such access. However, clear differences of opinion were noted between men and women<sup>18</sup>. Students were more likely to answer in the affirmative (76% of respondents), while female students were against universal access to firearms (59.5% of “no” and “rather not” answers). Respondents also expressed an opinion on the quality of legal regulation of gun ownership by private individuals. The majority of respondents are not satisfied with the laws regulating citizen access to firearms (49.7%), with 42.6% of respondents holding the opposite opinion<sup>19</sup>. Significant in

this case is the number of people who were unable to take a position on the subject, the answer “I have no opinion” was given by 7.7% of the respondents. Views were found to be mixed on both possession and access to firearms. The young generation of Poles, like the majority of society, does not have a clear position on this issue.

## Rules on access to arms in selected countries

The right of access to firearms is a kind of political-legal conditionality covering the right of citizens to own and use weapons and, as such, is legislatively strictly regulated<sup>20</sup>. The resulting restrictions are known not only in Poland but also in most democratic and economically developed countries.

According to a compilation by the Canadian daily “National Post” (Gun Nations, 2012), there are 1.3 firearms per 100 inhabitants in Poland<sup>21</sup>. Romanians (0.7), Lithuanians (0.7) or Japanese (0.6) have fewer weapons than Poland. Statistically, in private hands in Germany there are approx. 30.3 weapons per 100 inhabitants. For other countries it is, for example, the Czech Republic – 16.3; Slovakia – 8.3, Ukraine – 6.6, Belarus – 7.3. However, there are countries where citizens’ access to firearms is much more liberal. The record holders in Europe are:<sup>22</sup> Switzerland

16 A. Dragan and others, *Principles of access...* p. 3.

17 <https://fakty.plportal.pl/artykuly/polska-felietony/bosak-polska-najbardziej-rozbrojonym-krajem-ue> [access: 02.09.2022].

18 B. Pawlaczyk, *Theoretical and practical...*, p. 179.

19 *Ibidem*, p. 180.

20 W. Depa-Wasiłek, *The right of access...*, p. 115.

21 A. Dragan and others, *Principles of access...*, p. 4.

22 <https://bastiondialogu.pl/czy-polacy-powinni-miec-ulatwiony-dostep-do-broni/> [access: 03.09.2022].



and Finland over 45, followed by France, Austria, Norway and Sweden, over 31. In the USA, there are over 300 million guns in private hands, a ratio of over 90 guns per 100 inhabitants.

Norway, along with Sweden and Finland, is one of the countries in Europe with the highest ratio of weapons per capita due to its strong hunting traditions. In the hands of Norwegians there are approx. 1.3 million privately owned weapons (the country has a population of over 4.6 million). According to the Norwegian media, there is in fact a problem of unregistered weapons<sup>23</sup>. In order to be allowed to own a weapon in Norway, one must be at least 18 years of age and demonstrate to the local police in one's place of residence that the weapon is needed for hunting or for sporting purposes (shooting).

In Sweden, you also have to be at least 18 years of age and have been active for at least six months in a hunting or sports club. The licence is granted by the police.

In Finland, a new law came into force in June 2010, under which the minimum age for gun ownership is 20 years. The increase in the age limit occurred in Finland as a result of tragic shootings initiated by young people with gun licences. More than 20 people have died in such incidents in the past four years<sup>24</sup>. In Sweden and Finland, there are proposals to tighten gun licence regulations.

The regulations in force in Germany date back to 2003, a permit to own a

sporting weapon can only be obtained from the age of 21. The exception to this is small-calibre sporting weapons used in Olympic disciplines. Those under the age of 25 must undergo a psychological examination to obtain a permit<sup>25</sup>. In Spain, private individuals can obtain the right to own and use firearms only by means of special permits (licences) when they need them for self-defence, private protection, as well as for sporting purposes, hunting and for collecting. The application for a permit must be accompanied by, among other things, a certificate of no criminal record and mental and physical condition.

When we look at the arrangements for regulating access to firearms in Europe, the differences between countries are not great. Some countries have more, others less stringent regulations, but in general there is no universality of access to firearms in Europe. The situation is different outside Europe, and so in the United States of America, generally under the Second Amendment to the Constitution, every citizen has the right to have a gun in their home. When we look at the details, it is apparent that the majority of states fully allow the possession and carrying of weapons without a licence, without any restrictions<sup>26</sup>. This is guaranteed by the Second Amendment to the US Constitution.

Table 2 shows the licensing rules for gun ownership in selected European countries.

23 <https://prawo.gazetaprawna.pl/artykuly/533645,zasady-regulujace-posiadanie-broni-palnej-w-krajach-europy.html> [access: 03.09.2022].

24 Ibidem.

25 Ibidem.

26 G. Nakielski, A. Tokarski, M. Górecka, R. Janiak, *Access to firearms in Poland – selected problems*, "Prace Naukowe WSZiP" 2017, No 40(1), p. 64.



**Table 2. Licensing rules for gun ownership in selected European countries**

Country	Minimum age	Reasons for applying for an arms licence	Requirements for criminal record, attitude moral etc.	Requirements Health	Training/tests	Other requirements
Austria	21 years; 18 years for hunters	Necessary justification, the need for weapons. License to carry weapons shall be issued only to persons who can demonstrate that they are exposed to a particular risk	§8 of the Act enumerates a number of situations that disqualify applicant for an arms licence. These include convictions for violence, smuggling in an organised group, drug addiction or alcohol	Certificate from a psychologist	Not	Safe storage arms
Czech Republic	18 years; 16 years for hunters and sport shooters	It is not necessary to justify the reason for wanting to own a firearm; every citizen has the right to have one	No criminal record required	Medical examinations with your family doctor, in case of doubt additional research with a specialist	Shooting test	Ban on wearing arms in certain Sites (e.g. demonstrations)
Germany	18 years; 14-18 years training or working under supervision; 21 years old – shooting	Licensed hunters, long-distance shooters, members of societies shooters, people at risk, collectors, experts, manufacturers, retailers, security companies	No criminal history, no involvement in a criminal group or terrorist, lack of legitimate suspected offences	No dependency, mental illness or restrictions mental, evaluation psychiatric service for persons under 25 years of age	Knowledge of operation arms and legislation concerning weapons	A minimum of five years permanent residence in Germany, secure storage arms and ammunition

Table 2. Licensing rules for gun ownership in selected European countries

Country	Minimum age	Reasons for applying for an arms licence	Requirements for criminal record, attitude moral etc.	Requirements Health	Training/tests	Other requirements
Norway	21 years in the case of possession of revolvers, pistols and their parts, 18 years for other types arms, 16-18, if the weapon stored is by the guardian or other holder arms permits	„Justifiable need“		No addictions, responsibility	Active membership in legal shooting groups or sentence tests for persons aged 16-18, who wish to purchase shotgun or rifle	Police consent, safe storage
Great Britain	18 years	„Serious reason“ for having weapons (e.g. profession, sport, recreation, pest elimination), legitimate self-defence	Disagreement due to a prison sentence of more than 3 years or a stay of in pre-trial detention, persons convicted of three months to 3 years may not possess weapons for 5 years from the date of release	No contraindications due to mental health, home situation and attitude to weapons, access to full documentation medical by the issuer permission.		Meeting standards storage

Source: A. Dragan, i in., *Principles of access...*, p. 27

## Firearms and crime

There is no clear and lucid correlation between the prevalence of firearms in society and rates of murder by firearms. It does not exist for individual American states, it does not exist in the wider international context, it does not exist for rich and stable democracies or for bankrupt and declining republics<sup>27</sup>. On a macro level, gun ownership does not worsen security, but it does not particularly improve it<sup>28</sup>. Using data posted on the website under the heading of a list of countries by firearm-related death rate, the authors of the blog [hoplofobia.info](http://hoplofobia.info) have produced a graph showing the homicide rate of firearms (short pistols, revolvers, carbines, shotguns and other unspecified designs) in relation to the number of guns in private hands.

Taking Europe into account, the relationship between killing and firearms shows a lack of tangency (R-square value of 0.0184)<sup>29</sup>. Russia is not included in the graph, as the Russian police do not make homicide statistics public with a breakdown by murder weapon.

Violent crime has serious consequences for both individuals and society. These consequences are so severe that the World Health Organisation “recognises violence as a significant contributor to the overall burden of disease and injury”. In 2016. More than 400,000 people, not including war casualties, were killed by violence

in so-called intentional and unintentional killings. The Small Arms Survey, taking these figures into account, found that the global homicide rate in 2015-2016, although slightly, increased for the first time since 2004. Firearms violence is a well-studied area in the US, where it is considered a serious public health problem. More than 30,000 people die each year in the US from firearm-related violence, suicide and accidents. Although the same figures for Western Europe are much smaller, firearms violence is on the rise and is a common feature of organised crime, including violence gangs. One Western European country where firearms violence is increasing significantly is Sweden. Recent international studies indicate that the rates of fatal and non-fatal shootings in Sweden are higher than the average for Western European countries, at least with regard to young men as victims. Other reports indicate that Sweden has one of the most significant changes in the world in terms of the increase in the percentage of firearm use between 2011 and 2016 compared to 2005<sup>30</sup>.

By contrast, homicides involving firearms are virtually non-existent in Poland. As such, homicides are extremely rare, as around 500 cases in a country of 38 million people is a small number. Firearm homicides of around 20 per year is a statistically insignificant number.

27 <https://www.hoplofobia.info/korelacja-bron-zabojstwa-w-ujeciu-przekrojowym/> [access: 03.09.2022].

28 Ibidem.

29 Ibidem.

30 A. Khoshnood, *Firearm-related violence in Sweden – A systematic review*, “Aggression and Violent Behavior” 2018, vol. 42, p. 43.

## Summary

Laws relating to the possession of firearms in Poland do not guarantee citizens access to their possession and, through numerous regulations, it is found that there are major restrictions in this area. In view of the current socio-political situation and the events taking place in Poland and in the European Union, the problem of access to firearms should be given special consideration. The legislator's approach about the fact that the citizen's subjective feelings about ensuring his/her own safety with firearms does not seem to be justified in today's reality. It has been noted that the issue of citizens' access to firearms raises many emotions. In doing so, two completely different positions clash. The restrictive one, which represents the view that the fewer weapons in the possession of private individuals, the less chance of their use for criminal purposes. The second more liberal approach speaks of personal freedom and responsibility. It is difficult to determine unequivocally whether owning firearms in Poland will increase crime or whether, on the contrary, it will increase security.

In Poland, the right to possess weapons for personal protection purposes is very strict, in practice eliminating the possibility of defending one's home mirrors with firearms. The condition for obtaining a permit for weapons for the purpose of personal protection or

protection of persons or property is a constant, real and above-average threat to life, health or property. In a word, legal access to weapons in Poland is quite difficult. The regulations in the country are much more restrictive than in most countries belonging to the European Union. What requirements must be met in order to obtain a gun permit? The first requirement consists of being over 21 years of age and having no mental disorders. Another is the absence of significant psychological dysfunction and addiction to psychoactive substances and alcohol. A reason for owning a weapon is essential. The most commonly given ones include personal defence, property defence and defence of other persons.<sup>31</sup> The law also gives other circumstances behind the issuance of a permit: sporting, hunting, collecting, commemorative or training purposes.

It is difficult to say what the law will look like in the future and what the conditions will be regarding the possibility of owning firearms in Poland. The availability of firearms in the coming years may undergo a major change, more specifically the extension of requirements to be met by a person applying for a permit to own a weapon, such as psychiatric and psychological examinations updated every few years, a certificate of no criminal convictions and opinions obtained in interviews conducted, for example, with family, friends and colleagues.

31 E. Adamczyk, *Access to firearms for personal protection in Poland*, "Studies on Security" 2016, No 1, p.149.

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# OFFENDER PROFILING – METHODS AND CASE STUDIES

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## Abstract

Offender profiling aims to identify an offender on the basis of his or her characteristics and modus operandi. It is one of the methods that support investigation most often in homicide cases. It is most effective when dealing with a serial killer. During the process of creating the offender profile, knowledge of the offender's behaviour and personality, data on the victim, information obtained during the investigation and any other relevant information relating to the case is used. By analysing the available data, the profile builder seeks to identify the personality traits of the offender. Each behaviour is the result of a factor, probably related to the past. The purpose of this article is to identify the factors that are relevant to offender profiling and how forensic profiling affects offender detection.

## Key words

Homology, profiler, geographical profiling, psychological trace, serial killer

## Introduction

Forensic profiling has many definitions<sup>1</sup>. According to J. Gołębiowski, “[...] profiling is the creation of a specific description of the perpetrator of a crime, containing the characteristics of him/her”<sup>2</sup>. J. Gierowski believes that it is “the pursuit of a brief, dynamic characterisation succinctly capturing the most important features of an unknown perpetrator and the manifestations of his/her behaviour”. According to W. Kopalinski, translating this term from Latin *profilare* means to outline<sup>3</sup>. On the basis of these three selected definitions, it can be concluded that forensic profiling is the development of characteristic information about the perpetrator, his/her specific features and modes of behaviour.

C. Lombroso, a criminologist, stated that on the basis of the characteristics of the perpetrators of similar crimes, the signs and impulses of the perpetrators’ behaviour can be better understood. On the basis of his research, he distinguished three criminal types, such as born criminals, criminally insane and criminoi (no specific characteristic, a general class of criminals). E. Kretschmer drew attention to the relationship between physique, personality and criminal propensity by distinguishing four types of physique linked to mental illness. Another division, which dealt with physicality and temperament, is due to W. Sheldon<sup>4</sup>. According to him,

on this basis it is possible to distinguish between the endomorphic type with a predisposition to put on weight; the mesomorphic with a tendency to muscularity and a good physique; the ectomorphic with a predominance of delicacy and a fine physique.

According to the biblical stories, a man is cited as the first killer and envy as the first motive. Abel made a sacrifice that pleased God, while the sacrifice of his older brother Cain was not accepted. This caused him envy and jealousy, a sense of unequal treatment, so that he killed his younger brother Abel. This is the origin of the term ‘Cain stigma’, which refers to the fact that committing another crime is easier than the first one<sup>5</sup>. M. Cur, in an attempt to analyse this crime, points to circumstances that should be investigated in order to find a more precise explanation of the committed act, such as who witnessed the rejection of Cain’s victim and whether the exclusion was treated as a bad opinion of the product and had a bearing on the sale of the crop.

The first criminal profile was created by T. Bond in 1888. The perpetrator whose characteristics were described is known by the pseudonym ‘Jack the Ripper’. During the Second World War, a psychological profile of A. Hitler by the psychiatrist W. Langer. In 1957, J. Brussel created a profile of the ‘Mad Bomber of New York’ and in 1964 a profile of a serial killer who was known as the ‘Boston

1 J. Gołębiowski, *Umysł przestępcy. Secrets of criminal psychological profiling*, Kraków 2021, p. 37.

2 J. K. Gierowski, *Zabójcy i ich ofiary Psychologiczne podstawy profilowania nieznanymi sprawców zabójstw*, Kraków 2002, p. 14.

3 W. Kopalinski, *Słownik wyrazów obcych i zwrotów obcojęzycznych*, Warszawa 1991, p. 414.

4 B. Lach, *Criminal profiling*, Warszawa 2014, pp. 29–30.

5 U. Cur, *Psychological profiling of unknown offenders*, Warszawa 2021, p. 24.



Strangler'. In 1972, a profile was drawn up of a serial killer whose activities took place in Silesia Z. Marchwicki<sup>6</sup>.

## Methodological and Methodical Assumptions

The article defines the main concept of forensic profiling and outlines the history of profiling. The first profilers are also presented. One of the basic assumptions of profiling, i.e. homology and typology of offenders, is discussed. The four phases of a crime and, more specifically, the behaviour characteristic of the perpetrator in the various stages of a crime are also described. A term of great importance in profiling is also discussed, which is geographical profiling. Of particular importance to the profiler is the psychological footprint, so this term is discussed in more detail. Profiling models, the person of the profiler and his/her tasks and the practical use of profiling are presented.

## Homology as one of the basic assumptions of criminal profiling

One of the basic tenets of criminal profiling is homology. The term is used to describe congruence, suitability and was introduced by Mokros and Alison in 2002. Homology assumes that offenders who commit similar crimes in similar ways share common characteristics.<sup>7</sup> The best-known typology includes the division of perpetrators into organised and unorganised. This typology was

based on a study of 36 perpetrators with a predominance of serial rapists.<sup>8</sup> The results showed that perpetrators behave in a mixed way at the scene of the crime, hence the questionable meaning of the typology created. Specialists from the FBI, including R.K. Ressler and J.E. Douglas, believed that according to the typology dividing perpetrators into organised and disorganised, the determination of the type of perpetrator one is dealing with is based on the analysis of the crime scene and the evidence collected. Each of these types of perpetrators is distinguished by characteristic features. Organised crime is planned and characterised by careful execution, while disorganised crime, otherwise known as disorganised crime, is characterised by haphazardness and impulsiveness. In an attempt to identify the type of offender, it is necessary to trace the offender's behaviour as it presents itself during the four phases of the offence. The first phase, called the pre-criminal phase, refers to the time before the offence was committed. It mainly concerns the offender's fantasies and the degree of their aggressiveness. The second phase is the organisation of the scene of the crime, which includes activities such as the selection of the victim, the location, the execution of the crime and the means used to carry it out. These may include scenes depicting the perpetrator's fantasies. In the third phase, the perpetrator proceeds to clean up the crime scene, i.e. dispose of the body and the evidence proving his guilt. The last phase, the post-criminal

6 Ł. Wroński, *Serial and multiple murderers. Psychological and psychogeographical profiling*, Łomianki 2016, pp. 201–202.

7 More: K. Olszak-Häussler, *Homology as a basis for criminal profiling*, "Wojskowy Przegląd Prawniczy" 2015, No 1.

8 U. Cur, *Psychological profiling...*, p. 33.

phase, draws attention to the offender's behaviour after the act. Usually there are fantasies in his mind mapping out what happened, which may prompt him to return to the scene of the crime to once again experience the emotions he experienced during the murder. R.M. Holmes has created a table containing the characteristics of the two types of perpetrators mentioned above. Disorganised perpetrators are most often socially maladjusted individuals, live alone, were psychologically abused as children, interrupted their education, had no father or a dysfunctional father, do not care about personal hygiene and order, live close to the crime scene, have a nocturnal lifestyle, leave the corpse at the crime scene and it is usually whole, attack suddenly, reduce the victim to an object, leave evidence behind, have no interest in the media or the police. Organised perpetrators usually belong to the socially adjusted, have a partner and father, were physically abused as children, are mobile, have an education, are concerned with hygiene and order, have a daytime lifestyle, if they return to the scene of the crime it is only to observe the progress of the police, move the body of their victims and usually dismember them, trick the victims and talk to them, try not to leave evidence behind, follow the media's coverage of them<sup>9</sup>. In practice, this division will not always apply, as an unorganised perpetrator, through his experience and learning from his mistakes, may change his *modus operandi*.

Homology does not have full support as to its assumptions despite its

great importance for profiling, and this is due to the superficial analysis in this area. Research in this area has mainly focused within cases such as arson, sexual offences, theft or robbery. House was among those involved in analysing the assumption of homology. He investigated the relationship between the varied behaviour of rapists and their varied criminal histories, but his hypothesis was not confirmed, the rapists' behaviour did not show characteristics indicative of a previous criminal record. Other results were obtained in 1998 by Davies, Wittebrood and Jackson. Their study showed that it was possible to infer the rapist's criminal past from the offender's behaviour during the crime. The results of the research only allowed for conjectures to be made, e.g.: an offender using anti-fingerprint devices was probably previously convicted of burglary, whereas if he did not use such measures it was possible that he was doing so for the first time<sup>10</sup>. Research in this area has also been carried out by Mokros and Alison, but they did not find a link between criminal behaviour and other areas such as previous criminal record, making them believe that the assumption of homology cannot form the basis of profiling as it is too simplistic.

Research on the accuracy of the homology assumption was also conducted on the basis of the crime of arson. Using a multidimensional scaling method, Center and Fritzson distinguished between four types of arson: instrumental-object, in which the target is hidden and the activity is directed at

<sup>9</sup> L. Wroński, *Serial and multiple...*, pp. 42–46.

<sup>10</sup> K. Olszak-Häussler, *Homology as a basis...*, pp. 3–4.

destruction; instrumental-personal, in which the target is also hidden and the activity is indirectly directed at the person; expressive-object, where the activity is directed at destroying the object; expressive-personal, in which the activity is directed at the person<sup>11</sup>. From the results obtained, only the positive correlations between instrumental-object arson and young offenders, as well as expressive-object arson and multiple arsonists found confirmation for the homology assumption.

As can be seen from the cases described above, homology, despite being considered a basic assumption of profiling, is not thoroughly analysed, and this is due to the small number of studies that have been carried out focusing their interest in this area<sup>12</sup>. Comparing the results of studies that have already been conducted is often difficult or impossible due to existing differences such as sample size, source material or type of crime.

## Geographical profiling

An important term for offender profiling is geographic profiling, which includes methods to identify the likely place of residence of an offender. One of its developers is K. Rossmo. This method mainly draws information from statistical analyses, which include correlations between the offenders' behaviour and spatial behaviour such as the distance the offender travelled from his place of residence to the place where the crime was committed. Geographical

profiling makes it possible to prioritise particular law enforcement tasks in the absence of conclusive evidence pointing to an offender, to select a course of action and to exploit knowledge of the patterns of behaviour identified among particular types of offenders. There are two types of geographical profiling methods<sup>13</sup>. The first method, called centographic, involves identifying a single point considered to be the most important in the case, moving away from this location reduces the likelihood of finding the perpetrator; other methods are based on the use of specialised software that calculates the likelihood of the perpetrator inhabiting the area in question at each point on the map.

S. Mordwa defines geographic profiling as a tool that aims to help delineate important areas of search for the perpetrator, thereby reducing the group of individuals requiring attention. It has its uses in both serial and single offences. The location through which the perpetrator's movement area can be analysed can be obtained by activities such as the use of a credit card or mobile phone by the perpetrator and by using footage from a surveillance camera. K. Rossmo counts rational choice theory, routine activity theory, criminal pattern theory and concepts related to the spatial resistance function among the most important theoretical foundations of geographic profiling. The rational choice theory of R. V. Clark and M. Felson indicates that most offenders, despite the stress and time constraint,

<sup>11</sup> Ibidem, pp. 5–6.

<sup>12</sup> Ibidem, p. 10.

<sup>13</sup> M. Górski, *Basics of geographical profiling*, „Problemy współczesnej kryminalistyki” 2015, vol. XIX, pp. 35–38.

act rationally and make informed decisions; they are able to estimate the potential threat, risk as well as gain. In the routine action theory of L. E. Cohen and M. Felson, the authors focus on the rationale behind the offender's choice of place and time, and crime in their view follows the occurrence of three circumstances, which include a motivated offender, finding the right target most often encountered in the daily path of life, and the right place where the offender gains an advantage over the victim. Another theory of criminal patterns belongs to P. L. and P. J. Brantingham, who combined the two theories mentioned above with geographical space, pointed out the interactions that occur between offenders and their environment, both physical and social.<sup>14</sup> In their theory, the Brantinghams used the term mental map, which describes an offender's daily life path consisting of paths referred to as connecting routes and the nodes to which these paths lead, i.e. the places where the offender stays to satisfy his basic needs.

Concepts related to the resistance function of space require further discussion. One of these concepts is the principle of least effort based on the model of gravity, according to which it is assumed that the criminal, guided by putting the least effort into the crime, decreases his frequency of action as he moves away from his residence, obviously maintaining the so-called buffer zone, which is in the immediate

vicinity of his residence. Based on D. Canter's and P. Larkin's theory of circles, four types of criminals are distinguished: the hunter and the angler, who in most cases commit their crime close to their residence, and the poacher and the hunter, for whom distance offers no resistance to achieving their goal. The hunter kills on purpose, the angler when the opportunity happens to him, the poacher usually operates in an area that is foreign to him, while the hunter brings his victims to places where he can take control. Another classification of offenders was created on the basis of the relationship between the offender's behaviour in the field and his place of residence. In this case, only two types of offenders were distinguished the hunter referred to as stable and the poacher referred to as mobile<sup>15</sup>. The second concept of the path-to-offence assumes that offenders, even mobile offenders, are more likely to commit crimes in close proximity to their homes.

## Practical use of profiling

Criminal profiling is constantly evolving and gaining increasing notoriety<sup>16</sup>. It plays an important role in the fight against crime by helping to identify and capture the perpetrators of criminal acts, by allowing more and more knowledge about the motives and modus operandi of the perpetrators, by helping the profiler to gain experience, which has a

<sup>14</sup> S. Mordwa, *Geographical profiling, or the use of spatial analysis for the detection of offenders*, Łódź 2019, pp. 53-55.

<sup>15</sup> Ibidem, pp. 56-59.

<sup>16</sup> A. Drózdź, *Rola profilowania kryminalnego w zapobieganiu i zwalczaniu przestępczości*, [in:] *Wybrane zagadnienia z zakresu kryminologii i psychologii kryminalistycznej*, I. Mołdoch-Mendoń, K. Maciąg (eds.), Lublin 2020, pp. 221-222.

positive impact on his/her further work and work on further criminal profiles.

Most often, an offender profile is created in cases such as murder, rape, sexual assaults of various types, violent crimes e.g.: robbery, terror, abduction. Most cases involve serial or multiple killers. This makes it easier to find the perpetrators' modus operandi and characteristic behaviour. The cases that mainly come to the profiler are considered unusual or strange, which have not been solved by standard investigative methods.

The phenomenon of serial killing in the literature finds many definitions. Homicide aims to take the victim's life in a conscious and deliberate manner, while the adjective serial indicates something repetitive. This means that serial homicide is a repeated phenomenon aimed at taking the life of the victim in a conscious, deliberate and intentional manner by the perpetrator. When talking about a recurring phenomenon, it is important to emphasise that there are a minimum of two events. One definition that deserves mention belongs to M. Lorenz Dietz, a member of the Department of Sociology and Anthropology at the University of Windor. In his view, a serial killer is not an exceptional person and he did not create his bad behaviour<sup>17</sup>. In his statement, the professor stressed that they should not be made into stars, because a large number of serial killers commit a crime in order to gain fame and become a historical figure, which should not be facilitated by them.

Characteristics of serial killers include the occurrence of gaps between crimes, which can range from a few hours even to several years. Another feature is the continuity of the murders, which cease as a result of the perpetrator's capture or death. In most of the cases described in the literature, a male is cited as the serial killer. However, it is important to note that there are also cases in which it is a woman who has committed repeated crimes. An example is the person of J. Weber. The woman killed defenceless children. The investigation that followed the death of her son and several other children for whom she had custody ended with the woman being acquitted. It was not until the later killings that it was possible to prove. Ms Weber was declared insane by an expert. The woman committed suicide in an inpatient facility. Another example is P. Janeso, who killed five women. She was caught thanks to the testimony of one of the women she tried to strangle. Some of the victims' clothes were found in her flat and their corpses were found in a well nearby. Ms Janeso lured the girls into the flat, where she strangled them with wire, undressed them, performed acts to satisfy her sex drive and threw the corpses into the well, and kept the victims' belongings. She was assisted in this by her mother. Both women were arrested and sentenced to death, the mother's sentence, however, was commuted to life imprisonment. The legal regulation of murder in Poland is found in the Code of Criminal Procedure in Article 148 according to which "[t]he

<sup>17</sup> B. Grube, *The phenomenon of serial murder – the defendant's attitude before the court and the importance of law enforcement efficiency in the detection process*, "Problems of Contemporary Forensic Science" 2011, vol. XV, p. 98.

person who kills a human being shall be liable to imprisonment for a term of not less than 8 years, to 25 years' imprisonment or to life imprisonment”.

Thanks to scientific developments, a new phenomenon has emerged called mass murder, which involves a single act of violence that takes the lives of many people at the same time, with a minimum of three victims. The perpetrators of this type of crime are usually people who are convinced that they will never be accepted in the society to which they wish to belong. They express their attacks as a form of protest in order to draw attention to themselves. Mass murder differs from serial killing firstly because of the timing of the crime, in the case of the former it is just a moment, a one-off action, while in the case of the latter there is repetition and an interval. A mass attack is unique and unpredictable, during which the perpetrator is most often killed and public and media attention is focused on portraying the pain and suffering of the victims' families<sup>18</sup>. In the case of serial killers, there are usually many publications, films or interviews.

The aforementioned serial killer nicknamed 'Jack the Ripper' in 1888 murdered five women in the space of a few months. Four of them were over the age of forty, one was twenty-five, all engaged in fornication. In the profile he created, Mr Bond indicated a sexual disorder, diagnosing the perpetrator with a resentment towards women caused by mistreatment in the past by one of them. He chose prostitutes as his victims because he followed the

theory that women are emotionally cold and take advantage of men exactly like them. His nickname 'The Ripper' finds its justification in the extremely brutal way he treated his victims. This is because he took out the female genitalia and deposited them in visible places. Unfortunately, the perpetrator was not caught and his actions fell silent after T. Bonda constructed a profile. At the time, profiling was not sufficiently developed to be able to draw more conclusions. If the case could be revisited nowadays several new assumptions would be made, e.g. the probability that it was a doctor or a person familiar with anatomy. Developments in forensic medicine would have allowed a more detailed analysis of the injuries. The perpetrator had a strong need to have control over the victim, inflicting pain was a turn-on for him and was a substitute for sexual intercourse which shows his sexual deviancy.

The case of the 'Boston Strangler' and, appearing under several names, the 'Mad Bomber' are also worth discussing in more detail. The first perpetrator raped and killed thirteen women between 1962 and 1964, at which time only the motive for the crimes was established. The women lived alone, were of different ages and did not resemble each other. A special committee was set up to find the perpetrator with J. Brussel as advisor. There were many disagreements within the team and the experts' opinions were divided. According to J. Brussel, all the murders were carried out by one person who comes from the area where the crimes were committed,

<sup>18</sup> Ibidem, pp. 102–104.



knows the area very well, is married and is over thirty years old, chooses his victims at random and observes them moments before committing the crime<sup>19</sup>. The perpetrator has been caught, but not all the alleged acts have been proven.

One of the crimes to be categorised as specific concerns the desecration of a corpse. The Poznan necrophile and murderer, Edmund K. committed his first crime in 1982 and it was the theft of a corpse from a cemetery chapel. Necrophilia is a sexual disorder in which the body of a dead person is a substitute object to satisfy sexual preferences. The aforementioned Edmund K. killed three women, in each case cutting out the genitals of his victims to satisfy his sexual desire. Other crimes he committed involved insulting human corpses. The first such act took place in 1980 in Nowa Sol, where he entered a cemetery chapel and cut out a dead woman's genitals. In the case of two more victims, he dug up their graves and cut out their genital organs and breasts, taking them with him. He took the body of the last victim out of the grave and placed it in the bushes near the grave. However, in this case he cut out a flap of skin from the shoulders to the genitals from the dead woman. Edmund K. was sentenced to death. His *modus operandi* was to take the women's genitals after cutting them out. According to experts, he was not one of the mentally ill, had an elementary education, worked as a locksmith, had two children and was divorced. He had a previous conviction for robbery with a knife for which he had served a nine-year prison sentence.

The file describing the case of Edmund K. does not contain an opinion that can be considered as a profile of the perpetrator. In retrospect, with the case file at hand, creating a profile is relatively straightforward. By taking the body parts of the victims, Edmund K. clearly belongs to a disturbed person with an unsatisfied sexual urge, which he cannot experience with a living person. The perpetrator's area of operation was unrestricted, although in most cases of this type of crime these are areas within a short distance of the place of residence, more clearly areas known to the perpetrator, allowing him to move freely within it. Due to the manner in which the corpse was mutilated or the efficiency in cutting up the organs, conclusions can be drawn about the perpetrator, e.g. he/she may have been an employee of a slaughterhouse. The act of digging up graves is also not irrelevant to the case. It may lower the fear of the perpetrator or it may be indicative of his physical fitness to dig up the grave and remove the corpse from the coffin. One of the more important aspects in the case is to establish the reason for taking parts of the victims' bodies, generally defined as the satisfaction of sexual desire. In a more detailed analysis, it can be assumed that the perpetrator took the body parts to places where he felt free to store them in any way he wished.

## Summary

Based on the analysis of individual cases of profiling perpetrators, it can be concluded that the process of forensic

<sup>19</sup> Ibidem, pp. 21–23.

profiling contributes to solving cases especially those involving serial killers. They leave distinctive marks, known as *modus operandi*, at each crime scene, which make it possible to profile them and narrow down the suspects. Profiling is based on conjecture and analysis of the evidence and information at hand, often providing the only way to solve a case. Thus, profiling increases the detection rate of offenders. Offender profiling may on the surface appear to be an easy process. However, it requires a great deal of knowledge on the part of the profiler and the ability to spot things that no one would normally pay attention to. Adequate collection and analysis of evidence is key to constructing a profile correctly. The profiler must be able to put themselves in the offender's shoes, try to get inside their head and learn about the mechanisms that drive them without judging them. Profiling is a difficult process, but in many cases it is successful. In order to successfully profile an unknown offender, a number of basic factors need to be analysed in detail. It is necessary to determine the place and time of the incident, pay attention to the surroundings, the prevailing conditions and the possibilities offered by the environment. The victim may have been a bystander, or may have been related to the perpetrator. Identifying the relationship that existed between the two may be crucial in solving the case. Most important, however, is the accurate interpretation of the evidence and information gathered.

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# THE MIGRATION CRISIS AS A THREAT IN THE THIRD DECADE OF THE 21<sup>ST</sup> CENTURY IN POLAND

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## Abstract

The increasing influx of migration, has triggered discussions on state security. The increasing number of migration processes is currently a significant challenge for the government, and optimising migration policies and stemming irregular migrant flows have become priorities for European countries. Nowadays, international migrations are an important part of the shaping of the world order, as well as an important factor influencing countries' policies – both domestic and foreign. They are recognised as the foundation that will shape the new social reality in the world.

## Key words

Eurostat, migration routes, disinformation activities, migration discourse

## Introduction

Although the number of migrants and refugees arriving in Europe was already on the rise, the beginning of the migration crisis in Europe is considered to be 2015, when, according to Eurostat, European Union member states received more than 1.2 million asylum applications, a number more than double that of the previous year. As many as  $\frac{2}{3}$  of the asylum applications in the entire European Union were received by only four countries – Germany, Hungary, Sweden and Austria. From January to June 2017, 71.9 per cent of all refugees arriving in Europe across the Mediterranean were men, 11.2 per cent were women and 16.9 per cent were children. The ongoing crisis in Europe since the beginning of the 21st century caused by the mass arrival of migrants and refugees is the largest phenomenon of its kind since the Second World War.

In 1990, in Dublin, the member states of the European Communities signed a convention designating the state responsible for processing asylum applications lodged in one of the member states. This convention stipulated that a refugee's application for political asylum would be processed by the European Union country to which the refugee first arrived<sup>1</sup>. In practice, this meant that refugees arriving in Europe via the Mediterranean should remain in Italy or Greece and seek asylum there.

In 2015, Alexis Tsipras, then Prime Minister of Greece, appealed to the rest of the European Union to show

solidarity in accepting refugees. The office of the UN commissioner for refugees issued a statement that said. Greece is facing a humanitarian crisis due to the huge influx of refugees.

In response, the then German Chancellor Angela Merkel declared that “those who need help must be granted asylum in Europe”. Thousands of refugees set off along the Balkan route via Hungary, heading for Austria and Germany. In contrast, refugees from Italy made their way to France and then to the UK<sup>2</sup>. As a consequence of these events, the European Commission issued two decisions to relocate 160,000 refugees from Italy, Greece and Hungary to the rest of the European Union.

In July 2015, the Hungarian government decided to build a fence along the entire length of the border with Serbia, through which the Balkan route runs. The end of 2015 sees the start of negotiations between the European Union and Turkey to resolve the migration crisis. On 18 March 2016, an agreement is signed that brings a significant halt to the migration of refugees to Europe via the Eastern Mediterranean and Balkan routes. 2019 sees a decrease in refugee arrivals to Europe.

## Methodological and Methodical Assumptions

In order to understand the impact of the migration crisis on Poland in the third decade of the 21st century, a multifaceted research approach was used, including both

<sup>1</sup> Convention designating the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, done at Dublin on 15 June 1990.OJ. 2005 No. 24, item 194.

<sup>2</sup> *Angela Merkel: those who need help must be given asylum in Europe* <https://www.theguardian.com/world/2020/aug/30/angela-merkel-great-migrant-gamble-paid-off> [access: 20.04.2024].

quantitative and qualitative methods. The key research steps and techniques used in this study are outlined below:

1. Literature review:

- existing studies, reports, academic articles and government publications on migration and its socio-economic and political consequences in Poland and internationally were analysed,
- the main migration theories and models and their application in the Polish context are identified.

2. Case studies:

- a case study method was used to analyse specific situations and events related to migration in Poland, such as the 2021 crisis on the border with Belarus,
- there has been a detailed analysis of the government's response, the actions of the border services and the public reaction to these events.

3. Public policy analysis:

- Poland's current migration policies, their development in recent years and their effectiveness in managing the influx of migrants were examined,
- the Polish approach to migration was compared with the policies of other EU countries to identify best practices and areas for improvement.

The methodology adopted made it possible to assess the migration crisis in Poland, taking into account its multidimensional nature. Quantitative analysis provided hard data on the scale of the phenomenon, while qualitative methods

enabled an understanding of its social and political implications. The combination of these approaches provides a solid basis for policy recommendations and further research in this area.

## Migration crisis

Among the main reasons for the emigration of the world's population, we can include economic, educational, business, security, climate-environmental, tourism, medical and religious reasons<sup>3</sup>. The main directions of migration are Central Europe, to which people from Eastern Europe and Asia migrate, and Western Europe, in turn, is the direction of migration for people from Eastern Europe, Asia and Africa.

The cause of the current migration crisis in Europe was the Arab Spring, which began in 2010. There were numerous protests against the authorities in many Arab countries, it led to civil war in Syria and Libya and to clashes in Libia Lebanon. The civil war in Syria, which has been ongoing since 2011, has led to the deaths of several hundred thousand people. In the aftermath, some 13 million Syrians have been forced to flee their homes, including almost 5 million who have gone abroad<sup>4</sup>. The rise of the radical Islamic State has also been the cause of mass migration from Arab countries, mainly religious minorities such as Christians and Yazidis, whose followers migrate for fear of persecution.

The situation is similar for the people of Eritrea, who are fleeing for fear of

3 See: A. Tavares, W. Kolano, *The phenomenon of migration in the context of threats to the internal security of Portugal and Poland*, "Security Forum" 2022, No. 2

4 *Syrian refugees: the crisis in numbers* <https://www.amnesty.org/en/latest/news/2015/09/syrias-refugee-crisis-in-numbers/> [access: 12.04.2024].

ongoing human rights violations and an indefinite military service obligation. Around 5 000 people flee Eritrea every month.

The causes of the migration crisis also include the unstable political and economic situation in many countries in Africa, the Middle East and Europe.<sup>5</sup> Among the migrants, we can find not only Syrians or Eritreans, but also Belarusians, Albanians, Serbs, Pakistanis, people from Kosovo, Iraq, Afghanistan or the Philippines.

Among the main routes of refugees and migrants we can include:

- West African route – from Morocco to the Canary Islands,
- Western Mediterranean route – from Morocco to Spain (mainly via the Mediterranean),
- Central Mediterranean route – from Algeria, Tunisia or Libya to Italy (via the Mediterranean),
- Eastern Mediterranean route:
  - by sea across the Mediterranean from Turkey to Greece, Italy or Cyprus,
  - by land from Turkey to Greece or Bulgaria,
- Balkan route – from Serbia to Hungary or from Serbia to Croatia, then Slovenia,
- Eastern European route – from Ukraine to Poland,
- Arctic route – from Russia to Finland or Norway.<sup>6</sup>

Foreign nationals from Africa and the Middle East and other non-European countries are in most cases required to bring with them a visa for legal entry

into the European Union. Obtaining a visa involves a number of formalities, and efforts to obtain a visa are not always successful. The mere possession of a visa does not guarantee entry into a country. In addition, the border guards make the final decision on entry. For this reason, many people choose to cross borders illegally.

Most of the routes pass through the Mediterranean Sea and the number of deaths among refugees entering Europe is high. This is largely due to the poor state of repair or the sinking of boats in order to extort assistance from coastguards and navies. Despite the numerous measures taken, according to the International Organisation for Migration, the mortality rate among refugees trying to cross the Mediterranean continues to increase.

The emergence of migration routes is influenced by many social, economic and political factors. For migrants from Africa or Asia, the dream is to get to Europe, given that many countries are signatories to the Geneva Convention, and this document obliges them to provide shelter to people who, fleeing war or persecution, seek refugee status.

## Migration crisis on Belarus' border with the EU

Alyaksandr Lukashenka has served as president of Belarus since 1994. The Belarusian regime was accused of massive electoral fraud during the 2020 presidential election by the

5 B. Pasamonik, U. Markowska-Manista, *Kryzys migracyjny Perspektywa społeczno-kulturowa*, Warszawa 2017.

6 K. Borońska-Hryniewiecka, *Niekontrolowane migracje do Unii Europejskiej – implikacje dla Polski*, P. Sasnal (ed.), Warszawa 2015.

international community and the Belarusian opposition. Despite the election victory, the United States, the European Union, the United Kingdom and their allies, did not recognise Lukashenko as president. The announced election results also sparked mass protests in Belarus. After the presidential election, opposition leader Svitlana Tikhanouska fled to Lithuania.

In 2021, Alyaksandr Lukashenka threatened not to stop drug traffickers, human traffickers and armed migrants arriving in the European Union. The crisis began when the Belarusian authorities set up channels to smuggle migrants out of the country across the EU border into Lithuania, Poland and Latvia. President Alyaksandr Lukashenka has admitted that supporting the illegal cross-border smuggling of migrants is a response to EU sanctions against Belarus. As a result of the crisis, the Polish and Latvian governments have decided to impose states of emergency in the border areas with Belarus, while the Lithuanian government has imposed a state of emergency throughout the country.

Some sources link this to the Zapad 2021 manoeuvres, in which such illegal migration and related information warfare are asymmetric, unconventional, below the threshold of war, designed to test the reconnaissance, timing and response of Poland and Lithuania.

## Migration policy and new threats

Having already outlined the situation related to the migration crisis, we can move on to analyse the potential threats to our country from the migration policy pursued both in the European Union and in Poland.

The intensive influx of migrants into the European Union and Poland can in many cases increase existing threats and be a source of new ones. One status of them is the potential increase in terrorism<sup>7</sup>. The spectacular terrorist attacks carried out by the Islamic State in cities such as Paris, Nice, Brussels, Manchester, London, Barcelona and Berlin have made the migration crisis widely associated mainly with the risk of further attacks.

However, the statistics clearly show that the highest number of victims of terrorist attacks in Europe were recorded in the 1970s and 1980s. So why such a high ranking?

A key element is the 'accessibility' of terrorist attacks through modern means of communication, such as social media. Nowadays, any person with a phone and an active internet connection can become a kind of journalist covering an event. As a result, any terrorist attack gains great importance from this point of view<sup>8</sup>. The almost universal dependence on social media, however, gives space for analyses devoid of rationality, the impact of which seems to be stronger than the opinions of experts.

7 See: R. Socha, *Security and threats- mutual relations*, [in:] *Selected aspects of security research* B. Kaczmarczyk, A. Wawrzusiszyn (eds.), Elk 2014; B. Wiśniewski, *Description of Security Systems – a Few Reflections*, "Internal Security" 2019, No 1, pp. 9-20; B. Wisniewski, *National Security Governance System- a Few Remarks and Reservations*, "Security Forum" 2022, No 1, pp. 51-60.

8 M. Chruściel, T. Gajewski, T. Górka-Winter, *Poland in the European migration crisis*, Warszawa 2019.

The migration crisis has created a favourable environment for disinformation activities. The strong emotions and tensions surrounding the migration issue, as well as the availability of social media, have created a wide area susceptible to manipulation. Both supporters and opponents of the 'migration discourse' are vulnerable to manipulation. In addition, third parties with a vested interest in exacerbating the crisis are also manipulating the situation.

Dependence on technology and a progressive lack of trust, declining levels of social capital and pervasive risks all make the migration crisis a tool for powerful and targeted disinformation. Its potential is difficult to assess.

A real threat related to the migration crisis and its consequences is also an increase in the level of crime<sup>9</sup>. Although it may be difficult to analyse the structure of this problem in individual EU member states, it can be assumed that the migration crisis has influenced and will continue to influence certain modifications in the functioning of criminal environments in Europe and Poland.

## The situation in Poland from the perspective of the coming years

Based on various estimates, based on current data and trends, it is indicated that up to more than 5 million people may arrive in Poland by 2060. Polish society is still perceived, often stereotypically, as hostile to foreigners, and Polish

legal regulations, despite some updates, are still a significant barrier to accessing the labour market and education. Despite these difficulties, Poland needs to be ready for an increasing number of immigrants, both from neighbouring countries and from other regions of the world. Continued pressure from the European Union to relocate migrants from the Middle East and North Africa region is also likely<sup>10</sup>. Even the largest countries, such as Germany, are beginning to find it difficult to handle illegal immigration, with increasing obligations to the welfare system.

An influx of migrants from sub-Saharan Africa can be expected in the coming years. Although they may not be interested in settling in Poland, there is a possibility that pressure from other EU countries will force Poland to accept some of them. Unfortunately, there is no guarantee that these migrants will be able to actively integrate into the Polish labour market, as they will mostly be young people without professional qualifications and knowledge of the Polish language. It is also likely that they will be burdened with cultural patterns, which will make their integration difficult or impossible.

It can be assumed that the pressure from the EU institutions and the EU Member States most affected by increased migration after 2015 for Poland to become more actively involved in solving this problematic phenomenon will increase.

<sup>9</sup> More: B. Mróz, *The impact of migration threats on the internal security of the state*, *Journal of Modern Science*, Józefów 2017.

<sup>10</sup> See: A. Tavares, W. Kolano, *The phenomenon of migration in the context of threats to the internal security of Portugal and Poland*, "Security Forum" 2022, No 2; A. Tavares, W. Kolano, *The role of Poland in ensuring European Security*, "Security Forum" 2022, No 1.



The main threats to internal security have two sources. On the one hand, they stem from criminal activities undertaken by the foreigner himself and, on the other hand, they are related to the activities of organised criminal groups that have turned illegal migration into a profitable source of income<sup>11</sup>.

Other threats to the host country of migrants are also related to the cultural sphere and refer to the destabilisation of social structures. These problems affect both legal and irregular migrants.

Environments that deliberately separate themselves from the local population, unwilling to assimilate and learning the language, create their own cultural, social, political organisations, without being willing to accept the legal system and cultural differences of the host country. Immigrant communities can provide a base for various extremist movements. Growing feelings of frustration and disillusionment with the economic and legal situation, integration problems and the marginalisation or even social exclusion of immigrants have the potential to generate violent reactions. These reactions, in turn, can easily spill over from country to country. On the other hand, the increasing confirmation of the spread of extremist ideologies among indigenous, especially young, individuals is particularly dangerous. These, in search of higher values, life goals and ideals, sometimes feel their absence in Western civilisation and find them in Muslim communities.

The reception of significant numbers of migrants requires the provision of a

minimum of social support. However, not all experts agree with seeing this aspect of migration as a burden. Some see migrants as an opportunity for economic recovery and for solving demographic problems.

The most important issues relate not only to internal security, but also to migrants' access to the labour market, education, health care, etc., influencing the transformation of the social structure of the receiving countries, also triggering institutional and systemic changes. In the European Union, therefore, the cooperation of all Member States is required to manage migration effectively. In Poland, the proposed and adopted solutions must not deviate from past experience, public sentiment and available opportunities.

## Summary

Movement is a common phenomenon and an expression of human activity. Its complexity leads to both positive and negative consequences, especially in the context of security. Migration, i.e. both the permanent and temporary leaving of a permanent place of residence by individuals or groups of people to move to another place, entails a number of events that can certainly be considered security threats. The aim of this article is to analyse the impact of migration on state security. Indeed, Poland's migration policy to date has lacked coherence and has instead been based on ad hoc responses to a variety of challenges that have not formed a strategically sound

11 A. Tavares, W. Kolano, *The impact of political and structural changes with migratory flows on the resilience of the Schengen system – challenges for European integration*, "Security Forum" 2023, No 2.

whole. Therefore, it is necessary to develop the substantive foundations of an optimal migration strategy to meet current needs and minimise the risk of the above-discussed threats emanating from the global migration crisis.

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# UNVEILING THE SURGE OF TERRORISM: ANALYSING EAST AFRICA'S BATTLE AGAINST EXTREMISM, SPOTLIGHT ON MOZAMBIQUE

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## Abstract

The goal of this article is to show the growing threat of terrorism in the so-called East African corridor. Leaky borders in Africa allow terrorist groups to spread beyond the borders of the country in which they are established. An example of this is the province of Cabo Delgado in Mozambique, where Ansar al-Sunna, also known as 'Al-Shabaab of Cabo Delgado', has begun to control it. The weakness of the state and their institutions makes the fight against extremists difficult, posing a serious threat to international and regional security.

## Key words

Ansar al-Sunna, Cabo Delgado, Al Shabab, terrorism, Mozambique

## Introduction

The rise of transnational extremist organisations and their proliferation in Africa has contributed to the growing insecurity on the continent for more than two decades. Organisations such as Al-Shabaab are spreading from Somalia to Kenya or Boko Haram, which is not only active in northern Nigeria but also around Lake Chad<sup>1</sup>. The presence of non-state armed groups (NSAGs) across Africa demonstrates the fluid nature of contemporary conflicts and shows that these groups represent one of the most important challenges to peace and security on the continent.

Problems with leaky borders, rapid urbanisation, an overabundance of young people, scarcity of resources or high migration have allowed for the regionalisation of conflict regimes and may continue to do so in the future<sup>2</sup>. The proliferation of terrorist organisations across national borders, create flashpoints or collaborations between local and international extremist organisations. These developments make it necessary for African governments to create a common set of security challenges. The creation of the Multi-National Joint Task Force (MNJTF) or the G5 Sahel Joint Force can be seen

as such solutions<sup>3</sup>. A marked spread of Islamic extremist activity can be observed along the so-called “East Africa Corridor” – an area stretching from Somalia to Kenya, Uganda, Tanzania, Mozambique and South Africa<sup>4</sup>. One group that has carried out numerous terrorist attacks in Kenya, Uganda and Tanzania is Al-Shabaab. Since 2005, this group has waged an insurgency against the Federal Government of Somalia and the force of the African Union Mission in Somalia (AMISOM). Largely by linking up with local terrorist groups, Al-Shabaab has expanded its reach beyond Somalia’s borders<sup>5</sup>.

Countries such as Mozambique and South Africa, which until now have been considered areas isolated from the threat of terrorism, have recently seen a significant increase in extremist activity. In Mozambique, Islamist extremism is emerging in the northern provinces of Cado Delgado, Niassa and Nampula. In South Africa, on the other hand, there are acts of aggression not only by Islamists, but also by far-right groups<sup>6</sup>. The ineffectiveness of conventional counter-terrorism approaches, often combined with draconian security tactics that violate civil liberties and exacerbate grievances, has resulted in a shift. This shift includes strategies, policies

1 S. Mets, *How to handle the threat of an expanding Islamic State in Africa*, “World Politics Review” <https://www.world-politicsreview.com/how-to-manage-the-threat-of-an-expanding-islamic-state-in-africa/> [access: 14.06.2019].

2 *Preventing and Responding to Violent Extremism in Africa: A Development Approach*. United Nations Development Programme, 2016.

3 S. Nkomo, S. Buchanan-Clarke, *Violent extremism in Africa Popular assessments from the ‘Eastern Corridor’*, “Afrobarometer Policy Paper” 2020, No. 65.

4 *Global Terrorism Index 2019: Measuring the Impact of Terrorism*, Sydney 2019 <http://visionofhumanity.org/reports> [access: 12.03.2024].

5 *Assessing Al-Shabaab’s Threat to the Region as Somalia Joins the East* <https://acleddata.com/2023/12/08/special-report-kenya-somalia-assessing-al-shabaabs-threat-to-the-region-as-somalia-joins-the-east-africa-community/> [access: 12.03.2024].

6 See: P. Fabricius, *Is Islamic State taking charge of Mozambique’s jihadist insurgency?* “Institute for Security Studies” 2020.

and initiatives aimed at disrupting 'pathways to radicalisation' as well as confronting the underlying socio-economic factors fuelling violent extremism.

## Methodological and Methodical Assumptions

This study employs a multifaceted approach to analyse the surge of terrorism in East Africa, focusing on Cabo Delgado in Mozambique. By integrating political, social, economic, and cultural perspectives, the research aims to provide a comprehensive understanding of terrorism's root causes and implications.

Cabo Delgado is examined as a case study to understand the specific factors enabling Ansar al-Sunna, also known as 'Al-Shabaab of Cabo Delgado', to gain control. The study looks at historical grievances, socio-economic conditions, and the fragility of state institutions. It also uses a comparative framework to identify common patterns and unique elements across similar regions in East Africa. A mixed-methods approach combines qualitative data from interviews and policy analyses with quantitative data on terrorist incidents and economic indicators. Reliable sources, including academic journals, reports, media articles, and firsthand accounts, are used to ensure credibility.

Through this methodology, the study aims to unravel how Ansar al-Sunna gained control in Cabo Delgado, considering socio-economic conditions, historical grievances, and weak state institutions, while also addressing the impact

of porous borders. This comprehensive analysis aims to inform policies and strategies to enhance regional security and stability amidst rising extremist threats.

## Ideological Roots: Unpacking Extremist Narratives in East Africa

As some scholars have argued, Islamism has become a totalitarian ideology that attempts to influence the formation of the Islamic religious tradition for the purpose of political domination. This process is undoubtedly influenced by many external and internal factors. Among others, the activities of religious foundations in Saudi Arabia and other Gulf countries spreading extremist interpretations of Islam in mosques, madrassas or Muslim youth centres in East Africa. These activities contributed to widespread polarisation between societies and further fuelled inter-religious violence. In addition, further polarisation was encouraged by governments that carried out repressive actions that victimised entire Muslim communities<sup>7</sup>.

In Somalia, Al-Shabaab, the main Islamist extremist group, was born in 2005 during the country's decline after two decades of conflict. It has since become a powerful insurgent force, continuing to fight Somali government forces and AMISOM, which has 22,000 troops. After more than a decade, Al-Shabaab still maintains an effective strategy of asymmetric warfare and the number of terrorist attacks continues to have tragic consequences, claiming the

<sup>7</sup> More: H. Solomon, *Accounting for the rise and trajectory of Islamist extremism in Africa*, [in:] *Extremisms in Africa*, A. Tschudin, S. Buchanan-Clarke, L. Coutts, S. T. Russell, M. Tyala (eds.), Johannesburg 2018.

lives of thousands of citizens and members of the armed forces<sup>8</sup>.

The terrorist group Al-Shabaab is expanding its activities to other East African countries. Initially the aim was to recruit new fighters or raise funds. However, Al-Shabaab has been carrying out attacks in retaliation for the deployment of Kenya Defence Forces (KDF) and AMISOM in Somalia since 2010. Al-Shabaab seeks to portray itself as defenders of the Muslim community (umma) against regional authorities referred to as unbelievers (kuffar)<sup>3</sup>.

In Uganda, there has been a noticeable phenomenon of local recruitment by Al-Shabaab, highlighted by the involvement of several Ugandan nationals in the 2010 Kampala bombings. Similarly, the Allied Democratic Forces (ADF) have recruited Ugandans in the neighbouring Democratic Republic of Congo (DRC). These Ugandans increasingly adopt radical jihadist rhetoric and publicly declare an alliance with the Islamic State as well as other international organisations of a similar nature<sup>9</sup>.

Another example of rising extremism in East Africa is the terrorist attacks perpetrated by the Ansar Muslim Youth Centre (Ansar Sunni) and other local organisations in Tanzania. In 2011, attacks were carried out against ruling party officials, local officials

or police. The following years also saw attacks on churches, entertainment centres, priests and tourists<sup>10</sup>. In 2015, more enhanced attacks began to be carried out against local security forces in the coastal regions of Tanga, Mtwara and Pwani<sup>11</sup>.

Al-Shabaab uses its links with groups in Tanzania as a safe haven, offering refuge to Kenyans fleeing local repression and as a source of potential recruitment from among disaffected youth. This is mainly concentrated in the Pwani area, where anti-state sentiment is particularly pronounced. Currently, Tanzanians make up the second largest group of foreigners in the ranks of Al-Shabaab, just behind Kenyans<sup>12</sup>.

Between 2013 and 2015, Kenyan fighters fled to Tanzania, evading repression by Kenyan security forces. Similarly, Tanzanian fighters withdrew to remote areas such as the Rufiji region and cross the southern border into northern Mozambique since 2016. This move has contributed to a growing Islamist rebellion and escalating the violence in Mozambique's northern provinces<sup>13</sup>.

In October 2017, thirty militants attacked three police stations in Mocimboa da Praia, Cabo Delgado. Since then, the group known as Ansar al-Sunnah, or Ahlu Sunnah Wal-Jamâa (ASWJ), has been carrying out violent

8 Conflict With Al-Shabaab in Somalia. Centre for Preventive Action <https://www.cfr.org/global-conflict-tracker/conflict/al-shabab-somalia> [access:14.02.2024].

9 See: M. Bryden, *The reinvention of Al-Shabaab: A strategy of choice or necessity?*, "Center for Strategic & International Studies" 2014.

10 A. LeSage, *The rising terrorism threat in Tanzania: Domestic islamist militancy and regional threats*, Warszawa 2014.

11 U.S. State Department. Country reports on terrorism 2017 – Tanzania <https://www.state.gov/reports/country-reports-on-terrorism-2017/> [access:14.02.2024].

12 See: M. Harper, *Everything you told me is true: The many faces of Al-Shabaab*, London 2019.

13 *Al-Shabaab five years after Westgate: Still a menace in East Africa*, "Africa Report" 2018, No. 265.

attacks against the population and security facilities, aiming to overthrow the National Islamic Council and establish the Islamic State. Those arrested with links to terrorist activities include nationals from Mozambique, Tanzania, Somalia, Uganda, South Africa and Gambia. The group's leaders have links to Islamist organisations in Kenya, Somalia and Tanzania as well as to religious leaders from Saudi Arabia, Libya, Sudan and Algeria<sup>14</sup>.

The insurgency has escalated significantly since March 2020. Approximately every week there were dozens of attacks on both government and civilian targets. One incident included the seizure of army barracks and a police station in March 2020. ASWJ militants have released a video of them waving the Islamic State (IS) black flag and calling for the establishment of Sharia law throughout the country<sup>15</sup>.

The emergence of ASWJ in northern Mozambique has raised concerns among South African security analysts. Despite the absence of direct terrorist attacks in South Africa, the country has been used by Islamic extremist groups for logistical purposes. In the past three years, three individuals or groups have been charged with terrorist activities, with South African defendants allegedly having links to IS operatives in East Africa<sup>16</sup>.

## Unveiling Northern Mozambique's Crisis: Extremism and Insecurity

The aforementioned ever-growing insurgency in Northern Mozambique attracted worldwide attention since March 2020. Ansar al-Sunna, sometime referred to as the "Al Shabab of Cabo Delgado", began to control the province of Cabo Delgado, which was a stronghold of the ruling party FRELIMO. Furthermore, in this impoverished region, Muslims predominate. Ansar al-Sunna's dominance was established through a group of young radicals from Cabo Delgado rallying in opposition to local Sufi Islam and the Salafist National Council of Islam in Mozambique. Their actions escalated from the destruction of mosques to the creation of a military organisation based in the Quirimbas National Park. In October 2017, they first attracted attention with an attack on three police stations in Mocímboa da Praia<sup>17</sup>.

In 2018, more attacks became increasingly random and macabre, with the kidnapping of women, the slaughter of villagers and beheadings. Among other things, terrorists perpetrated an attack on personnel working for Anadarko, a US-based oil exploration corporation, resulting in a temporary suspension of construction of a liquefied natural gas plant. In April 2020, Ansar al-Sunna leader Bwana Omar once again announced that his goal was

14 *Islamic State claims Mozambique attacks close to gas projects* <https://www.reuters.com/article/us-mozambique-insurgency/islamic-state-claims-mozambique-attack-close-to-gas-projects-idUSKBN21C0ON/> [access:14.02.2024].

15 *'We are dying': Residents lament attacks in northern Mozambique.* <https://www.aljazeera.com/news/2020/3/24/we-are-dying-residents-lament-attacks-in-northern-mozambique> [access:14.02.2024].

16 *Militant cells lying low in South Africa, minister says* <https://www.reuters.com/article/us-safrica-security-%20idUSKB-N13614C/> [access:14.02.2024].

17 P. Israel, *Making sense of Mozambique's brutal insurgency* <https://mg.co.za/africa/2020-05-04-making-sense-of-mozambiques-brutal-insurgency> [access:17.02.2024].



to establish a Sharia administration in Cabo Delgado<sup>18</sup>.

These attacks contributed to insecurity among the local population and contributed to mass displacement. Mozambique's security forces have responded strongly, repeating tactics used in other African conflict zones such as Somalia, the Lake Chad basin, the Sahel and the Maghreb. However, this approach has created mistrust among local residents, resulting in protests in Palma, Cabo Delgado<sup>19</sup>.

Moreover, these developments raise a number of concerns such as Ansar al-Sunna's links to the Islamic State, the impact of international energy interests, the limitations of Mozambican security forces and the involvement of transnational criminal networks in terrorist financing. These issues require serious regional and international attention.

## Security Threats Loom Over Mozambique's Liquefied Natural Gas Projects

In 2012, US energy company Anadarko discovered a large gas deposit off the coast of Cabo Delgado in the Rovuma Basin. Subsequently, European multi-

national oil and gas company Eni also discovered a huge gas field in the area. International energy giants are working on promising offshore liquefied natural gas (LNG) projects in Cabo Delgado. Eight LNG projects with a total liquefaction capacity of 44 million tonnes are underway in Mozambique. It is assumed that Mozambique could become one of the world's top ten LNG producers by 2025<sup>20</sup>. These projects are expected to significantly boost Mozambique's economy, potentially alleviating poverty.

Thanks to the convenient geographical location of the gas fields, the LNG projects are well placed to meet the needs of the Atlantic and Asia-Pacific markets and to take advantage of the growing energy demand in the Middle East and the Indian subcontinent<sup>21</sup>. Major companies involved in offshore exploration in Cabo Delgado include TotalEnergies, Eni, Exxon Mobil, BP, Shell and CNPC<sup>22</sup>.

However, the escalation of violence since early 2020 has raised concerns about the future of these investments and even put them at high risk<sup>23</sup>. Moreover, violence from Islamist rebels reached Palma in March 2021, causing the deaths of dozens of people during a four-day attack by hundreds

18 C. Casola, A. Iocchi, *The 'faceless evildoers' of Cabo Delgado: An Islamist insurgency in Mozambique?* <https://www.is0pionline.it/en/publicazione/faceless-evildoers-cabo-delgado-islamist-insurgency-mozambique-27154> [access:18.02.2024].

19 G. Pirio, R. Pittelli, Y. Adam, *The many drivers enabling violent extremism in northern Mozambique* <https://africacenter.org/spotlight/the-many-drivers-enabling-violent-extremism-in-northern-mozambique> [access:14.02.2024].

20 G. Goodrich, *Financing LNG in Mozambique* <https://www.africaoilandpower.com/about/what-is-aop> [access:17.02.2024].

21 *Mozambique LNG* <https://www.mzlng.total.com/en/about-mozambique-liquefied-natural-gas-project> [access:17.02.2024].

22 S. Qekeleshe, *Mozambique: The next great LNG player* <https://www.africaoilandpower.com/2020/03/20/mozambique-the-nextgreat-lng-player> [access:19.02.2024].

23 N. Craig, *Jihadist insurgency crisis could spill over into KZN, warn analysts* <https://www.iol.co.za/sunday-tribune/jihadist-insurgency-crisis-could-spill-over-into-kzn-warn-analysts-48747883> [access:14.02.2024].



of militants<sup>24</sup>. In addition, media reported that in May 2024 armed groups attacked Macomia in Cobo Delgado leading to serious escalation in violence. The attack underscores the fragility of the security situation as international oil companies like TotalEnergies and ExxonMobil seek to resume operations. The surge in violence threatens regional stability, with calls for a comprehensive response from regional and international actors<sup>25</sup>.

## Securing Mozambique: Confronting Terrorism's Threat

In March 2023, Ansar al-Sunna has attacked military and police installations for the first time. This behaviour was different from previous acts of terror that focused primarily on civilians. The group also began distributing food to local communities, which contributed to a more open attitude towards the extremist group, especially in the face of growing reluctance towards energy exploitation in the region<sup>26</sup>.

The Mozambican security forces that were supposed to face the extremists consisted mainly of special police forces, but they were proved too weak in the fight against the extremists. Mozambican security forces were

unable to adequately protect the civilian population. In addition, the media reported serious human rights violations in communities in Cabo Delgado by Mozambican armed forces<sup>27</sup>. In order to remove extremists from the region, Mozambique hired the Wagner Group, a private Russian military company. However, the involvement of the Wagner group has only increased the activity of radical forces in the region<sup>28</sup>. Nonetheless, neither the military action nor the use of mercenaries has stopped the violence, and reports of escalating brutality have prompted international condemnation.

The devastating attack on Palma in 2021, in which hundreds of local and foreign contractors were killed, forced the government in Maputo to accept troops from South Africa to strengthen its weak, undisciplined army. The result was the SADC Mission in Mozambique (SAMIM). The arrival of South African troops also coincided with the deployment of Rwandan soldiers to provide security surrounding the TotalEnergies' gas project. Rwandan soldiers also managed to retake Mocímboa da Praia, which they still patrol today. According to statistics, the combined campaign reduced the number of insurgents from around 3,000 to just 300<sup>29</sup>.

24 L. Louw-Vaudran, *What peace in Cabo Delgado means for Mozambique and its neighbours*, <https://issafrica.org/iss-today/whatpeace-in-cabo-delgado-means-for-mozambique-and-its-neighbours> [access:19.02.2024].

25 F. Jaloun, *Mozambique: Insurgency in Cabo Delgado* <https://theowp.org/mozambique-insurgency-in-cabo-delgado/> [access:19.02.2024].

26 J. Hall, *Mozambique's energy sector caught in southern Africa's first terrorist insurgency*. <https://www.inonafrica.com/2020/06/02/mozambiques-energy-sector-caught-in-southern-africas-first-terrorist-insurgency> [access:19.02.2024].

27 L. Schlein, *Anarchy reigns in Mozambique's Cabo Delgado as conflict escalates* <https://www.voanews.com/africa/anarchy-reigns-mozambiques-cabo-delgado-conflict-escalates> [access:14.02.2024].

28 P. Fabricius, *Wagner private military force licks wounds in northern Mozambique* <https://www.dailymaverick.co.za/article/2019-11-29-wagner-private-military-force-licks-wounds-in-northern-mozambique> [access:14.02.2024].

29 M. Elias, P. Bax, *What Future for Military Intervention in Mozambique?* <https://www.crisisgroup.org/africa/east-and-southern-africa/mozambique/what-future-military-intervention-mozambique> [access:18.02.2024].

However, in January 2024, SADC announced plans to withdraw its forces at the end of its current mandate on 15 July. Botswana and Lesotho withdrew in April, while Angola and Namibia are already leaving the region. South Africa, which contributed with two-thirds of the mission's forces, was originally scheduled to bring its soldiers home in the coming weeks. However, in a surprise move, Pretoria on 23 April announced that it would keep its forces in Cabo Delgado until the end of the year, although not as part of a mission to combat the militants. Another 200 personnel will remain until March 2025 to monitor 'illegal maritime activities' along the Mozambican coast. In April, Rwanda also announced plans to increase its deployment of 2,500 troops under a secret agreement with Maputo. Sources providing information to Crisis Group report that Tanzania also intends to maintain between 400 and 500 of its troops in Mozambique, mainly to secure the 860-kilometre border between the two countries<sup>30</sup>.

## Conclusion

A serious threat to the security of governments and nations across the African continent is violent extremism. Over the past 20 years, we have seen national terrorist groups emerging which increasingly begun to cross borders, thereby creating complex, and often difficult to resolve, regional conflict systems. In Mozambique and South Africa, among

others, there has been an increase in terrorist activity as Al-Shabaab has managed to move beyond its Somali roots and become a regional organisation. The impact of terrorism should not only be measured by the number of victims and material damage, but also by the profound effects it can have on society as a whole.

The extremist group Ansar al-Sunna, which operates in the Cabo Delgado province of Mozambique, undoubtedly poses a serious security challenge. Although the group is not officially recognised as a terrorist organisation, it uses similar militant tactics to Boko Haram in Nigeria. Indeed, Ansar al-Sunna operates in underdeveloped and impoverished areas, exacerbating local grievances and perpetuating violence. An opportunity for development in Mozambique is the vast gas deposits in Cabo Delgado province. Unfortunately, the massive displacement of the local population and suspicions of local government corruption have exacerbated social discontent, thus creating fertile ground for militant groups. Furthermore, Mozambique's armed forces are largely incapable of providing effective protection to the community. Despite foreign assistance, including the controversial deployment of groups such as Russia's Wagner Group, militant activity persists. Importantly, the region's vulnerability to organised crime, including smuggling and drug trafficking, exacerbates instability. In summary, Ansar al-Sunna's activities in Cabo

30 L. Ndebele, *SA-led SAMIM leaves Mozambique's Cabo Delgado after some success, but a job not yet completed* <https://www.news24.com/news24/africa/news/sa-led-samim-leaves-mozambiques-cabo-delgado-after-some-success-but-a-job-not-yet-completed-20240514> [access: 14.05.2024].

Delgado, combined with governance challenges and security vulnerabilities, make the region increasingly attractive to extremist activity, posing a serious threat to international and regional security.

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# LEGAL PROTECTION AFFORDED TO THE AGGRIEVED OFFICER OF THE PRISON SERVICE AS AN ENHANCEMENT OF THEIR SENSE OF SECURITY

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## Abstract

This article deals with the issue of one of the security areas – the area known as public security and public order. The article deals with the issues of law, as well as institutions and units responsible for maintaining security and order in the prison. Work in the prison is associated with a high risk of event threaten the health and life of prison staff. The purpose of this article is to analyze the relatively new legal solutions in the field of legal protection for officers in case of victimization by specific offenses related to their service.

## Key words:

security, criminal code, prison staff, legal protection, public officer

## Introduction

One of the primary tasks of the Prison Service is to protect society from perpetrators of criminal or fiscal offenses who are incarcerated in prisons and detention centers, as well as to ensure order and safety within these facilities<sup>1</sup>. In a penitentiary unit, specific rules govern movement, entry into the facility, and establish a daily routine for inmates who must comply with the applicable legal regulations, primarily derived from the executive criminal code or internal regulations set in a given unit.

This aims to ensure the proper execution of imprisonment by fostering in the convict a willingness to cooperate in shaping socially desirable attitudes, especially a sense of responsibility and the need to comply with legal order, thus preventing a return to crime<sup>2</sup>. These rules significantly restrict the inmate's freedom of action, and on the other side is the officer who oversees the inmates, whose tasks include ensuring the safety of the inmate but also enforcing correct behavior and compliance with the applicable regulations.

Daily direct contact between officers and prisoners, and the relationships between penitentiary staff and inmates, can generate security threats to officers, such as physical attacks by convicts, humiliation, or defamation by convicts,

false accusations by convicts, and even repercussions from former convicts<sup>3</sup>.

The legislator, acknowledging the necessity of ensuring safety, especially in the context of false accusations by inmates, has provided that an officer is entitled to reimbursement of legal protection costs if the criminal proceedings against them for an offense committed in connection with the performance of their duties end with a legally binding decision to discontinue the proceedings due to the lack of statutory features of the prohibited act or non-commission of the offense, or with an acquitting verdict<sup>4</sup>. However, seeing a further need to strengthen the legal protection of Prison Service officers, the legislator introduced additional legal regulations. The aim of this article is to explain the legal protection rights available to Prison Service (PS) officers in case of victimization by specific offenses related to their service.

In this article, to clarify the essence of the problem, an interpretation of the changes in the Prison Service Act, introduced in 2020<sup>5</sup>, was conducted, although in practice, the use of the legal protection afforded to PS officers is not directly noticeable.

The legislator's intention was to strengthen the legal protection of officers in connection with their service, but the use of these rights in practice is minimal. Hence, it is justified to clarify

1 Ustawa z dnia 9 kwietnia 2010 r. o Służbie Więziennej (Dz.U. z 2023 r. poz. 1680, art. 2 ust. 2 pkt 5 i 6.

2 Ibidem, art. 67.

3 M. Kuźmicki, *Zagrożenia w placówkach penitencjarnych*, „Przegląd Więziennictwa Polskiego” 2018, No 98, p. 7.

4 Ustawa z dnia 9 kwietnia 2010 r. o Służbie Więziennej..., art. 164.

5 More: Ustawa z dnia 14 sierpnia 2020 r. o szczególnych rozwiązaniach dotyczących wsparcia służb mundurowych nadzorowanych przez ministra właściwego do spraw wewnętrznych, o zmianie ustawy o Służbie Więziennej oraz niektórych innych ustaw (Dz.U. poz. 1610), art. 6 pkt 2-3; Uzasadnienie do druku nr 432. Rządowy projekt ustawy o szczególnych rozwiązaniach dotyczących wsparcia służb mundurowych nadzorowanych przez ministra właściwego do spraw wewnętrznych oraz Służby Więziennej, uzasadnienie na: <https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=432> [dostęp: 2.05.2023]; Ustawa z dnia 9 kwietnia 2010 r. o Służbie Więziennej (Dz.U. z 2022 r. poz. 2470), art. 164, 164 a-b.

these issues, as awareness of the availability of guaranteed legal protection will positively affect the quality of the duties performed and increase the sense of personal security of the officers.

The above-mentioned law introduced the same legal mechanism not only for Prison Service officers but also for Police, Border Guard, and State Protection Service officers<sup>6</sup>. The same legal solution was adopted for all the above-mentioned services.

## Methodology

In the research process, hermeneutics as a method of interpreting legal acts was not directly used, which is rather used in legal commentaries, and the method of researching the content of the literature was applied, based on selective selection of legal acts and developed legal interpretations in commentaries and monographs. A valuable source of knowledge was the professional experience resulting from providing legal protection to aggrieved PS officers. As a result of reasoning (analysis, synthesis, abstraction, comparison, generalization), deductive reasoning was applied, compared to the conclusions resulting from reality on the example of the Detention Center in Opole.

## The essence of the changes introduced in the legal protection of Prison Service officers

The Act of August 14, 2020, on special solutions concerning support for uniformed services supervised by the

minister responsible for internal affairs, amending the Prison Service Act and certain other acts in Art. 6, item 3, introduced a new, significant legal regulation, indicating that after Art. 164, Art. 164a and 164b are added, the essence of which is to specify the legal protection of PS officers.

“An officer victimized by an offense referred to in Art. 222, Art. 223, or Art. 226 of the Act of June 6, 1997 – Criminal Code, in connection with the performance of official duties, is entitled, upon their request, to free legal protection in the criminal proceedings in which they participate as a victim or subsidiary prosecutor.

The legal protection referred to in subsection 1 is provided by the organizational unit of the Prison Service in which the officer victimized by the offense serves, and if this unit does not have legal support provided by legal advisers or attorneys, the legal protection is provided by the competent district inspectorate of the Prison Service or the Central Prison Service Administration.

In the event that it is not possible to provide legal protection by the organizational unit of the Prison Service referred to in subsection 2, the officer is entitled to reimbursement of legal protection costs referred to in subsection 1 in the amount of actually incurred costs, not higher than four times the average remuneration of officers referred to in Art. 56, subsection 3, effective in the year preceding the day of the application.

The Minister of Justice shall determine, by regulation, the procedure for

6 Ustawa z dnia 14 sierpnia 2020 r. o szczególnych rozwiązaniach..., art. 1 pkt 9, art. 2 pkt 19 oraz art. 7 pkt 3.



proceedings and the method of documenting by the officer the costs incurred for legal protection in cases referred to in subsection 3 and in Art. 164 subsections 2 and 4, as well as entities competent in the matter of reimbursement of legal protection costs referred to in subsection 3 and in Art. 164 subsection 3, guided by the necessity of using high-level legal protection by the officer, as well as the quick reimbursement of costs incurred by the officer for legal protection<sup>7</sup>.

The justification for the enactment of the indicated provision contains Print no. 432, Government draft act on special solutions concerning the support of uniformed services supervised by the minister responsible for internal affairs and the Prison Service. As indicated in the justification, the primary goal of the draft act on special solutions concerning the support of uniformed services is to ensure optimal conditions for serving for officers and to create legal instruments motivating them to stay in it as long as possible<sup>8</sup>.

The justification also pointed out key solutions in terms of the possibility of granting a motivational benefit to officers with more than 25 years of service, particularly in terms of strengthening the legal protection of Prison Service officers<sup>9</sup>. The changes introduced are a clear signal from the legislator that it sees the need to strengthen the legal protection afforded to officers, recognizing

what threats are associated with daily service.

The proposed changes regulate the issue of benefits afforded to Prison Service officers in case they participate in criminal proceedings, depending on their procedural role: accused (monetary benefit) or victim or subsidiary prosecutor (legal protection provided directly by the parent formation, and in the absence of the possibility of providing it – a monetary benefit)<sup>10</sup>. In the case of officers from the Police, Border Guard, or State Protection Service participating in criminal proceedings as victims or subsidiary prosecutors, the draft act provided a new solution in the form of legal protection provided directly by the parent formation of the officer<sup>11</sup>.

## Scope of the provided legal protection

Under the provision of Art. 164a of the Prison Service Act, an officer victimized by an offense defined in Art. 222–223 and Art. 226 of the Criminal Code (CC), in connection with the performance of official duties, is entitled, upon their request, to free legal protection in criminal proceedings<sup>12</sup>. The catalog of offenses whose object is an officer is strictly defined and creates a closed catalog. Thus, this protection cannot be extended in the event of victimization by another offense not resulting from the strictly

7 Ustawa z dnia 9 kwietnia 2010 r. o Służbie Więziennej..., art. 164 a.

8 Uzasadnienie do druku nr 432..., s. 1.

9 Ibidem.

10 Ibidem, s. 17–18.

11 Ibidem.

12 Ustawa z dnia 6 czerwca 1997 r. Kodeks karny (Dz.U. z 2022 r. poz. 1138), art. 222-223, 226.



defined catalog, which would be possible if we were dealing with a return such as “in particular”. In this case, we cannot speak of any offense, but of strictly defined offenses.

## Violation of the physical inviolability of an officer

The Criminal Code criminalizes criminal liability for violating the physical inviolability of a public officer or a person appointed to assist them during or in connection with the performance of official duties, indicating that the perpetrator is subject to a fine, the penalty of restriction of liberty or imprisonment for up to 3 years<sup>13</sup>. The legislator provides for the possibility of extraordinary mitigation of the penalty by the court, or even refraining from imposing a penalty in a situation where the act was caused by improper behavior of the officer or the person appointed to assist them<sup>14</sup>. The object of the offense is a PS officer in the sense of a public officer<sup>15</sup>, and by the appointed person is meant any physical person formally assigned to assist a public officer, as well as called by them, or who spontaneously joined, but with the acceptance of the officer<sup>16</sup>. Importantly, the act must be committed during or in connection with the performance of official duties. However, the time of performing official duties is not defined

by working hours, but is related to performing tasks, and there is a causal connection between performing duties and the assault<sup>17</sup>. This is important because officers often do not perform their tasks only within the assigned shift, but, for example, due to the extension of the convoy of the detained person, they go beyond the established working hours, yet they still perform their official duties, and thus the necessary condition for fulfilling the features of the offense in connection with the performed service tasks occurs.

It is noteworthy that official duties can also be performed during free time from work, if the officer undertakes actions aimed at defending the legal order in accordance with the oath taken, then they benefit from the protection provided by the Criminal Code<sup>18</sup>. The act defined as a violation of physical inviolability is a formal offense; the violation of physical inviolability does not have to cause any effect, it does not have to be a violation of a body organ or health disorder, nor does a specific discomfort have to occur<sup>19</sup>. The Supreme Court in the ruling of June 24, 2010 (file no. II KK 145/10) raised that the normative phrase “violates physical inviolability” includes, in essence, all possible ways of the perpetrator’s interference in the physical inviolability of another person, including pushing (pushing away)<sup>20</sup>.

13 Ibidem, art. 222 § 1.

14 Ibidem, art. 222 § 2.

15 Ibidem, art. 115 § 13.

16 See: J. Lachowski, A. Marek, *Prawo karne. Zarys problematyki*, Warszawa 2021, p. 375.

17 *Kodeks karny. Komentarz*, M. Mozgawa (ed.), Warszawa 2019, p. 745.

18 *Kodeks karny. Komentarz*, wyd. 7, A. Grześkowiak, K. Wiak (eds.), Warszawa 2021, p. 1329.

19 See: V. Konarska-Wrzošek (red.), *Kodeks karny. Komentarz*, wyd. 3, Warszawa 2018, p. 1064.

20 See: sygn. akt II KK 145/10, Postanowienie Sądu Najwyższego z dnia 24.05.2010 r., LEX nr 619619.

## Active assault

Legal protection resulting from Art. 164a of the Prison Service Act may cover officers victimized by an offense typified in Art. 223 of the CC in connection with the performance of official duties in accordance with Art. 223 of the CC. “Anyone who, acting jointly and in agreement with another person or using a firearm, knife, or other similarly dangerous object or incapacitating agent, commits an active assault on a public officer or a person appointed to assist them during or in connection with the performance of official duties, is subject to imprisonment from one year to 10 years.

If the active assault resulted in the effect of serious harm to the health of the public officer or the person appointed to assist them, the perpetrator is subject to imprisonment from 2 to 12 years<sup>21</sup>. As of October 1, 2023, the penalty specified in Art. 223 § 2 will change from 2 to 15 years.

The act of perpetration of this offense has been defined as “active assault” and means any action taken to inflict physical harm, even if that goal was not achieved<sup>22</sup>. As emphasized in the case law, even the mere commission of active assault, even at the stage of an attempted violation of physical inviolability, already fulfills the features of a completed offense, and active assault must be characterized by a certain degree of violence of the attack<sup>23</sup>. Thus,

active assault has a significantly broader scope than violating physical inviolability, as its concept includes both all actions directly aimed at committing a violation of physical inviolability and its violation<sup>24</sup>.

The protected good in the case of both offenses defined in Art. 222 and 223 of the CC is the proper performance of official duties by a public officer or a person appointed to assist, and as a result, the proper functioning of state and local government institutions<sup>25</sup>. The subject of the offense is a public officer or a person appointed to assist them, and the feature of this offense is also the necessity of its commission during or in connection with the performance of official duties – in the sense given to these terms above in the analysis of Art. 222 of the CC<sup>26</sup>.

Criminal liability for committing an active assault is conditioned by committing it jointly and in agreement with another person or by using a firearm, knife, or other similarly dangerous object or incapacitating agent<sup>27</sup>. Joint action and agreement occur when the perpetrators (at least two) act both jointly and in agreement, so these two elements must occur cumulatively<sup>28</sup>.

## Insulting an officer

Legal protection defined in Art. 164a of the Prison Service Act is afforded to officers victimized by an offense typified

21 Ustawa z dnia 6 czerwca 1997 r. *Kodeks karny...*, art. 223.

22 *Kodeks karny. Komentarz...*, p. 1330.

23 See: P. Bogacki, M. Olężałek, *Kodeks karny. Komentarz do nowelizacji z 7.7.2022 r.*, Warszawa 2023, p. 475.

24 *Kodeks karny. Komentarz*, wyd. 5, M. Filar (ed.), Warszawa 2016, p. 1360.

25 *Kodeks karny. Komentarz...*, p. 385.

26 *Prawo karne. Wykład akademicki. Prawo karne. Teksty i kazusy*, O. Sitarz, T. Dukiet-Nagórska (eds.), Warszawa 2021, p. 596.

27 Ustawa z dnia 6 czerwca 1997 r. *Kodeks karny...*, art. 223.

28 *Kodeks karny. Komentarz*, wyd. 6, R. A. Stefański (ed.), Warszawa 2023, p. 1633.

in Art. 226 of the CC, i.e., insulting an officer. Therefore, anyone who insults a public officer or a person appointed to assist them, during and in connection with the performance of official duties is subject to a fine, the penalty of restriction of liberty, or imprisonment for up to one year<sup>29</sup>. Punishable is also the public insult or humiliation of a constitutional body of the Republic of Poland which, is subject to a fine, the penalty of restriction of liberty, or imprisonment for up to 2 years<sup>30</sup>. The object of protection is the respect for the institution represented by the officer, as well as the dignity and authority of the officer or the person appointed to assist them, while in the situation defined in § 3, the authority and respect of the constitutional body of the Republic of Poland<sup>31</sup>. Legal protection afforded in the situation of victimization by this offense is extremely important. It is precisely in everyday service that officers in direct contact with inmates are exposed to all forms of insults, ridicule, or slander. Although they represent the authority of the State, acting within the limits and based on the applicable regulations, enforcing proper behavior from the inmates, they encounter in their service blatant disrespect, disregard, or contempt. Therefore, such protection should give them a sense of not being left to fend for themselves, that they have the support of superiors in the unit where they serve.

For insulting an officer on duty, punishment is due regardless of whether the offense occurred publicly or without witnesses, since the features of the offense defined in Art. 226 § 1 of the CC do not include public action by the perpetrator<sup>32</sup>. The Court of Appeal in Białystok in the judgment of December 6, 2012, file no. II Aka 218/12, indicated that the object of protection in Art. 226 § 1 of the CC is the authority of persons carrying out their duties, the activities of state institutions, and their dignity. The literature predominates the view that it is an offense without consequence, i.e., it does not even require the addressee to experience a sense of humiliation. Protected dignity is understood in an objectified way, defined by generally accepted cultural and customary norms. The court emphasized that it is a complete misunderstanding to include in the features of this offense the sense of threat that a public officer might experience in connection with the perpetrator's statements<sup>33</sup>. It is very important that it is not necessary to demonstrate that the perpetrator's action caused the victim to feel humiliated or intimidated, but it is important that an event must occur during and in connection with the performance of official duties, so unlike in Art. 222 and 223 of the CC, we are dealing with a conjunction, not an alternative<sup>34</sup>.

29 Ustawa z dnia 6 czerwca 1997 r. *Kodeks karny...*, art. 226 § 1.

30 *Ibidem*, art. 226 § 3.

31 *Kodeks karny. Komentarz...*, p. 1335.

32 I. Tuleya, A. Nawrocki, *Kodeks karny. Komentarz orzecznicy, Wydanie III uzupełnione i zaktualizowane*, Warszawa, 2021, p. 420.

33 See: sygn. akt II Aka 218/12 wyrok Sądu Apelacyjnego w Białymstoku z 6 grudnia 2012 r., LEX nr 1254312.

34 *Kodeks karny. Komentarz...*, p. 1075.

## Conditions of legal protection

Under the provision of Art. 164a, subsection 2 of the Prison Service Act, legal protection is provided by the organizational unit in which the officer victimized by the offense serves. The Act also envisaged a situation where the unit does not have legal support provided by legal advisers or attorneys, in which case legal protection is provided by the competent district inspectorate of the Prison Service or the Central Prison Service Administration<sup>35</sup>. In penitentiary units, legal support can be provided in particular by legal advisers who are officers of the Prison Service or by legal advisers employed under an employment contract, or the support is provided by a legal adviser or attorney under a contract for legal advisory or attorney services. However, as it can be seen, the legislator envisaged a situation where the unit may be deprived of this legal support and guaranteed that in the event of the impossibility of providing legal protection by the organizational unit of the Prison Service referred to in Art. 164a, subsection 2 of the Prison Service Act, the officer is entitled to reimbursement of legal protection costs in the amount of actually incurred costs, not higher than four times the average remuneration of officers, referred to in Art. 56, subsection 3, effective in the year preceding the day of the application<sup>36</sup>.

An officer victimized by an offense referred to in Art. 222, Art. 223, or Art. 226 of the CC in connection with the

performance of official duties should, in order to obtain free legal protection, submit an appropriate application. The legislator, however, did not specify the form of the application, as it did, for example, with the application for payment of a cash equivalent due to a Prison Service officer for the renovation of a residential premises or house. Serving as a legal adviser at the Detention Center in Opole, I developed a form of application for granting free legal protection, with the reservation that this is only a facilitation for officers to obtain legal support, not a legally mandatory form. The application took a written form, in which the officer applies for legal protection indicating the legal basis, i.e., Art. 164a of the Prison Service Act, and specifying that they are victimized by an offense from Art. 222, 223, or 226 of the CC. The application also specifies the perpetrator of the act, which significantly facilitates the preparation of the case documentation. The officer signs the application personally and indicates the date of its preparation. This facilitated the use of the scope of legal assistance as they are entitled to, supporting the realization of their rights.

Bearing in mind the provisions of Regulation No. 2/2010 of the Director General of the Prison Service of October 18, 2010, on the manner of serving by officers of the Prison Service and the official path applicable in the formation, it should be recognized that the application should be submitted through the

<sup>35</sup> Ustawa z dnia 9 kwietnia 2010 r. o Służbie Więziennej..., art. 164a ust. 2.

<sup>36</sup> Ibidem, ust. 3.

direct superior of the officer<sup>37</sup>. So far, applications have mostly been submitted by officers of the protection department, and in this case, they were submitted through the head of the protection department, who made an annotation that he supports the application.

In the event of not following the official path, the report should be returned to the officer without consideration, except in situations strictly defined in the regulations<sup>38</sup>. However, bearing in mind the fact that the entire process of submitting an application takes place with the involvement of the legal adviser of the unit, such a situation has not occurred so far at the Detention Center in Opole. The application is then decreed to the legal adviser of the unit with an indication that the head of the unit consents to the provision of this form of protection. Bearing in mind the wording of Art. 164a of the Prison Service Act, the term “is entitled” must be recognized as a right of the officer, this protection is due to them by law. Therefore, I do not see the possibility of refusing such assistance to an officer in the event of submitting an application that is correct in terms of formal and legal aspects.

According to the “Code of Criminal Procedure” (CCP), state and local government institutions, which in connection with their activities have learned about the commission of a publicly prosecutable offense, are obliged to immediately notify the prosecutor or Police and to take the necessary actions until

the arrival of the authority appointed to prosecute offenses or until the issuance of an appropriate order by that authority, in order not to allow the obliteration of traces and evidence of the offense<sup>39</sup>. The head of the penitentiary unit, having knowledge, among others, of offenses defined in Art. 222–223 and 226 of the CC, which are publicly prosecutable offenses, notifies the prosecutor or Police about the commission of the offense. Illustrating the established scheme of action in such situations on the example of the Detention Center in Opole, all notifications of suspicion of committing an offense are prepared by the legal adviser at the order of the head of the unit. Therefore, having information about the fact of committing an offense and notifying the relevant prosecution authorities about the commission of a publicly prosecutable offense, the legal adviser informs the victims about the possibility of using the legal protection provided in Art. 164a of the Prison Service Act. At the request of the victim, assistance is provided to the officer in preparing an application for legal protection and clarifying any legal doubts. At the Detention Center in Opole, since the entry into force of the provision of Art. 164a of the Prison Service Act, an appropriate application for protection was submitted by 10 officers at the stage of judicial proceedings, not using it during the preparatory proceedings.

As indicated in the justification for the draft changes in the act, the legal

37 Regulamin nr 2/2010 Dyrektora Generalnego Służby Więziennej z dnia 18 października 2010 r. w sprawie sposobu pełnienia służby przez funkcjonariuszy Służby Więziennej, § 10 ust. 1.

38 Ibidem, § 10 ust. 2, § 11.

39 Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego (Dz.U z 2023 r. poz. 1375), art. 304 § 2.

protection afforded to an officer victimized by an offense, who will want to use it, should cover representation in the form of procedural representation both at the stage of preparatory proceedings, where the officer would act as a victim, and in the judicial proceedings, where the officer would act in the procedural role of a subsidiary prosecutor, after submitting an appropriate declaration<sup>40</sup>. This issue would require clarification as to why officers do not apply for this protection earlier, already at the stage of preparatory proceedings, when they are, for example, interrogated as witnesses. After submitting an application by the victimized officer, the legal adviser joins the judicial proceedings as a representative of the subsidiary prosecutor, together with submitting such a declaration by the victimized officer, if it was not previously submitted, presenting an appropriate power of attorney. At this stage, assistance is also provided to the officers, explaining to them what rights are associated with submitting a declaration to act as a subsidiary prosecutor and what benefits this entails. In the preparatory proceedings (investigation or inquiry), the victim is a party, because the investigation is conducted in the case<sup>41</sup>.

It should be remembered that from the moment of filing an indictment, the victim is no longer a party to the proceedings, being a victim may continue to act, but in a limited scope, for example, they cannot bring an appeal from the verdict in the case. Further action

on the rights of a party is conditioned by submitting a declaration by the time the main hearing begins at the trial about the intention to act as a subsidiary prosecutor<sup>42</sup>. Unlike the monetary benefit due for reimbursement of defense costs, legal aid for an officer victimized by an offense is to be a benefit in kind<sup>43</sup>.

## Summary

Taking into account the existing legal regulations contained in Art. 164a of the Prison Service Act, the introduction of a new, additional legal mechanism undoubtedly strengthened the legal protection of officers. It is free assistance<sup>44</sup>, provided looking at the example of the unit where the author serves by a person known to the officer, who is also an officer in this case. Moreover, the person providing legal support to the officer is available on a daily basis in case of legal or procedural doubts. In 2022, at the meeting of legal advisers at the District Inspectorate of the Prison Service in Opole (which supervises 12 penitentiary units), it turned out that apart from the Detention Center in Opole, no unit provides support under Art. 164a of the Prison Service Act. This situation would require an in-depth analysis in terms of the reasons for this state of affairs. There may be several reasons, ranging from the lack of appropriate preparation of legal advisers to participate in criminal proceedings, where lawyers rather than legal advisers have predominated in this

40 More: Uzasadnienie do druku nr 432..., pp. 1, 17–18.

41 Ustawa z dnia 6 czerwca 1997 r. *Kodeks postępowania karnego...*, art. 229.

42 Ibidem, art. 54.

43 More: Uzasadnienie do druku nr 432..., pp. 17–18.

44 Ustawa z dnia 9 kwietnia 2010 r. o *Służbie Więziennej...*, art. 164a.

field of law, through the lack of knowledge of officers about such entitlement, lack of presentation of the benefits arising from such an opportunity. A good solution would be to address this issue at general training sessions in penitentiary units, so that this provision would not be dead. The legal mechanism introduced in Art. 164a of the Prison Service Act is undoubtedly a good solution, it strengthens

the position of an officer exposed during daily service, especially in direct contact with inmates to physical and verbal aggression. It seems that such protection increases the sense of security of the officers, but this issue would also require further analysis. The number of assaults on an officer in service in the years 2018–2022 (number of events and number of participants) is illustrated in table 1.

**Table 1.** Number of events and participants (assault on an officer in service)

<b>Assault on an officer in service</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
number of events	148	139	128	126	99
number of participants	150	142	128	126	103

Source: own elaboration of statistical data of the Prison Service, <https://sw.gov.pl/strona/Statystyka> [accessed 30.05.2023]

From the available statistics, it appears that the number of events is decreasing<sup>45</sup>, which also raises some surprise in the context that since 2020 the Covid-19 pandemic has forced a very large number of additional restrictions for detainees. Visits with close relatives were not granted, detainees did not work outside the unit, group activities were also not organized for some time, including the ban on entry into the unit for people supporting the resocialization process (trustworthy persons, referred to in Art. 38 of the CC, all foundations or associations). Such restrictions generated tensions among the detainees, but it was also a time of intensive work and effort on the part of the prison staff. Despite this difficult time, the number of events related to assaults on officers

is successively decreasing. However, this number of events still shows that a large number of officers could benefit from legal protection. However, the data provided does not include information on the number of situations related to insulting officers, so this topic would also require further deepening.

Taking into account the existing activities under Art. 164a of the Prison Service Act, it can be concluded that there is a lack of extension of this protection to an offense typified in Art. 190 of the CC, i.e., criminal threats, which officers often encounter. However, this is probably due to the fact that it is not an offense prosecuted *ex officio* like those defined in Art. 222, 223, 226 of the CC, but is an offense prosecuted upon private accusation.

<sup>45</sup> <https://sw.gov.pl/strona/Statystyka> [dostęp 30.05.2023].



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# ENERGY SECURITY IN THE LIGHT OF AMENDMENTS TO THE NATIONAL ENERGY LAW

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## Abstract

Poland's energy security depends on solutions that, thanks to new legislation, will improve the use of the potential of 'green energy' and contribute to reducing energy costs and protecting the environment. On 7 September 2023, the Act of 28 July 2023 amending the Energy Law entered into force. The amended Act transposes European energy acts into Polish law. A new energy sales formula is being pursued, consisting

of partnership trading in electricity generated by prosumers. The new solutions are a response to the expected changes in the area of renewable energy sources, which in Poland is not prosumer-friendly. The amended Act provides the tools to introduce a new method of operation in the energy area, which is the main focus of the economy.

## Key words

Energy law, aggregation, flexibility services, active consumer, citizen civic community

## Introduction

Energy security is directly linked to the development of modern technology, economics, sustainable development policy and environmental protection<sup>1</sup>. There are many factors that influence energy security. Among other things, the origin of energy supply sources and their coordination and storage of fuels are important<sup>2</sup>. Climatic, social and technical factors cannot be overlooked either. Renewable energy sources are closely linked to the climate and their efficiency depends on the geographical location of a country. The technologies introduced must be socially acceptable so that their implementation does not meet with disapproval and so that the public wants to participate in these changes. Factors relating to the technical aspect include first and foremost minimising the risk of failure of the energy installation system. The state, which ensures energy security, should by its actions contribute to the creation of such a legal and economic system in which the certainty of energy supply is ensured and which at the same time protects the environment. The Polish power system and related regulations do not exist in a vacuum. They integrate with the policy of the European Union and adapt to the requirements that the EU imposes on its members<sup>3</sup>. The Act of 10 April 1997 – Energy Law contains a legal definition of “energy security”, which means “a state of

the economy that makes it possible to cover the current and prospective demand of consumers for fuels and energy in a technically and economically justified manner, while maintaining the requirements of environmental protection”. The social, economic and environmental benefits are to be brought about by ‘citizen energy communities’ based on economic cooperation. At the heart of the sharing economy are unused goods that can be beneficially developed through cooperation between individuals<sup>4</sup>. This leads to creativity and gives rise to innovative activities which, in the economic sphere, become competitive with traditional enterprise. The concept of the sharing economy (sharing economy) has given rise to companies such as Uber, Airbnb or BlablaCar, whose business is to manage and provide platforms that put users in touch with each other. New technologies make it possible to reduce the costs of transactions, as well as of searching for and collecting information, as they make it possible to coordinate dispersed knowledge. They make the market more competitive, which has a positive impact on the quality and price of the goods on offer. Technological progress has brought enormous changes in the economic sphere. Society has begun to move away from the passive consumption of goods in a centralised corporate world<sup>5</sup>. Human relationships and social trust issues have begun to be valued and consumer decisions have become more informed. New

1 See: K. Żukrowska, M. Gracik, *Bezpieczeństwo międzynarodowe. Teoria i praktyka*, Warszawa 2006.

2 See: M. Jurgilewicz, I. Protasowicki, *Współczesne determinaty bezpieczeństwa energetycznego Unii Europejskiej* [in:] T. Z. Leszczyński, *Bezpieczeństwo Europy. Economic Context*, Kraków 2015.

3 A nouncement of the Speaker of the Sejm of the Republic of Poland of 15 June 2012 on the announcement of the consolidated text of the Act – Energy Law [Journal of Laws 2012, item 1059].

4 <https://war.pl.ekonomia/sharing> [access:05.03.2024].

5 [https://prawo.uni.wroc.pl>Sharing economy](https://prawo.uni.wroc.pl>Sharing%20economy) [access: 08.03.2024].

business models are shaping the economy and challenging legislatures. Indeed, the law has to follow the new challenges and technologies through which economic development takes place. “A European Agenda for the Sharing Economy” was a communication issued on 2 June 2016 by the European Commission noting that the existing legal framework is not adapted to the sharing economy. According to the European Commission, the blurring of the boundaries between consumer and supplier creates consequent dangers for the consumer<sup>6</sup>. In its draft resolution of 11 May 2017, the European Parliament recognised the need to increase the protection of consumers using peer-to-peer transactions and to distinguish professionals from community partners. The peer-to-peer model creates a marketplace that connects sellers or service providers with customers, whereby anyone can be both a customer and a seller<sup>7</sup>. This marketplace benefits from the potential for social inclusion and is characterised by its ease of access and ease of use which translates into its development. The above acts refer primarily to online platforms, but cannot be ignored as they relate to the peer-to-peer model that is expected to cover the Polish energy market in the near future. 5 June 2019. The European Parliament and the Council of Europe issued a directive on common rules for the internal market in electricity. Article 1 of the document indicates that the object of the directive is to establish common rules that apply to the generation, transmission,

distribution, storage and supply of electricity<sup>8</sup>. The aim of the Directive is to create fair and competitive electricity markets respecting consumer protection, with transparent and affordable energy prices, security and access.

## Methodological and Methodical Assumptions

The study on energy security in the light of changes in the energy law of the Republic of Poland is based on the application of an interdisciplinary research approach that combines methods of legal, economic and policy analysis. The main research steps and techniques used in this article are outlined below:

1. Literature review and desk study:
  - Academic literature, press articles, government reports and publications of international organisations on energy security and energy policy were analysed.
  - Key theories, models and concepts on energy security and their application in the Polish context are identified.
2. Legal analysis:
  - A detailed analysis was made of the current energy legislation in Poland, including the Energy Law and other legislation related to the energy sector.
  - Changes to energy law in recent years have been analysed, taking into account their legislative and political context.

6 A. Nadolska, W. Nadolski, *Legal frameworks governing the aspects of the sharing economy in Poland*, “Legal Journals of the Bureau of Sejm Analyses of the Chancellery of the Sejm” 2019, no. 2 (62).

7 <https://www.wifirma.pl.blog/peer-to-peer> [access: 10.03.2024].

8 Directive 2019/944 of the EU Parliament and of the Council of 5 June 2019, on common rules for the internal market in electricity and amending Directive 2012/27/EU.

- Key legal developments affecting Poland’s energy security were identified, such as regulations on renewable energy sources, energy efficiency, energy infrastructure and market mechanisms.
3. Case studies:
    - A case study method was used to analyse specific energy initiatives and projects, such as the construction of new energy sources, the modernisation of energy infrastructure and the implementation of sustainable energy policies.
    - An assessment was made of the effectiveness of these projects in terms of improving Poland’s energy security.
  4. Comparative analysis:
    - The impact of the European Union’s energy policy on national energy regulations and strategies is taken into account.

The methodology adopted made it possible to assess the impact of changes in the energy law on Poland’s energy security. The combination of these approaches provides a sound basis for formulating policy recommendations and further research in the area of energy security.

## Amendments to the Energy Law

The amendment of the Energy Law in Poland is related to the Act of 28 July 2023 amending the Energy Law and certain other acts, the text of which was finally determined after consideration of the Senate’s amendments. The above law implements:

1. Directive 2009/31/EC of the EU Parliament and of the Council of 23 April 2009 relating to the geological storage of carbon dioxide.
2. Directive 2009/73/EC of the European Parliament and of the Council of the EU of 13 July 2009 related to the rules of the internal market in natural gas.
3. Directive 2018/2021 of the European Parliament and of the EU Council of 11 December 2018 related to the promotion of the use of energy from renewable sources.
4. Directive 2019/944 of the EU Parliament and of the Council of 5 June 2019 on common rules for the internal market in electricity<sup>9</sup>.

Significant changes affect energy consumers as well as renewable energy generators<sup>10</sup>. Investment in electricity grids requires appropriate procedures that facilitate the implementation of new provisions in the energy law.

The changes concern new ways of managing energy installations. The amended Act contains provisions allowing for the expansion of the Polish electricity grid. The amended Act contains provisions making the expansion of the Polish electricity grid possible. According to the current data as of 1 July 2025, the Central Energy Market Information System (CSIRE) is to be established in Poland as an IT system. It is to collect and process data relating to the Polish energy market. The system is to be publicly accessible and all energy consumers will be able to use it. Pursuant to the Act of 20 May 2021

<sup>9</sup> Act of 28 July 2023 amending the Energy Law and certain other acts [Journal of Laws 2023 item 1681].

<sup>10</sup> <https://globenergia.pl> [access: 21.03.2024].

amending the Energy Law (Journal of Laws 2021, item 1093, as amended), Polskie Sieci Elektroenergetyczne is to perform the functions of the Energy Market Information Operator (OIRE), which is related to the construction and implementation of CSIRE. The statutory obligation concerning the launch of CSIRE is the conclusion of an agreement by the entities obliged to use the system with OIRE, as stated in Article 21 of the aforementioned Act. Article 20 of the Act also states that the Energy Distribution System Operator is to provide the OIRE with information on metering points in electronic form. The system is to contain information on the relationship between energy suppliers and energy users. Meters at electrical installations containing data on the amount of energy taken from the grid and returned to the grid by the user are to be used as the main source of information. One of the tasks of the CSIRE will be to count the amount of energy exchanged between the prosumer, i.e. the user using his/her own photovoltaic installation, and the grid<sup>11</sup>. It should be noted that it will be mandatory for prosumers to use this system. The operation of the CSIRE will be geared towards simple and free access to information on their contracts and energy consumption. Access to competitive offers on the energy market will be simple<sup>12</sup>. It will also be simple and quick to change energy supplier. Energy consumers in households and micro-entrepreneurs who consume

less than 100 MWh per year will be able to use an electronic comparator of offers from electricity sellers<sup>13</sup>. The “technical” process of changing energy seller is expected to take no more than 24 hours, which is to be achieved through automatic verification in the CSIRE system. According to the new regulations, the direct line will also be available to those consumers who are connected to the National Energy System. It consists of connecting electricity generators with energy consumers directly, without the involvement of the distribution network. This solution is expected to improve the use of renewable energy sources and is expected to affect competitiveness in the energy market. President of the Energy Regulatory Office Rafał Gawin noted that “This solution will encourage the creation of local energy sources and respond to the expectations of large industrial consumers, for whom it is important to be able to produce renewable energy in the immediate vicinity of an industrial plant and have this energy consumed by that consumer. This translates into a lower carbon footprint – the direct line will promote the decarbonisation of the economy and respond to the expectations of big business. Thanks to this solution, a RES installation that is in a direct location next to a company’s plant can directly transmit energy without being connected to the National Grid<sup>14</sup>. Energy needs will thus be met on site”. Regulations in the energy law are combined with concepts related

11 <https://pro-sun.com.pl> [access: 25.03.2024].

12 <https://www.gzov.pl> [access: 28.03.2024].

13 <https://www.ure.gov.pl> [access: 30.03.2024].

14 <https://www.infor.pl> [access: 05.05.2024].

to the operation of the energy system. These include the aggregator, the active customer or the flexibility service. According to Article 3 para 6e of the Energy Law, aggregation is “the activity of combining the volume of capacity or electricity offered by customers, electricity generators, or electricity storage holders, taking into account the technical capacity of the network to which they are connected for the purpose of selling electricity, providing system services or flexibility services in the electricity markets”<sup>15</sup>. The aggregator thus acts as an intermediary that buys surplus electricity from prosumers, stores it and helps sell it<sup>16</sup>. It manages the energy of smaller prosumers. Article 3(13e) of the Energy Law defines an active consumer as a “final consumer acting individually or in a group” who consumes or stores or sells self-generated electricity, carries out energy efficiency improvement projects, provides system or flexibility services – provided that its activities, with the exception of energy consumption, do not constitute the subject of its main business activity. A flexibility service is related to a situation where an active consumer is faced with an energy surplus and agrees to place it in energy storage and, in the event of an energy deficit, agrees to reduce its consumption<sup>17</sup>. System services, on the other hand, involve activities related to the supply of electricity or the regulation of steady-state voltage<sup>18</sup>.

Article 3(11k) of the Energy Law defines flexibility services as “services provided to the electricity distribution system operator by an aggregator or by system users who are active consumers, generators, holders of electricity storage facilities, whose networks, installations and equipment are connected to the electricity distribution network, excluding the coordinated 110 kV network, in order to ensure the security and increase the efficiency of the development of the distribution system, including the management of network congestion in the electricity distribution network, excluding the coordinated 110 kV network. According to the definition appearing in the European Union Directive of 5 June 2019, “Citizen energy community” means a legal entity that:

- a. is based on voluntary and open participation and which is effectively controlled by members or shareholders who are individuals, local authorities, including municipalities, or small businesses;
- b. has as its main objective not financial gain, but rather environmental, economic or social benefits for its members or shareholders or the local areas in which it operates;
- c. may engage in the generation, including from renewable sources, distribution, supply, consumption, aggregation or storage of energy, the provision of energy efficiency or electric vehicle charging services, or the

15 Announcement of the Marshal of the Sejm of the Republic of Poland of 24 January 2024 on the announcement of the consolidated text of the Act – Energy Law [Journal of Laws 2012, item 1059].

16 <https://globenergia.pl> [access:07.05.2024].

17 <https://globenergia.pl/zmiany-w-prawie-energetycznym-omawiamy> key differences [access: 10.05.2024].

18 Announcement of the Marshal of the Sejm of the Republic of Poland of 24 January 2024 on the announcement of the consolidated text of the Act – Energy Law [Journal of Laws 2012, item 1059].

provision of other energy services to its members or shareholders<sup>19</sup>.

According to the Energy Law of 10 April 1997, civic energy communities can exercise their activities through various legal forms, i.e. cooperatives including housing cooperatives, housing communities, associations (excluding ordinary association), partnerships (excluding partnerships), farmers' cooperatives. To form a civic energy community its members must belong to the same electricity distribution operator. The area of operation of the OSE is adequate with the place of connection of the installations that belong to this community to the electricity distribution network, the rated voltage of which is not higher than 110 kV. It is important to note that the activities of an OSE are local activities and may not include interconnections with other countries. An OSE may undertake its activities with an entry in the list of civil energy communities, which is maintained by the President of the Energy Regulatory Office<sup>20</sup>. This list is public and posted on the Office's website. In order to obtain an entry in the above-mentioned register, an application must be submitted, accompanied by the statute or an agreement with the OSE. Citizen energy communities are an attempt to reduce energy costs, the idea being to enable the end consumer of electricity to take part in the generation of energy and share it with other consumers. In simple terms: Mr Kowalski will be

able to pass on the surplus electricity he generates to Mr Nowak, who has a shortage of that energy. In theory, the system looks perfect. It presents a model in which entities outside the energy sector voluntarily generate, transmit and manage energy. Such a model is supposed to lead to the decentralisation of the energy system of European Union countries. It increases the security of energy infrastructures, which will be more difficult to destroy and which remain operational.

## Summary

The price of electricity in Poland is one of the highest in Europe. According to the Buisness Insider website, "on average, the daily Polish electricity price was 820% higher than the Portuguese one this year". 90 per cent of the electricity Portugal generated in April 2024 comes from 'green sources', but only 4 per cent involves photovoltaics<sup>21</sup>. This is thanks to pumped storage power plants and reservoirs with energy storage functions, which are marginal in Poland. From "green sources" comes 35% of Polish energy, which has nowhere to be stored. Poland does not have a nuclear power plant and cannot simply abandon conventional power plants, whose operation is linked to the purchase of CO2 emission rights, which increases the price of energy. The lack of energy storage facilities precludes the possibility of using the

19 Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market in electricity and amending Directive 2012/27/EU.

20 Announcement by the Speaker of the Sejm of the Republic of Poland of 24 January 2024 on the announcement of the consolidated text of the Energy Law Act [Journal of Laws 2012, item 1059].

21 <https://Businessinsider.com.pl> [access: 15.05.2024].



energy produced at a later date. When there is a large supply of ‘green energy’ and little demand for it, then the operation of photovoltaic power plants and wind farms is curtailed in order to stabilise the energy system<sup>22</sup>. The Polish Power Grid then issues an order to limit the production of ‘green energy’ which is a disadvantageous solution for prosumers and the environment. The purpose of the amendment to the Energy Law is to transform the mechanisms operating in the area of this law, which is to allow the best possible use of the energy potential of power grid users. The modifications introduced have the potential to improve operating methods and contribute to increasing Poland’s energy security.

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<sup>22</sup> <https://Wysokienapięcie.pl> [access: 18.05.2024].

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# RELIABILITY OF INTERNET SERVICES INCLUDING THE THREATS OF HATE

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## Abstract

The credibility of a website means the user's confidence that their expectations regarding receiving specific information from this website will be met without incurring additional, unjustified costs: economic, social, psychological, legal and ethical. On the other hand, the problem of hate speech is a relatively new phenomenon, but definitely a very negative one. Nowadays, we know that hate causes many negative consequences. In extreme cases, it can lead to suicide, because hate is a discrimination, it is intentional criticism that sometimes takes the form of exceptional cruelty.

## Key words

Internet, threats, hate, safety

## Introduction

The credibility of a website means the user's belief that their expectations regarding receiving specific information from this website will be met without incurring additional, unjustified costs: economic, social, psychological, legal and ethical. Nowadays, information is becoming an increasingly more valuable resource.<sup>1</sup> Thanks to mass computerization and the continuous development of ICT networks, managing an increasing amount of information is becoming easier than ever before.<sup>2</sup> Unfortunately, along with the simultaneous development of the knowledge society, the excessive amount and decreasing quality of available information is becoming an increasingly greater problem. The global Internet is a tool that provides, on the one hand, unlimited possibilities for exchanging and obtaining information, and on the other hand, it is a place where its excess creates a risk of unverified or false information appearing.<sup>3</sup> This is influenced by, among others: great information freedom and the increasing commercialization of the Internet.<sup>4</sup>

The following can be considered reliable information:

- confirmed in several sources
- if several websites publish the same information, we can hypothesize that it is true;

- published on the Internet by entities that enjoy authority and are reflected in material reality (e.g. [www.gazeta.pl](http://www.gazeta.pl), [www.rzeczpospolita.pl](http://www.rzeczpospolita.pl)), enjoy social trust (e.g. [www.wosp.org.pl](http://www.wosp.org.pl)) or are known an authority, e.g. in the field of science;
- located on the government website (e.g., [www.mf.gov.pl](http://www.mf.gov.pl)).

When assessing the quality and, therefore, the credibility of information on the Internet, its content and form of presentation should be considered.

When assessing website content, you should pay attention to a number of criteria, such as:

- thematic scope;
- correctness;
- completeness;
- objectivity;
- data validity.<sup>5</sup>

The criteria for assessing the quality and reliability of information provided in electronic documents include primarily the following attributes<sup>6</sup>:

- timeliness (determining whether the found documents have a publication date, whether the content is topical, whether the frequency of content updates is consistent with its content),
- authority (determining whether the found documents are signed with the author's name, whether

1 More: M. B. Malecka, *Analiza rozwoju portali społecznościowych w Internecie*, Warszawa 2008.

2 <https://help.eset.com/glossary/pl-PL/email.html> [access: 12.04.2024 r.].

3 See: V. Rogers, *Cyberprzemoc – jak być bezpiecznym w sieci: ćwiczenia dla dzieci i młodzieży*, Warszawa 2011.

4 <http://www.e-mentor.edu.pl/artukul/index/numer/81/id/1433> [access:12.04.2024 r.].

5 M. Nowakowski, *Ocena wiarygodności informacji w serwisach internetowych*, „Zeszyty Naukowe Uniwersytetu Szczecińskiego” 2015, No 36, pp.106–107.

6 Evaluating Information Found on the Internet [https://www.uv.es/~fores/programa/kirk\\_evalinternet.html](https://www.uv.es/~fores/programa/kirk_evalinternet.html) [access:12.04.2024 r.].

- the author is a specialist/expert in each field),
- accuracy (determining whether the content of the found documents is adequate to the level of knowledge represented by the recipient, whether it precisely and precisely defines the topic),
  - availability (determining whether the found documents are available when they are needed by the right recipients),
  - completeness (determining whether the found documents contain the appropriate amount of data that is sufficient to be processed into specific knowledge),
  - correctness (determining whether the found documents contain content that is correct in terms of editing, grammar, spelling and style),
  - relevance (determining whether the found documents have content corresponding to the information sought, whether this content meets the needs and is important for the recipients of the information),
  - reliability of the transmission (determining whether the found documents contain information confirming the truthfulness of the transmitted data and contain elements ensuring the reliability of the transmission).
- In turn, the criteria for assessing the quality and credibility of information in terms of the electronic media that make it available include:
- timeliness (determining whether the found documents have been on a website that has been operating on the Internet for a long time,
  - whether the website has information about the date of creation and the last update),
  - legal aspects (determining whether the found documents are available on the website with information on privacy policy, data processing procedures, data security policy),
  - authority (determining whether the found documents are on a widely known and prestigious website, whether the website can boast of positive opinions about itself on the Internet),
  - availability (determining whether the found documents are on the website adapted to be viewed from different browsers, whether they can be read in both text and graphic versions, whether the website is free from software errors, whether access to the website content is free of charge, whether the website is working on an appropriate quality server, whether the website supports people with various disabilities),
  - completeness (determining whether the found documents contain enough data for the selected topic, whether they have links to other sites, whether these links work properly and are valuable),
  - objectivity (determining whether the found documents are located on a website with objectively written content and comments, whether the website has links to other competing websites, whether there is a balance between one point of view and another, whether the website uses the so-called

- propaganda content on its websites),
- appropriateness of form (determining whether the found documents are located on a website with a specific purpose, whether all documents have an appropriate description and presentation, whether text content is supplemented with photos, graphics and other documents or multimedia effects, whether the latest technological solutions are used to transmit information and expanding the offer),
  - popularity (determining whether the documents found are on the website with a visit counter and general visit statistics, what is the number of pages referring, i.e., linking, to the website, whether the links placed on the website pages work correctly),
  - usability (determining whether the found documents are on a website with an intuitive user interface, whether the content has been properly selected for the group of target users, whether the website has a help system, whether there are foreign language versions on the website, whether the website has appropriate page interactivity, whether communication is possible with the owner/administrator of the website),
  - image (determining whether the found documents are on a website with a good image in terms of graphics, typography and intuitive

division of information on the main page and subpages, what type of domain the website supports, whether the website has an original graphic design, etc.),

- ownership (determination whether: found documents are located on the website for which the owner, form and legal nature of the website can be determined).<sup>7</sup>

Currently, using the Internet and network services is a standard to which an increasing number of people are becoming accustomed, regardless of gender, nationality or place of residence. At the same time, more and more users of the global network are engaged in active networking activities. This automatically creates more and more content available to everyone, which is not always of appropriate quality, because the ease of entering it causes the mechanisms of its verification to slowly disappear. Therefore, it is important for every Internet user to be aware that not all content found there may have information value. Therefore, it is worth expanding your knowledge not only with new opportunities to obtain information, but with the possibilities and tools for verifying it in terms of quality and compliance with reality. This applies to companies and institutions for which the value of information is increasingly important in their activities, but it also applies to users who use network technologies only for private purposes<sup>8</sup>. Websites edited by Internet users may be a signal and not a source of information, e.g., Wikipedia – although there may be

<sup>7</sup> M. Nowakowski, *Ocena wiarygodności...*, pp. 107–108.

<sup>8</sup> <http://www.e-mentor.edu.pl/artykul/index/numer/19/id/410> [access: 12.04.2024 r.].

„gems” there, they do not have a certificate of credibility. The sources of vocations should be checked, as well as their credibility.

## Hate on the Internet

The problem of hate is a new phenomenon, but definitely a very negative one. Nowadays, we know that hate causes many negative consequences. In extreme cases, it can lead to suicide.<sup>9</sup>

The term „HATE” is difficult to clearly explain. It is in vain to look for its definition in the dictionary. This word comes from English, specifically from the word „HATE”, i.e., to hate, while a „BULLIES” is a name for people spreading hate. Such a person posts offensive comments on the Internet that are intended to promote discrimination or provoke Internet users into arguments, insult and cause people affected by the hate to significantly lower their self – esteem. The effects of hate are what the person being hated feels most strongly. Being exposed to public attacks on the Internet can even lead to very serious health problems. Hate should never be taken lightly. Every attack on the Internet hurts in real life. It is difficult to give an exact definition of the term „hate”. Famous people are most vulnerable to hate on the Internet. Hate also involves incitement to hatred and discrimination on religious, sexual or political grounds<sup>10</sup>.

Hate is a phenomenon present not only on the Internet, but also in personal

life. It involves negative and aggressive comments or a hostile attitude towards a topic or person. Hate is an activity full of hatred, which primarily refers to the Internet. Anyone online can become the target of hate. This behavior includes not only snappy or aggressive comments, but also offensive memes, videos and graphics. This content is published solely for the purpose of causing distress to the other person. So-called „haters” despise and humiliate other people on the Internet. These behaviors can be seen particularly strongly on Instagram, Facebook and TikTok, but also on all kinds of discussion forums relating to various spheres of life.<sup>11</sup> What drives the scale of hate is being anonymous online. This is done using the written word, there is no direct contact with the person being hated. This situation definitely facilitates this type of behaviour.

It can be noticed that the reason for hate is very often:

- jealousy,
- dissatisfaction with your life or appearance,
- bad mood, negative emotions, accumulation of bad mood,
- the existence of stereotypes and prejudices towards specific social groups,
- strong political views,
- desire to offend others,
- dissatisfaction with your life situation<sup>12</sup>.

The consequences of hate are felt very intensely by the person who is subjected

9 See: J. Koszewska, *Internet i nowe technologie w zapobieganiu samobójstwom*, Warszawa 2014; A. Gawliński, *Namowa lub pomoc w samobójstwie. Aspekty kryminalistyczne i kryminologiczne*, Olsztynek 2018.

10 <https://dziendobry.tvn.pl/styl-zycia/hejt-w-internecie-na-czym-polega-jakie-sa-kary-da305192> [access: 12.04.2024 r.].

11 See: A. Borkowska, *Cyberprzemoc. Włącz blokadę na nękanie. Poradnik dla rodziców*, Warszawa 2020.

12 <https://psychoterapiacotam.pl/hejt-w-internecie/> [access: 16.04.2024 r.].

to this behavior. Those stigmatized on the Internet have a reduced sense of self – worth. A person who is a victim of hate lives under enormous stress and may therefore suffer from insomnia, depression, neurosis and even attempt suicide<sup>13</sup>. Hate is such a broad concept that it is hard to find it in the Penal Code. However, acts such as defamation, insult, persistent harassment or criminal threats are reflected in the Penal Code and may be enforced. The above behavior may get the perpetrator into serious trouble with the law. It is not difficult to write one word too many on the Internet. We should be very careful about what we publish, because everything on the Internet leaves a trace. Sometimes one word can cause great harm.

Aggressive and hateful behavior, insults, curses and insults, death wishes, posting on internet forums, however, have their limits. This boundary is the hallmarks of a prohibited act. Most of them are prosecuted at the request of the injured party, which means that the case requires a private indictment. It is worth doing this so as not to give haters a sense of impunity. A child who is the object of attacks, humiliation and ridicule from others may not be able to cope with such a difficult situation. The types of hate that are classified as crimes include:

- criminal threat (Article 190 of the Penal Code),
- stalking (Article 190a of the Penal Code),

- bullying (Article 207 of the Penal Code),
- defamation (Article 212 of the Penal Code),
- insulting a person (Article 216 of the Penal Code),
- racism art. 257 Penal Code and art. 107 of the Code of Petty Offences<sup>14</sup>.

Based on M. Czaplicka's report „Hate on the Internet” from September 2015, network monitoring data leave no doubts. A lot is written about hate. In the period from September 1, 2014 to July 1, 2015, statements on the Internet with the words hate, hater, hate, etc. were mentioned almost a million times (946 thousand). Men dominate – 57% to 42%. People write most often on Facebook – 6 out of 10 statements, Twitter (17%) and photo and video portals, e.g. YouTube – every tenth comment about hate appears there.<sup>15</sup>

However, research conducted and published according to the report “Wolves and sheep on the Internet, or a report on hate among young people” (October 2016) indicates that insulting, criticizing, ridiculing and humiliating others are determinants of hate – speech. This report states that as many as 33% of Internet users define hate as insulting, while 23% consider criticizing other people, ridiculing, malicious, humiliating and harassing people on the Internet as violence. Approx. 20% of people have encountered the term hate and know exactly what it means, while 5% have not

13 <https://dziendobry.tvn.pl/styl-zycia/hejt-w-internecie-na-czym-polega-jakie-sa-kary-da305192> [access: 16.04.2024 r.].

14 <https://nszpz.pl/aktualnosci-prawne/hejt-nie-przekraczaj-tej-granicy-za-ktora-grozi-odpowiedzialnosc-karna/> [access: 19.04.2024 r.].

15 M. Czaplicka, *Hejt w Internecie. Raport Ilościowy*, Warszawa 2015.



encountered such a term.<sup>16</sup> The report “Wolves and sheep on the Internet, i.e. a report on hate among young people” shows that there are twice as many people aged 12–24 who experience hate as those who generate such behavior. This means that for every seventh young person, hatred has become an everyday occurrence: they both hate and experience hate. Every third person has fallen victim to oppressors, even though they do not communicate in this way themselves.

This phenomenon intensifies during secondary school; During this period, the highest percentage of both haters and hated people was recorded. The youngest ones most often check posts under their own entries rather than post negative entries. Their activities are dominated by positive entries. Only one in nine entries is negative. This shows how the amount of tension and anger and the ease of „letting it out” increase with age.

As statistics obtained from the report show, the desire to express one’s – often critical – opinions is the dominant reason for posting entries, and every seventh person changes their views based on critical comments from other Internet users. What is most terrifying is that young people are aware of the consequences of excessive hate and are very strongly convinced that haters should bear the legal consequences of their actions, and yet:

despite everything, they want to have the right to express their opinions (often very harmful) in a situation, when someone behaves “stupidly” and some of

them feel that they have the right to freedom of speech, i.e., the right to hate.

## Hate – a case study

An example of hate is Kasia Lenhardt, who died at the age of 25. Kasia fell victim to mass online cyberbullying. The model broke up with the famous Bayern Munich footballer, Jerome Boateng, which was exceptional fodder for gossip portals. There were accusations, presumptions and quotes from the former partner as well as unrefined suggestions towards Kasia Lenhardt. The young woman was harassed in the media in the comments, and this situation was intensified by the headlines of gossip portals, which humiliated her as a woman. Once again, the media issued a verdict without listening to the witness, and internet haters became the judges. This brought the woman to the brink of mental exhaustion, because of which she took her own life. Katarzyna Lenhardt was honored on social media by her mother, Adrianna Lenhardt. She posted on Instagram: „My angel, fly to heaven. Fly, my angel. No one will cut off your wings.” In one of her first posts, Ms. Adrianna Lenhardt drew attention to mobbing. He believes that he caused his daughter’s death: „Mobbing... You took my child away from me.”

There are many more examples of such effects of hate on the Internet, for example: Hana Kimura, the star of Japanese wrestling and the popular Netflix show „Terrace House”, took her own life at the age of 22. In Poland,

<sup>16</sup> [https://globaldignity.pl/wp-content/uploads/2018/03/Wilki-i-owce-w-internecie\\_raport\\_Glibal-Dignity-Poland\\_IQS\\_2016.pdf](https://globaldignity.pl/wp-content/uploads/2018/03/Wilki-i-owce-w-internecie_raport_Glibal-Dignity-Poland_IQS_2016.pdf) [access: 19.04.2024 r.].

on March 18, 2020, a wonderful man, Professor Wojciech Rokita, passed away. The professor and doctor was infected with the coronavirus, but his death was not related to the deterioration of his health as a result of COVID-19. He fell victim to mass online harassment. A sensitive doctor committed suicide. The daughter of the deceased professor then told the „Uwaga!” program: „Dad said he was exhausted and tired. People would not leave him alone. They went crazy. They wrote and called even at 4 a.m. They wrote terrible things.”

The “SOS Children’s Villages in Poland” association conducted a survey as part of the social campaign “Online violence leaves invisible wounds”. Data for the study were collected at the turn of December 2020 and January 2021 via a survey delivered to young people aged 13+. 238 children aged 13+ were examined. The respondents were asked whether their friends were affected by cyberbullying. Almost half of the respondents (49%) claim that their friends are most often the victims of name-calling, humiliation, and ridicule on the Internet. Impersonating someone is also quite common (41%). Many young people also said that their friends are threatened (31%) and blackmailed (21%) online, and that degrading materials are sent to people they know (27%). 42% of young people answered that they were insulted online, many people also experienced humiliation and ridicule (23%), 17% of people were threatened, and 15% experienced impersonation and sending

degrading materials about themselves, while every tenth respondent admits that he was blackmailed.<sup>17</sup>

## Summary

Hate is hate speech. This is deliberate criticism that sometimes takes the form of exceptional cruelty. We must fight it and fight it on several fields. First of all, it’s worth starting with yourself. Think about what is being said and why, and if we see hate, let’s react by setting boundaries and not entering into discussions and further insults. Those who are hated, who do not use this form of communication themselves, are significantly more likely than others to be convinced of the need to apply legal consequences against haters. However, this opinion is not shared by haters who do not experience hate. People experiencing hate more often invoke freedom of speech than others.<sup>18</sup>

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<sup>17</sup> [https://poland.us/strona,25,39620,0,kasia-lenhardt-polska-modelka-popelnila-samobojstwo-przez-hejt-w-sieci.html?fbclid=IwAR2VUyo3oIDkUq71aEGNb7pDVua95nX0-yo7T8uAKETCfDySb\)VTiaJhB\\_I](https://poland.us/strona,25,39620,0,kasia-lenhardt-polska-modelka-popelnila-samobojstwo-przez-hejt-w-sieci.html?fbclid=IwAR2VUyo3oIDkUq71aEGNb7pDVua95nX0-yo7T8uAKETCfDySb)VTiaJhB_I) [access: 19.04.2024 r.].

<sup>18</sup> Ibidem.

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# CONFERENCE REPORT FROM THE 3<sup>RD</sup> NATIONAL SCIENTIFIC CONFERENCE OF DOCTORAL STUDENTS ON THE TOPIC OF “SELECTED PROBLEMS OF SECURITY RESEARCH”

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At the beginning of the third decade of the 21st century, the security environment at national, regional and global levels is becoming increasingly unpredictable and unstable. The SARS-COV-2 coronavirus pandemic, military conflicts in various parts of the world, climate change-related disasters, migration crises, growing rivalry among superpowers, the global economic crisis and information warfare in cyberspace are unsettling the foundations of the global and European post-Cold War order. They strike at one of humanity's most treasured values – security. In the light of these challenges and threats, the international community is confronted with the necessity of ensuring security

of an increasing number of people on military, economic, social, health, etc. levels.

Aware of the unprecedented changes taking place in the international security system and the need to seek comprehensive solutions, the students of the Doctoral Seminar in the discipline of security sciences decided to organise the 3rd National Scientific Conference of Doctoral Students on the topic of “Selected Problems of Security Research”. It continues the tradition, initiated in 2021, of organising conferences devoted to the comprehensive analysis of aspects related to security.

The conference, organised thanks to the efforts of the Seminar's students

who formed the Organising Committee, took place on 2 June 2023 at the WSB University premises. The event was held under the honorary patronage of Her Magnificence Rector of the WSB University in Dąbrowa Górnicza, Professor Zdzisława Dacko-Pikiewicz<sup>1</sup>.

The main objective of the 3rd Scientific Conference of Doctoral Students was to enable young researchers to present the results of the scientific research they were working on in the last academic year – 2022/2023 and to discuss strategically important aspects in the field of security. The event also provided an excellent opportunity to integrate the academic community, exchange insights, reflections, and establish new contacts in the scientific field, which may provide an excellent foundation for future cooperation and realisation of joint projects.

The conference was opened with a speech by the Head of the Doctoral Seminar in the discipline of security sciences, dr hab. Ryszard Szynowski, who also acted as the Chairman of the Organising Committee. In his speech, he emphasised the importance of implementing initiatives in the field of security aimed at broadening knowledge of its various aspects, in particular civil defence and the fight against hybrid threats on Polish territory. The professor also drew attention to the necessity of organising scientific events that provide opportunities for scientific development of young scientists, as well as deepening cooperation between experts representing the discipline of security sciences.

The event was honoured with speeches by two distinguished guests and outstanding specialists in their respective fields. Professor Jarosław Wolejszo from the Calisia University gave a lecture entitled 'Praxeology in security sciences' and Professor Monika Gabriela Bartoszewicz from the Arctic University of Norway gave a lecture entitled 'The Weaponisation of migration'.

In accordance with the decision of the Organising Committee, the proceedings took place in three discussion panels. The first, devoted to international security issues, was led by Professor Ryszard Szynowski and Professor Jarosław Wolejszo. The second, headed by Paulina Polko PhD and Professor Szynowski, concerned national security. The third, coordinated by Professor Robert Socha and Cezary Tomiczek PhD, focused on non-military aspects of security. 15 students of the Doctoral Seminar in Security Sciences at the WSB University in Dąbrowa Górnicza presented their research results.

The first discussion panel was initiated by Janusz Sowa MA, whose paper analysed the hybrid actions of the Russian Federation on the eastern flank of the European Union and NATO on the example of the migration crisis on the Belarusian border. The presentation discussed the course and stages of development of the migration crisis on the Belarusian border with the three eastern flank states and its impact on the other EU and NATO states. The notion of the eastern flank was specified, concepts such as hybrid threats and hybrid

1 R. Szynowski, *Conference report from the 1st National Scientific Conference of Doctoral Students on the topic of „Selected problems of security research”*, "Security Forum" 2021, No 1, p. 119–124.

actions were discussed and the specificity of these acts was pointed out in political, economic and military terms, as well as their impact on selected EU and NATO states. Disinformation and its social impact on Western European Countries was also pointed out as an important form of hybrid actions used by the Russian Federation.

The second lecture was devoted to the Russian Federation's attacks on Ukraine's electrical power infrastructure and the role of alternative energy sources in compensating for the losses incurred by the attacked state. Its author, Piotr Anklewicz, focused in his speech on the consequences of the Russian Federation's attacks on Ukraine's energy infrastructure, which have been ongoing since the beginning of the war and reached their peak in the autumn months of 2022. He stressed that a significant impact on the survival of the extremely cold months by the inhabitants of the areas affected by the loss of energy had relatively effective and prompt repair of the damages, use of alternative energy sources, photovoltaic panels and generators and reduction of consumption.

The next lecture delivered by Karolina Zub-Lewińska concerned climate change in the Arctic and its consequences for the Russian Federation's pursuit of its interests in the region. The PhD student analysed the unprecedented climate change processes observed in the High North, as well as the Russian Federation's security and economic interests. She examined whether climate change represents more of an opportunity or a threat to the ambitious goals

and projects of the world's largest state in the Arctic.

The fourth panellist, Monika Banach-Kokoszka, characterised in her presentation the impact of one of the significant events in Georgia's modern history on the formation of the country's contemporary national security strategy. She spoke about the Treaty of Georgievsk, which resulted in the dependence of Georgian territory on Russia. An attempt was made to situate the Kakheti events of 1783 within the ontology of history and ontological security, taking into account practical realism. The aim of the paper was to enrich the scientific workshop of international security research, as historical experiences exert an influence on the formation of a given state's security policy.

In the final, fifth paper dedicated to international security, Marcin Winiarski focused on the issue of radicalisation and recruitment into Islamist terrorist organisations. This is a serious problem that causes an increase in the number of militants, which may translate into an increase in terrorist events and incidents. In his presentation, the author characterised the aforementioned process and also showed the methods used by such groups.

The second panel concerning national security was opened by Krzysztof Bogusiewicz with a lecture in which he analysed the management of national security of the Republic of Poland.

This was followed by a presentation by Alina Wołoch. The speaker focused on the phenomenon of corruption, which constitutes the second – after unemployment – challenge

for the contemporary system of social security. The notion of corruption was characterised, the spheres where the phenomenon occurs were defined, and its consequences for social security were analysed, i.e. wasting public funds, violating the principle of free competition, allowing individual or group goals to be realised against the law and the common good, limiting investments, and impeding the economic development of the state.

The third lecture was given by Konrad Grybel, who analysed the impact of the Central Anti-Corruption Bureau on the economic security of Poland. Economic security is listed as one of the three most important pillars of state security, alongside military security and political security. Assurance of economic security by the state is an essential condition for an effective state policy, guaranteeing the fulfilment of all its goals, tasks and functions. The Central Anti-Corruption Bureau (CBA), established in 2006, aims, among other things, to combat corruption in public life. Over the course of 17 years, CBA has demonstrated its effectiveness as well as caused much controversy with its activities. The speech aimed to show the results of a survey conducted in 2020 and compare them to the results of a survey conducted currently on a sample of professionals associated with the special services, specifying the departments directly involved in combating crime against the economic interests of the state.

In her speech, Iwona Paszyńska-Wesołowska analysed the importance of Teams of the Military Center of Preventive Medicine of the Polish

Armed Forces in ensuring food security and fighting bioterrorism. Detection of a biological weapons attack is extremely difficult. The only effective method is prior recognition of the intention to use such weapons, thwarting the action and eliminating the perpetrators and the source of contamination. If this element fails, there is no way to completely and effectively protect larger communities of people from the effects of these weapons. Bioterrorism is currently one of the greatest threats posing a challenge to the civilian environment as well as to the army. She presented the level of threat of biological terrorism using food as a transmitter of biological weapons and introduced the principles of functioning of the Military Center of Preventive Medicine Team during a crisis caused by bioterrorist actions.

The second panel was closed by Daniel Walczak with a lecture on public trust in the State Protection Service. The activity of the State Protection Service as a formation having a significant impact on the security of Poland was outlined. The tasks faced by the formation were presented, and the tools and techniques it uses in its daily work were analysed. The successes and failures of the State Protection Service over the past years were also indicated.

The third panel was inaugurated by a presentation by Katarzyna Furman, in which she discussed a multi-layered model of governance in cyberspace. She presented the adopted models of security in cyberspace in the state of peace, in the area of cyber defence and the security model in the state of war on the example of the ongoing conflict in Ukraine.



The second part of the presentation was devoted to cyber security models covering entities whose activities were based on the commercialisation of security engineering services, according to the current legal status at the level of Poland and the European Union.

The second lecture, given by Grzegorz Data, was devoted to the detection of disinformation content in news using artificial intelligence based on emotion analysis. Concepts related to the phenomenon of disinformation and its propagation were introduced. The author presented a mechanism for sampling information identified as disinformation to create a linguistic corpus for further research on the disinformation phenomenon. The process of automatic text analysis with artificial intelligence support was discussed. He also presented a tool comparing news identified as disinformation with news services downloaded from web portals by examining the emotions contained in both sources, with the aim of making an automatic detection of manipulative and disinformative content in the media space.

Filip Gregg's speech was focused on the issue of traffic management in Poland in the context of the safety of its participants.

Bartłomiej Folta was the fourth speaker. He discussed the involvement of an entrepreneur who obtained a concession to provide personal and property protection services in situations of a mass outbreak of a human infectious disease. One of the changes forced by the Covid-19 pandemic was the involvement of personal and property protection personnel in activities to prevent

the spread of a human infectious disease, primarily within protected premises. However, the problem is the lack of a legal basis regulating the participation of the private sector of personal and property protection in Poland to carry out tasks in conditions of a threat to public safety, including during mass outbreaks of infectious human diseases.

The third panel, and thus the conference proceedings, were closed with a lecture by Marek Kania, who analysed the possibility of creating a tendering platform in the area of public procurement based on modern technological solutions.

As part of the 3rd Scientific Conference for Doctoral Students at the WSB University in Dąbrowa Górnicza, a panel devoted to problems associated with writing a doctoral dissertation was also held. Young academics who have already defended their dissertations, i.e. Patryk Błasik PhD and Jarosław Gorzawski PhD, shared their insights and reflections on the process of working on the dissertation with their younger colleagues. They discussed the challenges they faced at each stage of their work, from developing the concept for the dissertation, through conducting research, analysing and compiling it to writing the dissertation and defending it.

The presentations given by the conference participants are an important contribution to a better understanding of the dynamic changes taking place in all spheres of security. The contacts made during the event will undoubtedly result in future joint activities on scientific research projects in the field of security sciences.

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# OUR EXPERTS

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Aleksander Babiński, PhD, Associate Prof. (Police University, Poland)

Mariusz Feltynowski, PhD (Fire University, Poland)

Magdalena Gikiewicz, PhD (Fire University, Poland)

Marek Hütter, PhD (Fire Service College Frydek Mistek, Czech Republic)

Marcin Jurgilewicz, Prof. (University of Technology in Rzeszów, Poland)

Oleksandr Lazarenko, PhD, Associate Prof. (Lviv State University of Life Safety, Ukraine)

Vasyl Loyik, PhD, Associate Prof. (Lviv State University of Life Safety, Ukraine)

Grzegorz Matuszek, PhD (City Police Headquarters, Poland)

Mykhailo Naliirmya, PhD, Associate Prof. (Lviv State University of Life Safety, Ukraine)

Grzegorz Piątkiewicz, PhD (WSB University, Poland)

Oleksandr Prydatko, PhD (Lviv State University of Life Safety, Ukraine)

Stanisław Rysz, PhD, Associate Prof. (Jan Grodek State University in Sanok, Poland)

Andrij Samilo, PhD, Associate Prof. (Lviv State University of Life Safety, Ukraine)

Petro Senyk, PhD (Lviv State University of Life Safety, Ukraine)

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