



# **MOBILITIES, SOCIAL CHANGE AND CRIME**

**LESSONS FROM POLAND**

Konrad Buczkowski and Paulina Wiktorska



# Mobilities, Social Change and Crime

This book presents a synthesis of selected trends in the dynamics and structure of crime in Poland over the past 30 years, in the context of ongoing social transformations in the wider region. The book explores the impact of the deep systemic transformation of the late 1980s and early 1990s on the phenomenon of crime, its structure and dynamics, and the policy of its control in the following decades. It also examines the impact of changes resulting from the dynamic development of Polish society in the 21st century in the context of global changes towards the emergence of a new form of collective life, a mobile information society based on modern technologies. The focus is primarily on those deviant behaviours that can most obviously be linked to social changes, primarily political, economic, legal, and technological. The work examines disclosed crime figures available in official statistics. It also looks to the future considering the global societal changes caused by the outbreak of the COVID-19 pandemic. Based on preliminary observations made in selected countries, the authors describe associated changes in criminal behaviour and identify some pivotal developments that may influence future trends. The book will be of interest to academics and researchers working in the areas of criminal law, criminology, sociology and criminal policy.

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# Introduction

## Transformation of crime in a society of universal mobility based on the example of Poland

### Introduction

The aim of this book is to draw attention to changes in the dynamics and structure of crime in Poland over the last 30 years in the context of ongoing social changes not only in this country but also in other countries in the region. The authors realize that they do not exhaustively cover all the threads concerning this issue, but that doing so is not the purpose of this book.

We found it particularly interesting to show crime in Poland by taking into account two issues: first, the impact of the deep systemic transformation of the late 1980s and early 1990s on the phenomenon of crime, its structure and dynamics, and the policy of crime control in the following decades; and secondly, the impact of changes resulting from the dynamic development of Polish society in the 21st century in the context of global changes towards the emergence of a new form of collective life, which is a mobile information society. Both of these phenomena in Poland occurred over a fairly short period of 30 years, which is not characteristic of many countries.

Primarily using the official statistics collected by the Polish Ministry of Justice and Police, we would like to emphasize that on the one hand, certain trends in recorded crime are almost entirely static, regardless of changing political, social, economic or cultural conditions, while on the other hand, the changing rules of society can significantly affect the definition of crime and its recording, control, and the legal culture of society.

A society constituted around a variety of interpersonal relationships, maintained in “real” and virtual terms, is a hybrid composed of human individuals (those entering into these relationships) and material things (the objects and devices that support the relationships). It is a dynamic and unlimited system. The development of new technologies meets the expectations and needs of society. The convergence of contemporary media and mobile means of communication fosters the permanent inclusion of people in the global network and affects the way people self-perceive themselves as part of one community.

(Wassilew 2011:467)

## 2 Introduction

The turn of the 20th and 21st centuries has been accepted as the beginning of the era of information and the mobile society, the markers for which are modern information and communication technologies that have a fundamental impact on all aspects of social life (Hejduk 2016:64).

The relationship between broadly defined social dynamics and the phenomenon of crime is one of the more interesting research problems for criminology. In this context, the term “crime” is most often understood as a phenomenon occurring in social reality associated with the existence of norms accepted by the general public that are violated as a result of the actions of perpetrators.

With this way of explaining the phenomenon of crime, the most accurate theory seems to be the concept of law as a “social fact” proposed by Emil Durkheim (Szacki 2002:374–378). A social fact contains the qualities of externality, limitation, and inevitability (Marshall 2005:88). It is part of collective imaginaries having more or less consolidated forms. As a product of the collective, it has moral value, limiting the free behaviour of individuals.

Of particular interest is the space between ideal collective imaginaries and the actual practice observed in social action. It is in this space that behaviours that do not conform to set normative standards, including criminal behaviour, are located. As Irena Rzeplińska notes, “criminality is a set of behaviors that have accompanied human societies ‘since time immemorial,’ constantly present and always controlled by a specific criminal law response, resulting from the currently dominant principles of criminal policy” (Rzeplińska 2010:195). There is also a different theory in Polish criminology that assumes that the phenomenon of crime, understood as a set of criminals or crimes, cannot be treated as a social fact but rather as a kind of social construct (Błachut 2008:76). It is therefore the result of interpreting revealed social events and acts of specific individuals through the prism of criminal law norms that allows one to define them as crimes and their perpetrators as criminals.

When describing changes in the structure and dynamics of crime, we must take into account the fact that we are referring to behaviours that are unlawful in a specific time and place, as revealed in official records and included in official statistics, which eliminates the *dark number of crimes*, i.e., crimes committed but not recorded by law enforcement, from the area of consideration. Criminologists involved in measuring crime “are often faced with the dilemma of what type of sources of information to use about the level of the phenomenon. The choice is only seemingly obvious. This is because it seems that the best source could be official statistics” (Mordwa 2012:45), which is not always true. One must be aware that the final shape of crime statistics depends on many differently configured factors. Firstly, police, prosecutorial, judicial, and penitentiary statistics operate with different units for calculations expressing the efficiency of individual authorities and their “readiness” for repressive action against particular types of crime. Second, they largely depend on the attitudes of citizens who, to varying degrees, choose to report suspected crimes. Reluctance to inform law enforcement authorities may be caused both

by the personal characteristics of the individual and the social situation in which he or she finds him or herself, including, in particular, involvement in various types of illegal or borderline illegal behaviour. Common reasons for not reporting a crime are relationships to the perpetrator, fear of retribution of kinship or friendship, and the strength of condemnation for the act. Finally, an important reason for not reporting crimes is the attitude towards law enforcement agencies and the police in particular. These include a lack of faith in the effectiveness of the operational methods used, previous negative experiences in contact with the police, or simply an unwillingness to cooperate (Blachut, Gaberle, Krajewski 2006:225–227).

Because statistics do not reflect the true picture of crime, criminology has developed a number of scientific methods to estimate the *dark number of crimes*, but this is always an estimate and not a precise measurement. The importance of these tools in gaining knowledge about crime is undeniable, but their use is not always possible or advisable. Of course, we can obtain the most complete information on actual crime through a combined examination of existing statistics and estimates of undisclosed crime using observations, experiments, interviews, and other tools.

It should be emphasized, however, that the choice of the research method, which relies solely on secondary analysis of available statistical data, cannot be treated as a methodological error. Reliable and accurate analysis can be developed only on the basis of statistics if the researcher honestly emphasizes that his conclusions cannot be “stretched” to the actual crime but only to the part of crimes revealed and registered at a certain level of investigation. Therefore, our considerations will be based not only on statistical data but also on analyses showing crime in a broader perspective – as part of the social reality of a changing world.

Such an approach is reflected in the layout of this book, which is structured as follows. In the first part, we present selected sociological and criminological theories concerning the transformation of modern societies towards societies of universal mobility, taking into account the impact of broadly understood social changes on crime. We present the methodological assumptions for the research we describe, in particular justifying the choice of time frame and the selection of types of crimes to be analyzed, including those most closely related to the transformation. In the second part, we describe selected crime statistics and their shapes and dynamics, pointing to the conditions responsible for the structure of crime in Poland over the last 30 years, as well as new, emerging forms of crime such as crimes of modern economy, cybercrime, stalking, bullying, new forms of migration crime, or criminal behaviour towards animals and the environment, the presence of which is implied by the current level of social development of Poland.

We devote the last part of the monograph to the effects of the COVID-19 pandemic on the structure and dynamics of crime, since this phenomenon cannot be ignored, although it goes beyond the framework of analysis we initially

## 4 Introduction

adopted. We do not have detailed statistical data in this regard, and we realize that making any statements regarding changes in crime requires a certain long-term perspective, but we can certainly state that in many ways the global pandemic is not without influence on crime trends in Poland and elsewhere.

Changes result, inter alia, from the greatly accelerated process of “expansion” of crime to the virtual sphere that has been observed in recent years, the emergence of new types of acts directly resulting from the pandemic situation, including various new forms of fraud and extortion. These crimes are usually committed with exploitation techniques and information devices, including mobile devices. Some of them are the results of the emergence of restrictions associated with the pandemic, both in the context of their establishment, compliance, and control.

We hope that the publication we have prepared will allow readers to grasp the specific trends of crime in Poland from the late 1980s to the present day. In particular, the book is dedicated to recipients outside the borders of our country, for whom the historical events that initiated the dynamic development of Poland are not always completely obvious, especially in the context of the chaotically changing laws and reactions to crime, which undoubtedly depend on what norms exist and by whom they are established, therefore depending on the structure and organization of a given community (Szczepański 1972).

In the book, we analyse the period of the last thirty years – from 1990 to 2020. Therefore, the views presented in this book, as well as the cited literature and research results (including the COVID-19-induced changes in crime), refer to this period and only marginally go beyond 2020. This applies in particular to the global situation created after Russia’s aggression against Ukraine. We could not ignore this fact in our work. However, we considered that it would be premature to look for any factors at this stage of the conflict that might influence social change and crime transformation, so we limited this topic only to posing questions about possible directions of change, hoping to obtain answers in the coming years.

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# **I Selected theoretical concepts on the transformation of modern societies – from the fall of communism to the era of mobility. Changes in Poland in comparison with other countries of the region**

## **1.1. Preliminary aspects**

In this section of the book, we present a synthesis of selected theoretical concepts concerning social transformations leading to the creation of societies of universal mobility, taking into account the impact of widely understood political and social changes on social phenomena, including crime. The structure, dynamics, and magnitude of crime during the processes we have described will be discussed in the next section of the book.

In sociology, there are two schools of thought for explaining social life. One viewpoint describes social reality as a constantly changing, dynamic world subject to constant modification and transformation. The other describes social reality in a world that is disciplined, structured, systematic, ordered, and even comparable – using references to the natural sciences – to a living organism (Mańkowski 2018:233). We use the first concept of explaining social life from a dynamic aspect as the basis for the considerations in this book.

Social change is one of the most important research areas in sociology. Observed social changes lead to attempts to describe them scientifically. Systems of hypotheses and theses have emerged and have included, at times, very elaborate theoretical concepts.

What is related to social change is, on the one hand, the fact that the history of mankind is arranged in a kind of pattern, in which in the actions of people we can discover their cause and effect, and on the other hand, social change becomes a research category, whose perspective makes it possible to make observations, measurements and comparisons of phenomena, processes and entire social structures.

(Mańkowski 2018:240)

According to Jonathan Turner, there is no doubt that the pace of social change has increased exponentially over the last several hundred years. These changes have mainly been caused by cultural factors such as technological innovations, evolutionary changes in beliefs, or diffusion of symbol systems.

Cultural changes are very closely related to structural changes – they initiate or accelerate them. The most important sources of changes in social structures are, above all, social inequalities and the resulting conflict over the availability of various types of goods; the formation of subcultures seeking to change their disadvantaged position; institutions undergoing their own transformation processes; and demographic, economic, political and, increasingly, environmental processes.

Many theoretical models have been developed in an attempt to organize concepts seeking to explain the phenomenon of social change. It is worth noting the classification of research models used to interpret social change proposed by Jonathan Turner (Turner 1998:223–229). This author distinguishes:

- a) cyclical models, which emphasize the transformation of societies from one to the other of two basic states;
- b) dialectical-conflict models, which emphasize the dynamics inherent in inequality that lead to change;
- c) functional-evolutionary models, in which the most important factor is the transition from simple to complex social forms and the accompanying constant effort to satisfy new needs and demands;
- d) conflict-evolutionary models, for which the driving force during the transition of societies from simpler to more complex is inequality resulting from reorganization under the influence of new technologies;
- e) loose post-industrial and postmodern concepts about the transformation of societies under the influence of advanced information technologies and media systems.

The descriptions of the positions presented by the representatives of all theoretical currents go beyond the issue discussed here, but it is worth recalling at least some of these views.

For example, Auguste Comte's theory of social dynamics posits that the development of societies through change occurs in a cycle of anticipated phases that are immanently linked to the development of knowledge. Among other things, his works point out the instability of his contemporary Europe due to the interruption and non-completion of the evolutionary process: from structures of the theological and military type to structures of the scientific-industrial type. He called the transitional stage of social development the "metaphysical stage," which marked the beginning of social evolutionism and was continued and developed by representatives of subsequent generations of sociologists. "Comte shared unreservedly the Enlightenment belief in the power of human reason and was convinced that the main agent of social change was consciousness" (Szacki 2002:252). He pioneered the idea of combining the concepts of progress and order in an inseparable pair, which gave rise to the introduction of two strands to sociology: statics and social dynamics. He formulated the main tenets of social dynamics, which



## 8 *Theories on the transformation of modern societies*

are particularly of interest to us because of the theme of change addressed in this book, as follows:

- a) evolution is always correct and directed;
- b) its most important law is the law of the three stages (theological, meta-physical, and scientific) through which the development of consciousness passes;
- c) transformations of consciousness are correlated with changes in all areas of social life (Szacki 2002:261).

Auguste Comte was fundamentally opposed to conservatism, but at the same time was deeply critical in his assessment of many social changes.

Herbert Spencer, in turn, proposed an evolutionist theory of social change, defined by population development and structural differentiation. He saw the source of all social changes in nature or in nature transformed by humans, i.e., in culture in its broadest sense. In his concept, he distinguished between two types of social evolutionary factors: primary and secondary. The first group included the natural environment and the intrinsic natural physical characteristics of individuals. In contrast, he considered secondary factors playing an increasingly important role to be those that limit both natural environmental conditions and the species characteristics of human individuals. He assumed that as the environment changes, humans change as well (Spencer 1898). Secondary factors therefore determine how the social structure is shaped in a given time and place and govern the nature of interpersonal relationships.

Karl Marx, the founder of historical materialism, viewed social change through the lens of historical necessity. He treated society as one interrelated whole, and therefore believed that a change in certain elements of society must inevitably entail corresponding changes in its other elements. According to the assumptions of historical materialism, the main causal factor of social change and social development has been human activity, the course and results of which cannot be predicted and correspond neither to what was conceived nor to what was planned. Karl Marx believed that

social relations are closely bound up with productive forces. In acquiring new productive forces men change their mode of production; and in changing their mode of production, in changing the way of earning their living, they change all their social relations. The hand-mill gives you society with the feudal lord; the steam-mill society with the industrial capitalist.

(Szacki 2002:211–242)

The functionalist approach to social change, as represented by Talcot Parsons, included four groups of issues: social equilibrium, structural change, structural differentiation, and social evolution. In analyzing the essence of social change, he began with intra-systemic changes, moving gradually to

changes in the system as a whole. The evolution of society through change, according to Parsons, means the continuous growth of society's adaptability through differentiation and integration. The differentiation takes place in such a way that new functions are identified in society, to which new roles and social groups are assigned accordingly. This results in the increasing complexity of social relations and the entire social structure, forcing a need to generalize cultural patterns and produce adequate means of social control, which occurs in the process of integration (Szacki 2002:823–824).

The search for answers to the questions of why change occurs in society, what rules or lack of rules govern it, and what these changes imply has given rise to various models, approaches, and theoretical perspectives, with modernization and evolutionary theories proving the most popular over time.

Neil Smelser, in his conception of the essence of social change, placed precisely at the centre the notion of modernization, which is a sequence of structural transformations contained between the impulse to change and the new adaptation of the system to changed conditions (Paluch 1976:243–244). At the same time, he emphasized that we can analyze social change primarily through the lens of economic development, which in a sense is the primary driving source.

Finally, Anthony Giddens and the problem of social change in modernity that he addressed, which he sees as the result of four key processes, namely the rise of capitalism, industrialization, the proliferation of administrative oversight, and the rise of nation-states (Giddens 2002). He sees modern society as a risk society, as social change takes on unprecedented proportions, transforming time and space and disconnecting social life from existing patterns and ingrained practices. He introduces the concept of reflexivity, which means that “much of the social activity and material relation to nature is systematically revised because of newly acquired knowledge or acquired knowledge” (Giddens 2002:29). He draws attention to the disturbing vision of modernity as a state of permanent uncertainty, confusion creating ever new changes, which he sees not through the prism of development but rather as new threats, the course of which people have ceased to have any influence on and are unable to predict or manage. As he writes, the postmodern world has become “apocalyptic, but not because it is inevitably heading for disaster, but because it carries with it forms of risk unknown to earlier generations” (Giddens 2002:7).

Even with these few signalled concepts concerning the essence of social change, it is clear how diverse such theories are. They range from adopting the concept of social change as anticipated phases of evolution, closely related to the development of knowledge through their correlation with the situation, economics, modernization, and progress, to the idea that change cannot be defined as the state of society at a given time vis-à-vis the state of society at another time, as it manifests itself in its uninterrupted continuance (Mańkowski 2018:242).

Of course, none of the theories cited, nor any of the many others available, offer a complete explanation of the nature of social change. Evolutionist

theories seem to take too limited an account of internal transformations in social structure. Cyclical theories analyze social change by limiting themselves virtually exclusively to the societies of Western civilization. Functionalists, on the other hand, focus more on the stability and balance of society than on the dynamics of change. Representatives of conflict theory focus their attention primarily on economic factors as sources of tensions that lead to social change, while theories derived from modernist concepts focus primarily on identity, personal experiences of individuals, risk, and helplessness in the face of changing reality, thereby relieving people of responsibility for the shape and effects of change.

Hence, since the 1990s, various proposals have been advocated to perform theoretical synthesis and abandon single-factor concepts in explaining the causes and effects of social change (Goodman 1997:343–344).

Criminology, as an independent scientific discipline dealing with the aetiology of crime and its structure, dynamics, and control for the purpose of developing its own theories and conducting research using general sociological concepts, most often uses the Marxist theory and the theories of anomie, routine activities, and social marking to explain the relationship between social change and crime (Błachut, Gaberle, Krajewski 2006:252–255).

According to Marxist theory, based on the constant conflict between the ruling and working classes, economically motivated crises are inevitable. They rely on an unresolvable contradiction between production and consumption. Antagonisms between capitalists and the working class cause increased discontent while also influencing increased crime. While it is true that the nature of this crime is closely related to an individual's place in the class structure of society, its increase is most pronounced in the group with the lowest economic status, particularly within common crime, both that against property and that against the person. As a result of the escalation of the class conflict, so-called "white-collar crime" also increases, but as a result of the selectivity of the formal social control bodies, which are dominated by representatives of the upper class, it remains rather in the realm of the *dark number of crimes*. The class that produces the means of production is observed and controlled in greater detail, and the effect of increased control results in increased criminalization of this particular group (Błachut, Gaberle, Krajewski 2006:252–253).

Concepts of anomie, primarily represented by Emil Durkheim and Robert Merton, see a direct connection – primarily in terms of the size but also in terms of changes in the structure of crime – with changes in society in the occurrence of a state of anomie.

Emil Durkheim recognizes that anomie occurs as a result of the transition of a society built on bonds of mechanical solidarity to a society dominated by bonds of an organic nature. Simply put, it is the phenomenon of normative disequilibrium (Durkheim 2011). Regardless of whether we understand this phenomenon as a disturbance of the functional order or as the disappearance of norms in the socio-cultural structure, the effect remains the same and consists of the loss by the social system of the ability to effectively control the

behaviour of the individual. The individual, as a result of the breakdown and vagueness of norms, feels released from normative obligations and begins to pursue egoistic aspirations. This is very often the case when economic transformations are too dynamic for the development of moral and normative regulation to keep pace with the rapid pace of change, differentiation, and specialization (Marshall 2005:17).

Robert Merton's (Merton 1982) concept is no longer so clear-cut. In particular, he emphasizes that the effects of anomie cannot be considered solely in deviant terms. The essence of the state of anomie lies in the fact that there is a discrepancy between the desire to achieve certain goals and the possibility of achieving them through individually available means. The adaptive techniques undertaken by individuals in adopting conformist, innovative, ritualistic, withdrawal, or rebellious attitudes may, to some extent and degree, foster criminal behaviour, but this is not absolutely conditional. Robert Merton, however, points out that in situations of economic crisis, excessive emphasis on financial success as a social value undoubtedly promotes processes causing social stratification, which may strengthen the attitudes of individuals towards undertaking innovative actions. These, in turn, are most conducive to criminal activity because they "justify" the use of unacceptable means in a given society in order to achieve commonly approved goals.

The concept of routine activities identifies changes in the structure and dynamics of crime primarily with changes occurring in the daily activities of individuals, referring to the economic concepts of supply and demand. An increase in opportunities for criminal behaviour, caused primarily by the frequency of social interaction, automatically increases the severity of these behaviours. As opportunities for crime increase, so does the number of crimes, especially so-called contact crimes – that is, crimes in which there is physical contact between persons or a person and an object that the perpetrator destroys or removes (Cohen, Felson 1979:588–608). In order for a situation conducive to the real commission of a crime to occur, three elements must be present at the same time: a potential perpetrator who is sufficiently strongly motivated to commit the act, a goal of action adequate to be the person's motivation, and, finally, the availability of the object, i.e., insufficient protection of the subject or object towards which the perpetrator's actions are directed from his attack. Social change tends to foster increased opportunities for crime. What is important in this context is, first of all, the increase in the availability and variety of consumer goods, but also progressive urbanization processes undeniably affecting social ties (anomie). This leads to a weakening in the socializing role of the family, an increase in professional activity, and the expansion of free time into areas of uncontrolled public space.

A completely different perspective on the interrelationship between social change and crime is offered by social labelling theories (Marshall 2005:84–85), which take the functioning of law enforcement and the justice system as their starting point. They criticize the assumptions of positivist criminology, which too orthodoxly sees the causes of crime and other manifestations

of deviance in psychological factors – even those resulting from the genetic heritage of the individual – or in environmental determinants. They recognize that processes of social change that lead to a particular definition of crime and a willingness to control it are primarily responsible for the existence of crime in society. It is the establishment of normative rules and selective methods of enforcing their observance, obviously variable in time and space, which have been identified as the causes of increased crime through the institutional creation of so-called secondary deviancy. Primary deviancy, meaning the violation of a commonly accepted norm, can trigger the phenomenon of secondary deviancy through labelling processes. Stigmatization can lead to the initiation of a process whereby the social role of the offender begins to absorb the other social roles played by the individual, becoming dominant sometimes to the point of becoming the only role in the perception of the environment in which the person functions. Re-negotiating this role is extremely difficult and often impossible, potentially leading to the perpetuation of criminal behaviour. In addition, with people who have committed crimes in the past, social control authorities fall into the trap of selective action, which causes offenders to be more closely observed and controlled and therefore makes reoffenders easier to detect than with people with no prior criminal record.

The assumptions of the theories developed within the anti-naturalist movement make extensive reference to the assumptions of interactionism (Kojder 1980:45–65). In this context, crime is not something given to society on a permanent basis; its definition emerges in the course of negotiations and assigning meanings, while the meanings depend on the existing reality which is subject to increasingly rapid and fluid changes.

Speaking of social change from the criminological perspective, and more specifically in relation to crime, we usually have in mind wars, revolutions, political changes, economic changes, industrialization processes, demographic changes, migrations, the formation of new lifestyles, the level of fear of crime, and the effectiveness of crime control (Kossowska 1992:73–74). For many years, these changes have also included ever-increasing processes of digitalization and technological miniaturization accompanied by an increase in virtual mobility (Urry 2009:49). These phenomena occur with varying degrees of intensity at the local and global levels. Social change is nowadays understood as a variety of social processes occurring at the micro and macro levels (Kossowska 2013:73), but considered together.

One of the more significant reasons for the lack of consensus in defining crime and in the choice of methods to control it by particular social systems or nation-states is precisely that social change is not uniform for all. Social changes cannot remain unaffected by the dynamics and structure of crime either.

The adoption of the 30-year period from 1990 to 2020 for our analysis in this book is significant in the context of social change and crime. It is a time during which very serious political changes took place, especially in the countries of Central and Eastern Europe. This is also the period of the most recent stage of globalization, which has made changes in the reality around us.

Moreover, it is a time of rapid technological change that has taken the world from the analogue era to the digital era.

## **1.2. Transformation in Poland compared to the region**

In Poland, the formation of a modern information society based on mobile technologies occurred almost simultaneously with the transformation process. It should be emphasized that this was a systemic transformation – the so-called “broad transformation”, i.e., a radical social and political change that took place in the countries of Central and Eastern Europe after 1989. It was then that political and economic systems were changed, social and political consciousness shifted, and a different system of values was adopted, including a different legal culture. At the same time, it should be noted that the change that took place at that time was – for the course of social processes – extremely sudden: these changes in the economic and political system required rapid social adaptation. As Wolfgang Rau notes, for central European countries, the period of transition following the fall of the Berlin Wall was associated with three types of change:

- 1) political change, consisting of the transition from an authoritarian system to a democratic state, connected with limiting the role of the state in society;
- 2) economic change that transformed ownership structures from state ownership to private ownership;
- 3) social change, leading to the liquidation of the socialist “welfare state” in which the government provided work and social security, and moving towards releasing the economic initiative of citizens, which was associated with accompanying problems (primarily unemployment, including youth unemployment) (Rau 1999:356).

It should be emphasized that the transformation process that has been taking place since the end of the 1980s in the region of Central and Eastern Europe has led primarily to the liberation of the countries of this region from the communist system imposed on them as a result of World War II, referred to in official propaganda as the socialist system.<sup>1</sup> As Alenka Šelih notes, the process of change in Central and Eastern European countries differed from earlier

1 It should be noted that although the two terms are often used interchangeably, they differ in terms of ideological assumptions. One of the main differences comes down to ownership of the means of production: whereas under communism they belong to and are controlled by the state, under socialism all citizens should have an equal share in the economic resources allocated by a democratic government. See: <https://www.greelane.com/pl/humanistyka/zagadnienia/difference-between-communism-and-socialism-195448/> [accessed: 31/01/2022].

The economic systems in the so-called socialist countries of Europe were closer to the concept of communism rather than socialism due to the almost total ownership of the means of production on the part of the state (the exception was Poland, where to a limited extent, private ownership was allowed).

transformations (after World War I and after World War II) in various respects. In the past, these countries were treated as if they were a homogeneous group. What they had in common, of course, was one-party rule, political surveillance of citizens, suppression of free speech and the right to assembly, restrictions on private property, and a planned economy (Šelih 2012:5). However, the countries of Central and Eastern Europe were different even before the beginning of the transition, and the processes of change only deepened these differences. Change in some countries, such as in the former German Democratic Republic, was quite different from the transformation taking place in other Central and Eastern European countries. In contrast, the change in the Baltic states (excluding Russia) took a different course than that in those Central European states that were under the rule of the Austro-Hungarian Monarchy in the early 20th century (Šelih 2017:31). It should be noted, however, that depending on the country, this process was more or less peaceful.

In countries such as Poland, Hungary, Bulgaria, and Romania, the change was limited to a transition to a fully democratic system with a free-market economy, basically without internal struggles or casualties (with the exception of Romania, where the authorities initially suppressed protests, which ended with the execution of the country's leader, Nicolae Ceausescu, and his wife at the end of 1989), while retaining the existing national borders. In some countries, such as Czechoslovakia, after the democratic transformation, the previous state organism was peacefully broken up into two independent entities, in the case the Czech Republic and Slovakia, existing since 1st January, 1993. The same was true of the German Democratic Republic, which, after the fall of the Berlin Wall, survived another year to reunite with the Federal Republic of Germany on 3rd October, 1990.

Unfortunately, in some countries, the process of regime change was not peaceful. First of all, it is necessary to point out Yugoslavia, a country that was already established after World War I as an independent entity and after World War II fell under the rule of Josip Broz Tito and began functioning as the Socialist Federal Republic of Yugoslavia. It consisted of six republics grouping six distinct nationalities – Serbs, Croats, Slovenes, Montenegrins, Macedonians, and Bosnians – who professed different religions (Orthodoxy, Catholicism, Islam) and belonged to different ethnic groups with distinct histories and senses of identity. In addition, Serbia included two more autonomous regions: Vojvodina, inhabited by a Hungarian minority, and Kosovo, mainly (about 90%) inhabited by people of Albanian origin. Such a large number of different national groups could have led to numerous conflicts, which, however, were successfully mitigated during Yugoslavia's existence. The process of disintegration that began with the declaration of independence by Slovenia and Croatia in June 1991 initiated a period of wars between the different parts of former Yugoslavia initiated by the Serb-dominated Yugoslav People's Army. While the conflict with Slovenia lasted only ten days and ended with a Slovenian victory, the war on Croatian territory did not end until November 1995. The bloodiest conflict, however, concerned the territory of Bosnia and Herzegovina – the

most ethnically diverse (over 40% were Bosnian Muslims, over 30% Orthodox Serbs, and almost 18% Croat Catholics) combined with a siege of several years of the capital Sarajevo. The war, which began in 1992, ended with the signing of peace accords in December 1995 in Paris. Still unresolved is the problem of the status of Kosovo, inhabited mainly by people of Albanian origin, which under the 1999 agreements peace was to be secured – after several years of military action – by NATO forces and the European Union. In 2008, Kosovo made a unilateral declaration of independence, which has been recognized by about 100 countries to date. The final breakup of Yugoslavia occurred in June 2006, when Montenegro separated from Serbia and declared its own independence.<sup>2</sup>

Extremely important for the fate of the countries of the so-called socialist camp was the collapse of the Soviet Union. The country, created in 1917 as a result of the October Revolution, became the leader of a bloc of communist states in Central and Eastern Europe after World War II whose politics and economy – despite formal independence – had to be subordinated to the directives coming from Moscow. The Soviet Union's adoption of the communist doctrine of nationalization of private property, centralization of the economy, and one-party rule meant that despite massive propaganda portraying prosperity in the Land of the Soviets, the actual state of the country deteriorated significantly over time. Reform attempts made in the mid-1980s did not have the expected effect. An additional problem for the Soviet Union was the inclusion (as its republics) of many previously independent countries with populations of different ethnic origins (over 100 ethnic groups).<sup>3</sup>

When, under the influence of the weakness of the Soviet Union, the states belonging to its sphere of influence began to gain real independence, the republics making up the Soviet Union itself felt the same influences. In March 1990, a declaration of independence was made by Lithuania. In 1991, the Soviet republics held independence referendums that resulted in the separation from the Soviet Union of Georgia, Estonia, Latvia, Ukraine, Belarus, Moldova, Armenia, Azerbaijan, and a number of republics located in Central Asia. As a result of this process, the Soviet Union formally ceased to exist on 26th December, 1991, and its legacy was taken over by the Commonwealth of Independent States, which was established by Russia and Belarus.

However, it should be emphasized that the policy pursued by the authorities of the Russia did not give up the thought of rebuilding the empire. Unfortunately, the period in which the countries comprising the former Soviet Union could decide their own fate did not last long. After the period of chaos that occurred in Russia in the first half of the 1990s in connection

2 Based on: <https://pl.wikipedia.org/wiki/Jugosławia> and [https://pl.wikipedia.org/wiki/Rozpad\\_Jugosławii](https://pl.wikipedia.org/wiki/Rozpad_Jugosławii) [accessed: 31/01/2022].

3 See: [https://pl.wikipedia.org/wiki/Zwi%C4%85zek\\_Socjalistycznych\\_Republik\\_Radzieckich#Spółczesność](https://pl.wikipedia.org/wiki/Zwi%C4%85zek_Socjalistycznych_Republik_Radzieckich#Spółczesność) [accessed: 31/01/2022].



with the end of the Soviet Union, the authorities of this country decided to stop further decomposition of its area of influence. To this end, a decision was made to reintegrate the now independent former republics of the Soviet Union into an international organization called the Union of Independent States or the Eurasian Economic Community. In the face of little real response to joining these organizations created under the leadership of Russia and its then new leader, Vladimir Putin, an attempt was made with regard to some of the former republics to make them militarily dependent on Russia again. The two Chechen wars (fought between 1994–1996 and 1999–2009) resulted in more than 250,000 deaths, and its sole purpose was to keep the territory as part of the Russia. Border conflicts initiated or inspired by Russia became a tool for disciplining independent states formerly part of the Soviet Union to adopt a more pro-Western value system. Support for the separatist aspirations of Transnistria, which is part of the Republic of Moldova; the attempt to separate Abkhazia and South Ossetia, which are part of Georgia; or the seizure by Russia of parts of Donbass, Luhansk, and, in 2014, Crimea – which are parts of an independent Ukraine – are the main examples of such actions. Their aim was to destabilize the countries concerned and ensure that their integration into European structures (the European Union and NATO) was halted (Kasprowicz 2019:6). The next stage of these actions included the practical economic and political dependence of Belarus and the war on the territory of Ukraine, which began on 24th February, 2022, with the aim of rapidly annexing of Ukraine, which turned into a 17-month trench warfare and whose goal is the liquidation of the independent existence of this state. The war in Ukraine has changed from a regional problem to a wide-range international problem, which will undoubtedly affect the political and economic shape of the modern world.

It is important to note that over the past 30 years, Ukraine has come a long way from a state with strong ties to Russia (and previously the Soviet Union) – both politically and economically – to a state aspiring to join the European Union and NATO, albeit one that is constantly struggling economically (Fedets 2019:35). Russia, having just tried to take advantage of the aforementioned economic problems of the Ukrainian state under the slogans of “demilitarization” and “denazification,” as well as the defence of the Russian population living in Ukrainian territories, has attempted to “reverse history” and annex Ukraine to Russia (or at least ensure its dependence again).

The transformation process carried out in the countries of Central and Eastern Europe in the late 1980s and early 1990s, which began with the restoration of true independence, was much more profound than any previous historical transformation.<sup>4</sup> “What was done was not only a change of regime, but also a

4 Claus Offe here speaks of three “families of transition” in Europe in the 20th century: the postwar democracies that emerged after the end of World War I in 1918, the postwar democracies

reorganisation of the production system. . . . There was no ‘revolutionary’ plan to show how and in what order things should be done” (Offe 1997:64). The countries of Central and Eastern Europe rejected the economically unjustified socialist economic system and adopted the capitalist system in the form in which it was applied in the countries of Western Europe, in a way “importing” it to themselves and at the same time adapting “Western” social standards. However, this change was so far-reaching and all-encompassing that one can refer to it as a revolutionary change, which nevertheless took place without bloodshed.

It must be remembered that the economic change from a socialist economy to a capitalist system was a historical necessity. Contrary to official propaganda, the socialist state was not an area where people lived in abundance, the education system was at a high level, the equality and freedom of citizens were guaranteed, and the crime rate was low. On the contrary, according to estimates, since the 1970s, as much as 40% of Soviet society and 20% to 30% of Polish society lived below the poverty line (Łoś 2003:146). The shape and organizational structure of the socialist economic system was a combination of legal and informal elements, forming a parallel economy to the official one (Buczowski 2017:232). The countries of this region were rather poor, ranking far behind in the gross domestic product (GDP) rankings. In 1990, most of the socialist bloc countries were below the 40th place in the world ranking of GDP per capita, and the highest – in 36th place – was the collapsing Soviet Union. However, the change in the economic system did not mean significant GDP growth in the following years for all Central and Eastern European countries. It can be pointed out that only seven economies experienced income growth, with Poland being the most successful in this regard – moving from 45th place in 1990 to 23rd place in 2018. Ukraine declined the most, losing about 1% of its GDP per year for consecutive years and falling 13 places in the ranking of the world’s largest economies (Kaspro-wicz 2019:11–12).

The differences in economic development between the individual countries of the former “socialist camp” can be observed in the path chosen by each country to transform its economy. Those such as Poland that chose a path of a complete transformation of the economic system, combined with the implementation of very difficult reforms in basically all areas of life (Tatała 2019:114–127) and the indication of a clear course of joining the political and military organizations of Western Europe, were the most successful. These

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that emerged after the end of World War II in 1945, and the democracies that emerged in the mid-1970s in southern Europe (Spain, Portugal, Greece) that cut themselves off from their authoritarian past. The fourth “transformation family” was the change made after 1989 in the countries of Central and Eastern Europe. See Offe C., *Cultural aspects of consolidation: a note on the peculiarities of post-communist transformation*, “East European Constitutional Review”, No. 64(4), 1997, p. 64.

include the countries of Central and Eastern Europe that were part of the first phase of the EU's eastward enlargement: Poland, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Hungary, and Slovenia. This choice meant importing the Western institutional order, introducing the rule of law and anti-corruption principles, and preventing the formation of a local oligarchic layer in these states, as the proceeds from privatizing the economy, instead of going into the pockets of the oligarchs, were used to support severely underfunded state functions.

A different path of economic change was chosen by most of the countries that emerged from the breakup of the Soviet Union (with the exception of the Baltic states: Lithuania, Latvia and Estonia, which went unequivocally in the direction of European integration). This path led to the takeover of the economy by powerful oligarchic groups, supported by collaborations with corrupt government officials. In the *Crony Capitalism Index* prepared by "The Economist", which shows how big the connections between oligarchs and those in power are, the first place in 2016 was occupied by Russia and the fifth place (out of 22 countries included) went to Ukraine.<sup>5</sup> In this way, huge inequalities in the income of society were created, resulting in a small group of people concentrating in their hands the overwhelming part of the national income of this group of countries.

The last path of economic change, preferred by the former Asian Soviet republics (Kazakhstan, Kyrgyzstan, Turkmenistan, Azerbaijan, etc.), was the enfranchisement of the former leaders of these republics, already as independent pseudo-democratic rulers of the newly established states, and the control of the most important areas of the economy (mainly related to the extraction of fossil fuels or metals) by their family members. However, this did not guarantee steady growth and exposed these countries to huge fluctuations related to the global market for consumer goods. This led to a temporary surge in income during periods of prosperity and a decline in income during periods of falling commodity prices, on which the economies of such countries depended. Another effect of the dependence of economies on oil and gas exports has been the lack of any change in other industries to modernize them and bring them up to current standards. This is particularly evident in Russia, where most food is imported. As much as 40% of fruit; 80% of meat, meat products, fish, milk, and dairy products; and 90% of vegetables are imported (Kasprowicz 2019:15). The economic sanctions imposed on Russia in 2014 (after the annexation of Crimea) and in 2022 (after the attack on Ukraine), almost immediately led to shortages of food products, causing prices to soar.

5 See: <https://www.economist.com/graphic-detail/2016/05/05/comparing-crony-capitalism-around-the-world> [accessed: 12/03/2022]. As noted in the editorial commentary on the data presented, "Political connections have always greased the wheels of commerce. But over the past 20 years, from Malaysia to Mexico, 'capitalist pals' – people who get rich through connections with the government – have had a golden age. Globally, the value of billionaires in 'crony' industries grew 385% between 2004 and 2014, to 2 trillion dollars."

It is worth noting the division of countries undergoing systemic transformation, which was described by Maria Łoś. This author divides countries that have not chosen the path of market reforms and the introduction of fully democratic systems of governance into:

- 1) “captured states”, in which illegal, illegitimate, or non-transparent forms of influence have led to the creation of laws or public institutions that act in the interests of individuals or groups interested in taking over state enterprises through quasi-privatization to the great detriment of the general public;
- 2) “privatized states”, in which the former state and police apparatuses took over state structures as if “enfranchising” them and transferring a number of police functions of the state into the private sphere managed by former functionaries;
- 3) “criminal states”, which have been created from the outset along the lines of criminal schemes combined with unlimited plundering of the national economy and market subordination to narrow interest groups;
- 4) “extortionist/blackmail states”, in which the entire governance of the state is based on the principle of extortion and plundering using confidential information about citizens to induce them to behave according to the will of the rulers (Łoś 2003:149).

The sudden shift in the political system and the accompanying changes in the economic system in Central and Eastern Europe led in turn to very significant changes of a social nature. The period of transition initiated in the final decade of the 20th century was thus a time of social disorganization for the countries of the region. This

refers to a state of social imbalance caused primarily by social change. This disruption can be spoken of in terms of both structural breakdown and cultural disruption. In the latter case, it is a situation in which the members of a given group cease to regard as common the system of values they have adopted so far, or when this system no longer seems adequate to social reality.

(Kossowska 1992:73)

Anna Kossowska believes that the phenomena that occurred at the beginning of the 1990s related to the change of the political system, the process of transition from a socialist to a market economy, and the process of reforming the foundations of the legal system of the state seem to have created a situation of social disorganization.

Radical social changes, taking place in all areas of social life, give rise to a sense of insecurity and helplessness in part of society. In certain social groups, a conviction is created that the previous system of norms and

values has collapsed and, as a result, that any interpretation of permissible and forbidden behaviour is permissible.

(Kossowska 1992:103)

Similar processes have been observed in all post-communist countries undergoing transformation.

Alenka Šelih pointed out that all Central and Eastern European countries at the time of transformation were in a state of more or less severe economic crisis, which significantly increased the social costs of transformation. In addition, there was a remarkable increase in social stratification and social disintegration in the countries of the region. The process of changing social institutions and structures has proven to be more complicated than might have been thought at its outset (Šelih 2012:6).

For the societies affected by systemic transformation, the negative effects of the transformation have been described by Piotr Sztompka as the “trauma of change” (Sztompka 2002:454). As Anna Kossowska notes,

changes are more traumatogenic the more sudden and abrupt they are and the greater the range of areas of life they cover. In the first stage of transformation, the effect of change at the level of institutions was a state of disorganisation and chaos, . . . while at the level of personality – a state of cultural disorientation and a feeling of “civilizational incompetence.” Symptoms of trauma are: lack of trust (in institutions and fellow citizens), apathy and a sense of powerlessness manifested by a lack of interest in public affairs, orientation on the present day, idealization of the history of one’s collective, a diffuse mood of anxiety and fears and finally the appearance of phenomena from the area of the so-called “moral panic.”

(Kossowska 2015:46)

The transformation processes in affected countries have often led to changes in social structure. In Poland, an initially small group of people emerged as the beginnings of a later middle class, for whom the changes taking place were a factor that triggered their entrepreneurship. As a consequence, these individuals became beneficiaries of the market transformation. However, for some, the transition represented the end of their former lifestyle and their certainty about their functioning in the social fabric. As a result of the economic reforms, unemployment rose sharply in the first half of the 1990s (exceeding 16% in 1994),<sup>6</sup> which was particularly evident in regions of the country where inefficient state-owned industrial plants were liquidated. The economic development of Poland for more than 20 years of transformation, despite

6 See: <https://stat.gov.pl/obszary-tematyczne/rynek-pracy/bezrobocie-rejestrowane/stopa-bezrobocia-rejestrowanego-w-latach-1990-2022,4,1.html> [accessed: 12/03/2022].

a significant increase in gross domestic product that did not translate into the general affluence of society, has not led to an equalization of differences between poor and rich regions of the country (this state is gradually improving in the last decade). The division into beneficiaries and disadvantaged as a result of the changes led in many cases to tensions and protests by various social groups that considered themselves the most disadvantaged by the changes (miners, farmers, healthcare workers, teachers). The resulting inequalities in the distribution of state income consequently led to a persistent disparity in the opportunities of citizens. Transformation has created a society characterized by significant feelings of social injustice (Sadowski 2010:33; Buczkowski 2017:237).

It is worth noting that the processes of social change in Poland did not proceed everywhere to the same extent or with the same speed. A correlation between economic change and social change can be seen here. It should also be noted that some regions adapted to the new reality faster and to a greater extent than others (Western Poland versus Eastern Poland). Residents of these areas were thus quicker and better prepared to start and run new businesses. Areas with good communications infrastructure and higher levels of education that entered the transition with more small private businesses, regional development agencies, and local banks fared much better than areas without such structures (Jackson 2009:19–39). This does not change the fact that the choice of the path of free-market change has led to a wealthier society as a consequence. This, however, has not prevented the emergence of tendencies in the last few years that aim to negate the achievements of the transformation and attempt, under the slogans of social justice and equality, to bring back institutions employed in the previous system (e.g., the welfare state). The result of these trends is greater support in Poland, and also in a number of European countries (not only in the Central-Eastern region), for extreme tendencies, mainly of a right-wing nature, referring to “traditional values” and turning away from all changes associated with modernity, openness, and tolerance. It should be noted, however, that such options are supported mainly by people who have not found a place for themselves in the post-transformation world and at the same time are susceptible to the populist slogans proclaimed by these groups.

The past 30 years, accepted as a caesura for our considerations, is not only a period of transformation for the countries of Central and Eastern Europe, which after decades of forced domination of one political and economic system could make their own choice towards real independence and democratic system. The period after 1990 is also the time when globalization processes seem to have significantly accelerated, no longer affecting only specific countries of a particular geographical region but leading to changes in the functioning of political and economic systems around the world. They have also led to far-reaching changes in the functioning of societies.

The term “globalization” itself is most often associated with the Canadian scholar Herbert Marshall McLuhan, who is credited with creating the concept

of the “global village” (McLuhan 1964). The term implies a change in humanity’s perception of the world resulting from the invention and development of mass media and modern information and communication technologies, manifesting as the belief that the world is getting smaller. This concept has been criticized by scholars pointing out that the essence of a village is that everyone in it knows each other, while the society of our planet is rather an anonymous crowd of people who do not know each other (Kapuściński 2006:61).

Despite the criticism of the notion of a “global village”, the idea itself sparked the development of globalization theory (Marshall 2005:104), which deals with the multifaceted study of the formation of a global system of culture arising from the interaction of various types of new phenomena of a social and cultural nature based on a global satellite system. Through it, global patterns of consumption and consumerism emerge and cosmopolitan lifestyles spread, accompanied by sporting events with an international scope, the development of foreign tourism, the global military system, and international organizations, but also awareness of the global environmental crisis and the growth of health threats with a global scope, of which the greatest difficulties were caused by the spread of AIDS and subsequently the SARS-CoV-2 virus.

Globalization processes, however, are not only the domain of contemporary times or – as some propose – history because globalization has been “overtaken” by mobile postmodernity, which is discussed later in the text. As Wilhelmina Wosińska notes, globalization processes have accompanied man since the dawn of time. She divides globalization into the following phases:

- 1) ancient times – that is, the period of great empires that increased their influence through territorial conquests;
- 2) early expansion of Western countries – the period before the Industrial Revolution, associated with political (colonial activity), economic, and military domination of Western European countries;
- 3) the period of the industrial revolution – during which technological discoveries and inventions were used, for example, to improve transportation and communication capabilities, including telecommunications;
- 4) the period after World War II when, in connection with the advent of a new political order of the world, intensive economic activity began – mainly in the countries of the so-called Western civilization – along with a period of development of new telecommunications techniques (Wosińska 2008:27). This is the post-colonial era, during which a number of new countries appeared on the world map, mainly on the African continent, and there was a change in the balance of world power after the collapse of the Soviet Union.

A slightly different perspective on the stages of globalization is provided by Andrzej Lubbe, who sees the beginning of globalization in the times of the great geographic discoveries, distinguishing three phases:

- 1) the period leading up to World War I involving large migration processes from Europe to the areas of new settlements;
- 2) the period from the end of World War I to the end of the 1980s – a period of stimulating the world economy after the war, but with limited trust in interstate relations, resulting in protectionist policies and disintegration of the world economy;
- 3) the period from the early 1990s to the present – a time of extremely rapid development of trade and exports in relation to GDP, rapid growth and an increased global role of transnational corporations, and a shift in production to the poorer countries of the global South in order to maximize profits

(Wosińska 2008:27).

Globalization is a process that brings with it both opportunities and a range of threats. Researchers of this phenomenon (McGrew 2011:354–357) point to three interrelated factors that are considered the main determinants of globalization. These are:

- 1) a policy that, under the influence of the neoliberal doctrine that has dominated since the 1970s, has directed the governments of nation-states to liberalize national economies and reduce obstacles to the mobility of capital, leading to the emergence of integrated global markets and the globalization of production; these processes would not have occurred were it not for the hegemonic position of the United States and its support for the globalization project;
- 2) the economy as a determinant of globalization directing large transnational corporations to seek cheaper labour, new markets and new sources of income. As Tomasz Dorożyński notes:

The internationalization of the economic process is associated, among other things, with an increase in the benefits of international exchange and the international flow of the factors of production. Thus, if these flows lead to the rational use of factors of production, then the acceleration in the internationalization of the economic process (globalization) increases the magnitude of these benefits, contributing to the growth of welfare, including the development of regions. Globalization can also create risks for regions. Among the most important are: the rationality of the location decisions made by transnational corporations, the impact of globalization on the poorest areas and interregional disparities, increasing interdependence in the world economy, and threats related to the state of the environment.

(Dorożyński 2011:147)

- 3) technology – technological and organizational changes leading to new forms of economic activity. Peter Dicken argues that it is evolving



technology that is responsible for the “global shift” towards current post-industrial economic models based on services in developed countries and manufacturing in developing countries (Dicken 2015:24).

The latter factor, technological change, appears to have been the main determinant of globalization change in recent years. Until a few decades ago, humanity did not possess any means of long-distance communication. The breakthrough came with the invention of the telegraph and later the telephone in the 1830s. The world had to wait until the second half of the 20th century for further innovations. The invention of the microprocessor in the 1970s allowed computers to become smaller and more widespread on a mass scale. Further miniaturization allowed for the development of cell phones and their expansion beginning in the 1990s. Today, in fact, it is difficult to imagine functioning without a smartphone, where the phone function is just an addition to its other functionalities. The proliferation of wireless networks has enabled the development of high-speed internet. Who today remembers that the world’s first website was not launched until 1993? Modern societies in highly developed countries are all somehow dependent on the use of information technology. With ever-better connections capable of sending more and faster packets of data, an entire branch of the global economy has emerged that derives its revenue from providing information and running social networks or digital commerce. Such huge multinational corporations as Amazon, Google, and Meta (formerly Facebook) have emerged in the last 30 years.<sup>7</sup> Without the operating systems provided by Microsoft and Apple, it is difficult today to imagine the functioning of personal computers, and without the “Office” suite, work on such computers would be limited.

Globalization processes have consequently led to profound changes in social life. As Celina Nowak observes:

Their influence on social relations can be considered at many levels. First, the concepts of time and space have been transformed. There has been a process of compression of time and space. The paradigm of how individuals communicate has changed. Since new technologies, based on the . . . ubiquity of the internet, have made it possible to communicate efficiently, quickly and cheaply over long distances, it is no problem at all to talk in real time to someone on another continent. This has changed the way humans function in space. Geographical distance has ceased to be significant. . . . The development and availability of mobility technologies has meant that humanity has never migrated so much as in the last 20 years. Today, some people migrate voluntarily, for pleasure, while

7 Amazon was founded in 1994, eBay was founded in 1995, and Google in 1998. Facebook was launched in 2004 and YouTube a year later. In 2006, Twitter was created. See: <http://www.pamietajcie.pl> [accessed: 13/03/2022].

others in search of a better life or opportunities for development. Groups of people move, disregarding borders, or try to move in spite of borders. (Nowak 2014:31)

The 21st century has become a period of great migrations of humanity. Zygmunt Bauman even referred to it as the “nomadic era” (Bauman 2000:6). The notion of locality has ceased to be an element of building individual identity. People have been disconnected from the places where they traditionally lived and worked – they have been “delocalized,” so to speak (Sassen 2007:14).

This change resulting from individual mobility poses a threat to social relationships and individual autonomy. Torn from our birthplaces, we seek community in other ways. The development of information technology makes it possible to create social networks that bring together people from different geographic regions who meet not because they are next to each other but because they share common interests or want to solve a problem. There is even talk of the emergence of a knowledge-based network society (Nowak 2014:32).

This is a fact that the global economy is trying to exploit for itself, and it has had to the incorporation and redefinition of certain cultural values such that they can be sold as products. There has even emerged, pejoratively, the term “cultural capitalism,” which is a critical description of the contemporary relationship between culture and economy, in which society becomes, in a sense, a victim. As Bogumiła Szopa and Ewa Ślęzak note:

In the current world, the dominant emotion is the momentary satisfaction of owning a product, indoctrinated to the extent of happiness by the media and local socialization fields. This process is increasingly referred to as the reduction of cultural values to economic values.

(Szopa, Ślęzak 2018:10)

This, in turn, results in increasing global unification of cultural patterns. Since everyone uses the same social networking applications and the same operating systems on products made by global brands, most of which come from the United States, there is an “Americanization” (Rollin 1989) or “McDonaldization” (Ritzer 2009) of social processes and the export of Western values to less developed countries. The latter, in turn, took advantage of the opportunity arising from technological development and became a good place for foreign investors to invest their money, reducing their taxes and offering them a favourable place to register their business, despite the fact that due to their geographical location, trade with them was not profitable before (Nowak 2014:32).

### **1.3. A global society or already a mobile society?**

The profound political, economic, social, and cultural changes that took place in Poland (and other countries in the region) during the transition period

have almost seamlessly (without a period of relative stability) led to a modern technological society associated with widespread mobility. One of the effects accompanying the rapid and sudden social change during the transformation period was a significant increase in crime, but also a change in its structure and dynamics. The reasons for this included the weakening of social control mechanisms, general social disorganization, and anomie (Krajewski 2017:11), which, according to Durkheim (Durkheim 2005), results from the fact that the decay of old forms of social solidarity is not accompanied by the timely formation of new ones, resulting in the creation of a moral vacuum, and members of society are deprived of signposts and control, which encourages, among other things, the breaking of law. According to Giddens, social change is not a new phenomenon, but a phenomenon that takes place in all societies at different stages of development. Now, however, it is proceeding at a completely different pace, which is the source of specific contemporary problems that cause a state of confusion in a rapidly changing reality, especially since this changeability takes place on many levels simultaneously (Giddens 2004:739).

Analyzing some aspects of the functioning of developed societies, Jock Young stated that “crime has ceased to be something rare, unnatural, an act of a marginal or alien person, it has become the daily bread of our everyday life” (Kossowska 2013:82). This is primarily due to the ubiquity of news channels available to all and the media appeal of crime coverage, and not necessarily to the actual state of crime resulting from statistics, as we discuss next.

In the last 30 years in Poland, the pace of the changes and their scope have, on the one hand, incited the necessity of penalizing new acts due to the emergence of new areas in the functioning of society, the state, super-national structures and their control, and on the other hand, forced a withdrawal from penalizing certain behaviours.<sup>8</sup> Finally, such changes have significantly influenced the characteristics and magnitude of certain types of crimes, as well as the necessity to adopt an appropriate criminal policy towards them, understood as a scientific discipline covering the issues of a reasonable and purposeful fight against crime (Wróblewski 1922:3).

Writing about the problem of crime present in the history of societies, it is impossible to question the view that all human actions should be considered in the context of fragments of larger wholes, which are non-accidental groups of other people (normative reference groups) linked by a network of mutual dependencies and multilateral conditions (Bauman 1996:14–26).

8 This is particularly visible in the part concerning economic crimes of the Polish Criminal Code of 1969, which was provided for such types of acts as: mismanagement, speculation, destruction of technical assets, and commercial fraud. The perpetrators of such crimes were treated as an antisocial and pathological element, and crime occurring in a socialist state – according to the views of the time – was the result of the lack of social control existing in this system or was based on “relict remnants of the way of thinking still functioning in society, of thinking shaped and belonging to the previous formation or penetrating from the existing capitalist states.” (Rejman 1980).

Of course, we can distinguish various sociological and criminological theories that to different degrees emphasize deterministic or indeterministic concepts of individual actions. One of the deepest riddles of the human condition, which the social sciences try to solve, is the understanding that at the same time “we are and we are not free” (Bauman 1996:27). Nowadays, however, there is no question of Eliot Aronson’s claim that “man is a social being” (Aronson, Aronson 2002), and therefore all his actions, including those violating legal norms, cannot be abstracted from social factors. The social group within which the individual functions plays an ambiguous role. On the one hand, it guarantees freedom of action by offering formal guarantee mechanisms, including in particular legal ones, to ensure respect for this freedom, and on the other hand, it limits this freedom by delimiting the area within which freedom must be properly exercised. This is because the multiplicity of goods the individual owes to the group becomes an obstacle whenever the individual transgresses the boundaries of the group and the expectations it articulates in some way (Bauman 1996:31). This is obvious from the fact that society, at every stage of development, has (or had before the postmodern era) a certain structure, which in the most elementary sense is expressed in rules and resources. Hence, the term “transformation rules,” or “transformation” in general, must be used with caution because in the sense given by Anthony Giddens (2006a:673) (with which the authors of the study most agree) all rules by their very nature are transformational. This is because we are always dealing with a kind of “link” between time and space, which causes similar practices to function in various intervals of time and space creating a system of cultural, social, political, and legal codes. In modern societies, “through the theory of political freedom, the concept of man has grown in man, through the practice of this freedom, discontent has grown accordingly. Real freedom has not increased in proportion to the awareness of that freedom” (Camus 2002:29). What has changed is that nowadays, we are dealing with an informed human being aware of his or her rights, the important thing being that it is now not an individual dimension but a solidarity-based “self-consciousness that humanity has acquired throughout history” (Camus 2002:29).

Societies operating in the third decade of the 21st century, developed in the process of progressive globalization, are characterized as postmodern societies (Lyotard 1997:25–35), late modern (Giddens 2006b:687–699), postmodern (Bauman 1994), global (Minker et al. 2019), information (Golka 2005:255–265), new technology (Bendyk 2004) or finally mobile societies or societies of mobile postmodernity (Wassilew 2011). The adherence to the use of uniform terminology does not seem to be crucial for the present study; it is more about capturing the properties and rules that dominate contemporary collective life, which is necessary for us because of the goal we set for ourselves when writing this book. It is an understanding and deeper reflection on the interrelationship between social structure, change, and crime. For the sake of order, however, it

is necessary to briefly explain the concepts cited based on selected theoretical concepts.

The characteristics of postmodern society (a term still used to describe contemporary organized forms of social life, although it is losing more and more popularity), appeared *de facto* already in works from the beginning of the 20th century. The features found in it have been described by Jean Francois Lyotard, Jean Baudrillard, Jacques Lacan, Roland Barthes, Michel Foucault, and Jacques Derrida, among others, although the authors themselves would probably reject the label of postmodernist (Marshall 2005:247).

Zygmunt Bauman, initially sympathetic to Marxist, organicist conceptions of society, significantly reinterpreted his views, directing them towards postmodernism. He argued that his contemporary socio-political community is based on three basic values: freedom, diversity, and solidarity, which are the modern version of values derived from the classical Enlightenment slogans propagated by the French Revolution: equality, freedom, and fraternity (Bauman 1995:315). He posited that social life is not a natural complement to individual man, but an act of will and a temporal compromise of human individuals.

Jonathan Turner concludes that commentaries on postmodernism, above all, emphasize that contemporary societies are becoming so fluid that they are causing total decentralization: cultural values and beliefs are becoming abstract and distant, markets in which almost anything can be sold and bought are proliferating, and the former rationality of modernism has “paved the way for irrational fluidity and chaos” (Turner 1998:228). Postmodernism in its essence is not a unified or at all precisely defined direction. It seems appropriate to us to concede that it is “a collective term for deconstruction, new historicism, semiotics, etc., which in turn lend philosophical credibility to movements such as feminism and multiculturalism” (Himmelfarb 1997:143).

Michel Foucault, like most postmodernists, proposed that postmodernism should be described as a set of facts and a state of consciousness rather than a theoretical concept (Foucault 2004:310–311).

Jerzy Szacki called postmodernism a “convergence of views,” meaning it would be more accurate to call it postmodern thought, although it is difficult to determine whether its goal is a total negation of modernism or the complementation and extension of the modernist narrative (Szacki 2002:913).

Anthony Giddens has already written about the society of late modernity (Giddens 2001:21–35, 37–49), deriving his considerations from the concept of modern society, understood as a category referring to institutions and patterns of behaviour dating back to the end of European feudalism. He took as the equivalent of modernity, in simple terms, the industrialized world in which industrialism, capitalism, surveillance, control, and the subordination of people to institutions in the sense of Foucault’s “power of observation” (Foucault 2021).

Something that most obviously distinguishes the modern era from all the periods that preceded it is its unprecedented dynamism. The modern

world is “escaping our grasp”: not only is the pace of change incomparably faster than any previous system, but its scope and the radical impact it is having on established social practices and behaviour are also unprecedented.

(Giddens 2006b:688)

Modernity is identified with a post-traditional order, detaching social life from previously established patterns and practices, and reflexivity, which is something other than “the reflexive control of action inherent in all human activity” (Giddens 2006b:691). The reflexivity of late modernity manifests itself in the fact that a significant part of social activity is subjected to constant systematic revision, enforced by new information and new knowledge, while this knowledge is not an incidental or accidental factor but a structural element of modern institutions, including institutions responsible for controlling the observance of accepted norms, legal ones included. Knowledge is widely available to anyone who finds the means, time, and energy to acquire it.

An integral part of late modernity is its own media, now primarily electronic, which provides mass and drives further, increasingly rapid, change. A feature of the relentless change in late modern society is that it goes beyond all human expectations, out of human control. “Hope for an increasingly effective subjugation of the social and natural environment is becoming unfounded” (Giddens 2006b:695).

Ulrich Beck wrote of late modern society as a society of constant global risk (Beck 2012), in which individuals are forced to function with a constant analytical mindset of possible behavioural choices, positive and negative, that must be faced, both individually and globally, in the course of daily existence. In summary, “modernity imparts a vigorous dynamic to the sphere of human activity, coupled with changes within trust mechanisms and risk environments” (Giddens 2006b:698).

The term postmodern society is a product of social theories created in the late 20th century by authors such as Zygmunt Bauman, Jean Baudrillard, Michel Foucault, and Jean Francois Lyotard. The common feature of these concepts is the conviction that a new type of society has emerged and that the hitherto prevailing social theories are in deep crisis, unable to cope with the resulting cognitive challenges. The axis of postmodern social theory is a multifaceted critique of modernity, particularly its ideas about history as a process with a definite direction and meaning, society as a system characterized by internal order and susceptible to planned reform, and science as the knowledge of objective reality that is able to free itself from accidental conditions and limitations.<sup>9</sup> The term “postmodern society,” in our cultural circle, is most often associated with the work of Zygmunt Bauman (Bauman

<sup>9</sup> <https://encyklopedia.pwn.pl/haslo/ponowoczesna-teoria-spoleczna;3960342.html>. [accessed: 12/01/2022].

2004). He calls the postmodern world a world of freedom and consumption, in which individuals try, in an increasingly intensified way, to shape their identity while falling into the trap of constantly satisfying ever new needs.

Postmodernity is modernity without illusion (which can also be expressed by saying that modernity is a postmodernity that does not accept the truth about itself). . . . It can be said that after a long and fierce, though ultimately inconclusive, struggle to disenchant the world . . . postmodernity brings about a re-enchantment of this world.<sup>10</sup>

Writing about postmodern society, Zygmunt Bauman called it “a source of suffering” (Bauman 2000); he also concluded that the term he used has become partially obsolete. He suggests substituting it with the term “liquid postmodernity” (Bauman 2003:240). What seems relevant today may be completely irrelevant tomorrow. “Finding one’s way in the new global situation, especially mastering it effectively, requires time, which all the profound, disruptive changes in the human condition have required, require, and will require” (Bauman 2003:242). In a society of liquid postmodernity, however, the concept of time has acquired a different dimension, for the first time “not keeping up” with the progressive changes. Postmodern humanity functions “off the linear axis,” making it difficult, if not impossible, to define its identity (Bauman 1994:22). This breaks relationships – past, present, and future – creating a sense of permanent alienation. The general chaos is compounded by consumerism, which opens up a wide space for tolerance but not for solidarity or a sense of community. Social relations are becoming increasingly dominated by encounters between potential consumers and potential objects of their consumption, from which a web of dependencies is constructed that produces a “consumer society” (Bauman 2009:17). Consumerism is opposed to essentialism because it departs from the idea of what is naturally given and commonly taken for granted and denies the social and historical roots of phenomena (Marshall 2005:156). “The most significant feature of a consumer society – no matter how carefully concealed and camouflaged – is the transformation of consumers into commodities” (Bauman 2009:18).

Modern society is also still referred to as global, but no longer in the context of the “global village” mentioned earlier. The essence of it is that it perpetuates and exacerbates, at a rapid pace not seen before, a trend in which electronic media is overturning barriers of time and space, enabling people to communicate on a massive scale. In this sense, the globe has become “one” through electronic media. In simple terms, it can be stated that globalization has irreversibly led to the construction of “the world as

10 Bauman Z., *Etyka ponowoczesna*, from: *Spółczesność ponowoczesna – społeczeństwo ponowoczesności*, K. Cikała-Kaszowska, W. Zieliński (eds.), [http://bc.upjp2.edu.pl/Content/3605/Spoleczenstwo\\_ponowoczesne.pdf](http://bc.upjp2.edu.pl/Content/3605/Spoleczenstwo_ponowoczesne.pdf) [accessed: 12/01/2022].

a whole” (Marshall 2005:104). “In a globalized world, locality is a sign of social disempowerment and degradation, . . . the public space in which meanings are created and negotiated is beyond the reach of local existence” (Bauman 2000:7).

Globalization, by accelerating the pace of social change, has led to new risks, including those associated with the birth of “turbo-capitalism.” The state (in fact, the welfare state or the so-called state of social consent), unable to keep up with the pace of change, began to lose out in the global game with the advent of global capital (Haratyk 2011:49).

The links between economic and cultural globalization, as well as those between globalization and modernization, are increasingly difficult to define. According to one theory on globalization, the history of the world is primarily the history of human integration in the quest for a world that is open and recognizable as a unified whole. Seemingly, one can argue with such a statement, but the development and modification of societies as a civilizational whole, the tendencies towards integration rather than disintegration are clearly visible, even taking into account international conflicts, wars, or previous colonial conquests (Ostrowski 2015:4). Contemporary theories of globalization, however, draw attention to the increasingly apparent non-coherent dimension of this phenomenon, which involves two opposing processes: homogenization and differentiation, implying increasingly complex relations between the local and global levels and giving rise to increasingly popular movements opposing globalization processes.

For more than a decade, there has been talk of a regression or even a decline in globalization trends (Pierścionek 2007:13–18; Madej 2020:7–34). As Zdzisław Pierścionek notes, since the late 1990s, opinions have been expressed about the increasingly visible slowdown in globalization, which is largely determined by the retreat from globalization of developed countries due to the ever-increasing threat of competition from rapidly developing countries such as China, India, and Vietnam. This means that the processes of integration of the world economy have reached a turning point, and this is probably not a short-term disruption. The economic dimension of how the world and individual societies function is, in the societies we described earlier using the term consumerist, one of the most significant factors directing the nature of social and political change. However, the functioning of the global economic system is dynamic and complex. The invasion of Ukraine by the Federal Republic of Russia on 24th February, 2022, has led to the strong destabilization of the global order, not only in political and humanitarian terms, but also in economic terms. The international standards developed since the end of World War II, including above all normative standards, and the conditions of mutual global cooperation and solidarity have stagnated or “waited out” and caused a real threat of another global conflict. This has resulted in a diplomatic crisis, the imposition of economic sanctions on Russia, and the formation of groups to protect individual national interests within what we thought was a global world. Anthony Giddens, in his works many years ago, emphasized that



the late modern world is threatened by the overly dynamic emergence of new areas of risk because

regardless of the progress of international negotiations and arms control, the risk of armed conflict with the effect of mass destruction will remain as long as there are nuclear weapons, or the very knowledge necessary to produce them, and as long as science and technology are involved in the creation of new weapons.

(Giddens 2012:15)

In addition, nature as a phenomenon external to social life has – through human domination – in a sense reached an “end” constituting the risk of ecological disaster as a constant motif accompanying our daily life.

Another term we use to describe modern societies is new technology societies. The late of the 20th and early 21st centuries is considered the beginning of an information society era based on modern information and communication technologies whose impact on social, economic, cultural, or legal changes is unquestionable (Hejduk 2016:64–78). Modern information technologies are increasingly influencing the direction of change in social systems. Virtualization processes are increasingly affecting various areas of human activity. The new technology society is constituted by widespread access to computers, the ability to use them, and well developed and relatively common computer knowledge. Considered the most important invention and a driver of social change since the invention of printing, the internet, with its scope, size, and nature, has surpassed all previous information systems and by no means has stopped developing. A new aspect in relation to other information channels is its “bottom-up” development and spontaneity. “It constitutes something like a subconscious collective intelligence, which otherwise may be due to the fact that its users are not only passive consumers, but also its active prosumers (i.e., producing consumers)” (Golka 2005:256). In fact, we can surmise that with the dynamics of the internet, we will never be able to know this phenomenon completely. The internet has also become a new factor of socio-spatial segregation, as inequality in the access to modern information technologies creates a new digital divide. However, it does not imply a new logic with which social stratification is created, because “the lack of access to the network superimposes itself on existing social divisions and to a large extent widens them” (Pietrowicz 2003:256). Both individuals and entire communities, due to a lack of technological infrastructure or barriers to economic or institutional access, are excluded from global networks and relegated to the “black holes of information capitalism” (Castells 2000).

New digital technologies are dramatically changing the management paradigms of modern businesses and social institutions and are influencing employers’ expectations of the knowledge, skills, and competencies of labour market participants. Whole groups of societies raised in the pre-digital era and educated in a different reality are not able to meet the competence requirements

of modern organizations, which amplifies this specific type of exclusion in almost all social areas (Hejduk 2016:65).

Further expected development of modern technologies in the era of information processing will make them relatively cheap and widely available, and their functionality and possible scope of integration will exceed any previous ideas. This will unleash unprecedented innovation and creativity, but will also change the mentality and motivation of people to be active in formalized structures in favour of moving freely in the world of information (Hejduk 2016:72). Such technological advances will further widen the generational divide and could cause serious complications.

The natural environment in which we are born is familiar to us, while technology appears during our lives, often at such a pace that at some point a barrier of adaptability to further innovations is created, and this barrier will appear in people's lives earlier and earlier and, due to increasing life span, will in turn expand the group of technologically marginalized and excluded people (Hejduk 2016:72).

Inevitably, in the near future, we will see decreasing demand for some occupations with the simultaneous emergence of new ones, which will cause a new form of technological unemployment resulting from insufficient digital and information competencies. In addition, automation and efficiency gains achieved through the introduction of new technologies will continue to contribute to the replacement of human labour with technical equipment and specialized software.

The term mobile society, simply put, refers to a society that is comprehensively based on mobile technologies and the widespread use of objects that are subject to constant innovation and miniaturization at a rapid pace. The term "mobility" most generally means a change by individuals or groups of their place in space or in the social system. Our world is becoming increasingly mobile. An increasing number of people are doing their business "on the move." Business, education, medicine, culture, religion, entertainment – all these aspects of human activity can and increasingly are carried out through remote, virtual communication, undertaken with the help of mobile technologies and devices; factors associated with distance and location of individuals or social groups are becoming less relevant. Since the 2021 COVID-19 outbreak (which we discuss in more detail in the third part of the book), the potential for the almost complete transfer of human activity into the realm of virtual mobility has been "forcibly" tested. The world has slowed down but not stopped, and despite the isolation in our places of residence we have remained mobile, professionally and socially active.

The most complete description of the mobile society is found in John Urry's book from 2000, entitled "Sociology Beyond Societies: Mobilities for the Twenty-First Century." Of course, the issues described in it had been previously addressed in the works of authors such as Zygmunt Bauman, Arjun Appadurai, Umberto Eco, Jean Baudrillard, Marshal McLuhan, and Alvin Toffler, among others, but Urry's work became a kind of "founding manifesto

of the mobility paradigm” (Owczarska 2014:204) and a proclamation of the post-social era in science.

His basic thesis is that modern sociology must abandon the study of social statics, structure, and institutions, as such reasoning is inadequate for the contemporary picture of social reality, and focus exclusively on processes of mobility. It calls into question the legitimacy of using the category of society in general, and in civil and national society in particular. He argues that it is impossible today

to conceive of society as a sovereign whole constituting and reproducing the lives of the individuals belonging to it, culture, economy, politics, identity, etc. Meanwhile, there are no sovereign societies because they do not live in isolation and have been intersected with full force by various processes of mobility.

(Owczarska 2014:204)

Social relationships are essentially based on fluid, plural affiliations, individually chosen by individuals on the basis of shared interests, emotions, and actions, created precisely through processes of mobility. Urry distinguishes five basic types of mobility responsible for social relationships:

- a) mobility of people (tourist, professional, personal travel);
- b) mobility of objects (cross-border global trade, objects taken by people on trips);
- c) mobility of information (SMS messages, email, mass communicators);
- d) virtual journeys made in real time, crossing the distance of space and culture;
- e) the mobility of imagery associated with the publication of images, people, and places in visual media;

wherein the mobility processes are included in a horizontal manner, in opposition to the vertical mobility concepts presented so far. He sees them as global, cross-border, trans-social phenomena related to symbolic and visual movement, and emphasizes their diversity and unpredictability (Urry 2007). An individual in mobile reality is dependent on machines, technology, environment, text, and images, but at the same time, a person is deprived of agency because they do not exist in isolation from the world of technological matter, they are as if “fused with technology” and, most importantly, with mobile technology.

These definitions are of course only exemplary because the sociological, philosophical and political literature in this field is extremely rich, and they are only our personal choices that seemed to us the most appropriate due to the issues raised in the book and an attempt to bring readers closer to the complex and constantly advancing social reality, which we want to confront regarding crime and the formation of a criminal law response to its new manifestations. Against this background, it will be easier for us to characterize the structure

and dynamics of crime in Poland from the period of deep transformation to the present day. The discussion of crime trends described in the next section of this book covers a relatively short period, but one that is full of extremely dynamic, radical changes accumulated over a period of time not much longer than one generation.

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## 2 Towards universal mobility – changes in crime between 1990 and 2020 based on the example of Poland

### 2.1. Preliminary aspects

It is difficult to translate all the theories of social change that we wrote about in the previous section of the book directly into crime and the shaping of responses to its new forms. Criminal law as an element created by a certain axiological system, operating in a certain political and social system, visibly reacts to significant changes taking place in the area of its application. In addition, as we wrote in the introduction, we found it particularly interesting to describe and – to a large extent – provide our own unique commentary on selected trends in the structure and dynamics of crime (visible in the recorded statistics) during the transition phase and in the phase of mobile social change based on advanced modern technologies that followed immediately after it.

The mobility perspective in analyzing societies and their processes has been present in the social sciences for several decades (more on this in the first part of the book). The ontological perspective we have adopted, using terminology taken from John Urry (Urry 2009), assumes in simple terms that we use the concept of mobility in the sense of a phenomenon that crosses social boundaries in new spatiotemporal structures, thus excluding the simple vertical and horizontal divisions we are used to. Indeed, social mobility in the social sciences has so far been understood as the movement of individuals or groups horizontally or vertically in the social hierarchy. The dynamics of position shifts in society were treated as dependent on a number of relatively quite obvious factors, such as income, occupation, education, social position, or prestige, delineated as the basic, anticipated determinants for achieving a particular role in a given arrangement of the social hierarchy (Domański 2010). In postmodern society, mobility has become underdetermined and unpredictable, the only property about which there is a consensus in the contemporary literature is that it is increasingly difficult to study and there are fewer and fewer chances to predict whether the pace of social change will allow us to follow its understanding.

The human world is a complex and dynamic structure subject to constant transformation. It is a place filled with phenomena whose intensity



and frequency determines the directions of cultures, societies and individual people. The ability to understand the phenomena of the modern world is becoming an increasing challenge for reality analysts. Regardless of whether we can fully understand the nature of these transformations, knowledge of them is essential for the present and the future.

(Kucner et al. 2018:7)

Accordingly, this chapter of the book attempts to answer only some of the questions that concern us as criminologists when juxtaposed with a look at crime in Poland over the past 30 years, which have been very dynamic for the country: from a society that has gone through a difficult period of rapid and comprehensive transformation to a mobile society based on new technologies.

The political and economic transformation resulting from the changes in Central and Eastern Europe associated with the rejection of the socialist system and the domination of the Soviet Union taking place at the end of the late 1980s could not have occurred without an impact on the level and structure of crime in Poland. It is also reflected in the construction of criminal laws. The construction of these laws, in turn, resulted largely from the adoption of the new Constitution of the Republic of Poland in 1997. “In the process of drafting the new Constitution, there was both cooperation and competition among political elites. To a different extent, at different times, with the participation of different participants in the constitutional process, these phenomena intertwined and overlapped.”<sup>1</sup> Nevertheless, the constitutional framework set some new normative standards, including guidelines for the democratization and rule of law of legislative processes, which, of course, in later years did not remain immune to the processes of politicization of law, as we mention in the last chapter of the book. Other changes that we note in the criminal law of the last three decades are also due to the current influences of globalization processes and related technological and informational changes in Poland.

In this part of the book, however, we will focus primarily on the changes in crime itself (its trends) and the legal responses to it from the point of view of the most significant changes in the Polish criminal law system. Particular emphasis will be placed on the amendments to the criminal code resulting from the process of change initiated by the transformation of the political and economic system and ending (?) with the transition to the era of late modernity or the mobile society of new technologies. The background to these considerations will comprise a brief description of the political and economic situation in Poland (with emphasis on the level of inflation and unemployment) against the background of the general geopolitical situation during the period under review.

1 [http://orka.sejm.gov.pl/przegląd.nsf/0/9DF97051DCC119DAC125821700301F59/%24File/7.P.S.6\\_2017\\_Jacek%20Zale%C5%9Bny.pdf](http://orka.sejm.gov.pl/przegląd.nsf/0/9DF97051DCC119DAC125821700301F59/%24File/7.P.S.6_2017_Jacek%20Zale%C5%9Bny.pdf) [accessed: 30/05/2022].

## 2.2. Years 1990–1999 – a period of rapid transformation

The late of the 1980s and early of the 1990s in Poland and all of Central and Eastern Europe was a time of rapid political transformation, resulting in a change of the political system (from authoritarianism to democracy), the economic system (from a centrally controlled economy to a market economy), and the social system (change in social mentality, acceptance of new rules, growth of legal culture).

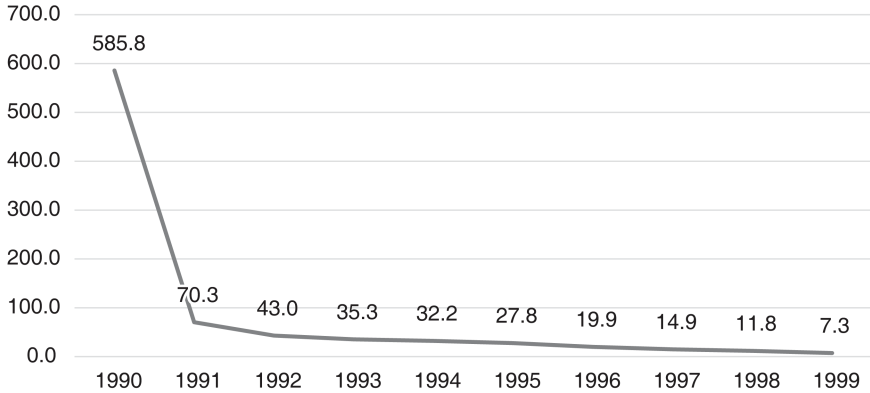
For Poland, this change, in addition to the unequivocal benefits associated with the restoration of full independence and independence from the bloc of socialist countries, which in terms of defence was confirmed in 1999 with admission to the structures of the North Atlantic Alliance (NATO), brought in its first phase a number of adverse consequences resulting from the need to take very profound measures to transform the country's economy. The first impact was hyperinflation resulting from the release of previously regulated product prices (Figure 2.1).

Prices in the first year of the reforms (1990) rose nearly 600% from the previous year. In subsequent years, this growth was smaller, but it still exceeded 20% by 1995, dropping to 7.3% by the end of the decade. Such a decline was certainly a result of the changes introduced in the functioning of the economy and the liberation of opportunities for Poles to do business freely.

Another unfavourable phenomenon associated with the political and economic transition in Poland was the increase in unemployment on a scale never before recorded (Figure 2.2). The very strong increase in the number of unemployed was also a consequence of the reforms that were carried out, which resulted in the liquidation of inefficient branches of the economy, led to the closure of loss-inducing industrial plants, and revealed the real level of unemployment that was not recorded in public statistics during the communist rule due to the political propaganda used.<sup>2</sup>

2 Propaganda in the Polish People's Republic was centrally controlled and echoed the communist propaganda of the Soviet Union, being a local Polish version of it. It was divided into propaganda of success and disinformation. The purpose of the propaganda of success was to exaggerate the achievements of the ruling clique and to mask failures and disappointments, especially in the economic sphere. They used the concepts of "dynamic development" or "economic miracle" for this purpose. Disinformation, on the other hand, consisted primarily of the fact that inconvenient information, if it had to be published, was given late, the facts were manipulated to downplay unfavourable events, and the public was also told that demonstrations and protests, intensified by the deteriorating economic situation, constituted a criminal element. "Communist power introduced many new secular rituals in Poland between 1944 and 1989, which expressing new values and were implemented through appropriate gestures and predictable words. These rituals had an important propaganda task. They were supposed to legitimize the new government, enhance its prestige, integrate party members, communicate its programme, and inspire public confidence" (Ożóg 2014:37).

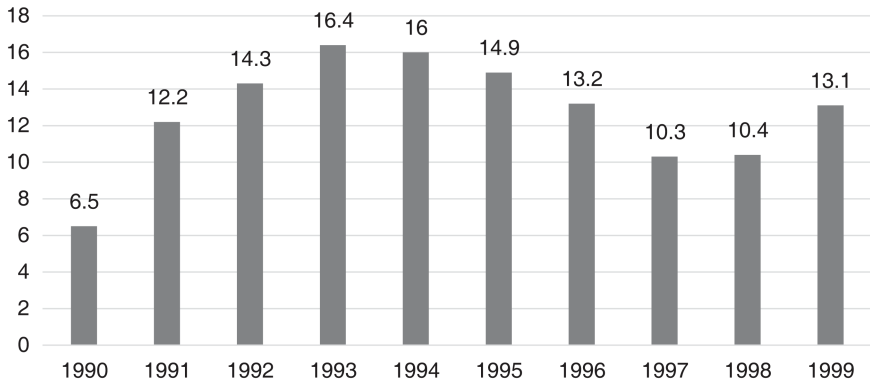
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*Figure 2.1* Price index (inflation) in Poland from 1990 to 1999 – in percentages.

Description: x-axis – year; y-axis – percent.

Data source: the Central Statistical Office (own elaboration)



*Figure 2.2* Unemployment rate in Poland from 1990 to 1999 (as of December of a given year – in percentages). Description: x-axis – year; y-axis – percent.

Data source: the Central Statistical Office (own elaboration)

The aforementioned factors also influenced the level and type of crime in Poland in the last decade of the 20th century. However, it is impossible to begin a consideration of transformational change without discussing, at least in basic terms, crime in the period just before it. It should be remembered that data on crimes during the existence of the Polish People's Republic (1952–1989; from 1944 to 1952 the official name of Poland was the Republic of Poland) were part of propaganda attempting to prove that in a socialist system, the crime rate is much lower than in countries with capitalist systems.

This was emphasized by Andrzej Siemaszko, among others, stating:

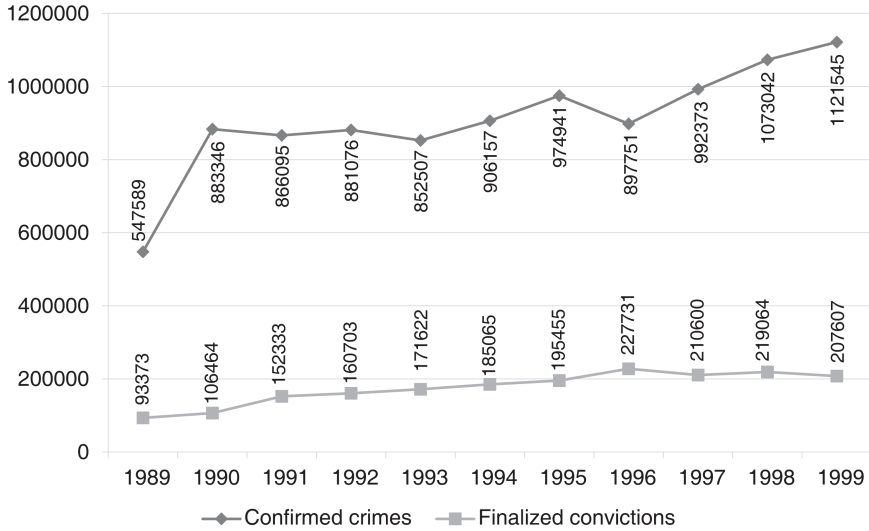
One of the brighter sides of life in communist Poland – which, by the way, was generally not realized – was the relatively low crime rate. This state of affairs, however, was in turn a direct consequence of the well-known attributes of the totalitarian system: the desire to tightly control all spheres of citizens' lives, the lack of respect for human rights and democratic freedoms, very strict criminal laws and the existence of a monstrous repressive apparatus, characteristic of any police state. It included, in addition to the militia, whose primary task, so to speak, was to fight crime, . . . a very extensive political police apparatus, . . . and a several-hundred-thousand-strong corps of the Citizens' Volunteer Militia Reserve (ORMO). Crime was also dealt with, to some extent, by counterintelligence bodies and other minor formations of a military or paramilitary nature (e.g., industrial guards).

(Siemaszko 1999:167)

This author also identifies the three – according to him – most significant reasons for the manipulation of crime statistics by the communist authorities. These were: 1) incompatibility with the official doctrine of Marxism-Leninism, which assumed that crime – as a relic of capitalism – would decrease as the construction of the new regime progressed; 2) the existence of crime as evidence that a social problem is out of the control of authorities; and 3) the interest of law enforcement agencies in demonstrating the highest possible level of crime detection while keeping the crime rate as low as possible, which led to the falsification of statistics by, for example, refusing to accept reports of crimes committed (Siemaszko 1999:167).

It should be assumed that the crime level was in fact much higher than official statistics reported. This caveat is important because after the political changes of 1989–1990, there was a significant increase in the crime rate found in Poland. The increase in the number of crimes reported in 1990 compared to that in 1989 was as high as 61%. Subsequent years brought relative stability, albeit in maintaining this higher crime rate, only to see another significant increase in the late 1990s (starting in 1997). An increase, but of lower severity, was also noted in the number of final convictions (Figure 2.3). The decline in the level of crimes noted in 1996 should be assessed as the result of statutory changes (liberalization of the rules of criminal responsibility while increasing the criminal sanction for a number of crimes, including illegal possession of weapons and the introduction of new qualified types, e.g., in a traffic accident), since a year later it was basically back to the 1995 level.

There have been various attempts to explain the reasons for this. The first was the unreliability of statistics under communism, which deliberately understated the number of crimes and were tailored to suit current propaganda needs – in particular, to show high effectiveness in combating the types of



*Figure 2.3* Confirmed crimes and finalized convictions in absolute numbers in Poland from 1989 to 1999. Description: x-axis – year; y-axis – absolute numbers.

Data source: Statistics Department, Ministry of Justice and Police Headquarters

crime that the authorities wished to reduce. The second focused on the fact that after the 1989 watershed, law enforcement agencies (“militia” transformed into “police”), in an effort to demonstrate their commitment to the democratic changes taking place in Poland, accepted information about all crimes, even trivial or unreliable ones. An additional motivating element may have been the desire to raise additional funds for police operations. It can also not be ruled out that behind part of the increase in the level of crimes recorded in police statistics was a greater willingness of citizens to report suspected crimes (Buczowski 2015:51).

Andrzej Siemaszko (Siemaszko 1999:169) traced the rise in crime in Poland in the early 1990s to factors in the material and immaterial spheres. Among the former, he pointed to the following:

- a decline in the effectiveness of police work caused by personnel changes in the service related to the departure of many qualified police officers and insufficient spending on crime fighting;
- an increase in external migration – during the 1990s, compared to 1989, border traffic increased more than tenfold, which must have had an impact on crime;
- unemployment, which was a significant social problem in the first years of the post-1989 political transformation (exceeding 30% in some regions), and the resulting pauperization of large social groups, increasing vulnerability

to criminal alternatives for income generation. As Teodor Szymanowski noted:

It is an established fact also in police statistics that as many as 43.5% of criminal suspects are unemployed or not working and not looking for work. Thus, it can probably be considered that lack of work is among those circumstances that can promote the commission of a crime. However, studies conducted in Poland do not confirm that there is a scientifically established relationship between unemployment or poverty and crime.

(Szymanowski 2012:26);

- easy access to firearms resulting from excessive liberalization in licensing policies for legal possession, but also easy access to weapons from illegal sources;
- an increase in valuable goods held by the population (an increase in the so-called supply side of crime), which, according to the concept of criminal opportunity, must lead to an increase in property crimes.

Among the intangible factors leading to increased crime, Andrzej Siemaszko included:

- a weakening of social control, both informal (e.g., exercised by the family) and formal (exercised by the relevant state authorities). According to this author, this was expressed, among other things, in the very low detection rate of offenders, the gradual liberalization of the rules of pretrial detention, the lengthiness of proceedings and the significant liberalization of criminal policy;
- a sense of marginalization of significant social groups, especially those who made their living from manual labour (farmers, miners), which increased vulnerability to deviant behaviour;
- normative chaos both in the sphere of written law and in the sphere of values and behavioural patterns, which increased the attractiveness of criminal patterns of behaviour;
- the progressive stratification of society as a result of the rapid economic changes associated with the formation of a market economy, in which those social groups that were able to adapt to the new conditions were beneficiaries of the changes, and those for whom the welfare state represented by the previous system provided a sense of social security lost out from these changes (Siemaszko 1999:170).

As Janina Błachut, Andrzej Gaberle, and Krzysztof Krajewski note:

The country's economic situation affects almost all aspects of social life, and therefore crime. Economic conditions can create situations in which

crime can occur and can cause tensions and frustrations that often lead to crime. Economic stability in the country, if accompanied by stability in the functioning of social institutions, will correspond to a certain – also stabilised – level of crime. The poor economic situation of the state – as a result, for example, of reduced production levels, employment, increased unemployment and inflation – can lead to an increase in crime.

(Błachut, Gaberle, Krajewski 2001:245)

However, regardless of the real reasons for the increase in the number of crimes during the initial phase of Poland's political and economic transition, one cannot ignore the significant increase in specific types of crime that took place between 1989 and 1990.

In just one year, burglaries increased by 100%, robberies and fraud by about 80%, thefts by more than 50%, involvement in a fight or beating by more than 30%, homicides by 30%, and bodily injury by 20%. In the following years, property crime rates no longer increased so rapidly, and starting in 1995, there was a stabilization or even a slight decrease in this group of crimes. In the years following 1990, violent crime rates grew very rapidly. The proportion of violent crimes in the crime structure in 1997 compared to 1989 increased by three percentage points (from 4% in 1989 to 7% in 1997). Comparing 1989 and 1997 reveals a 3.5-fold increase in the number of robberies, a 4.5-fold increase in the number of crimes of participation in a fight or beating, and a 2.5-fold increase in the number of bodily injuries. While the number of homicides stabilized, there were more murders with firearms, and events of robbery and kidnapping (Siemaszko 1999:168).

Surveys of crime victims (victimological surveys – as an alternative to statistics obtained by the police – used as way of estimating crime, including unreported crime) did not confirm such a dramatic increase in violent crime in the first half of the 1990s. Some of the studies on Poland within the framework of the International Crime Victimization Surveys (ICVS 1992 and 1996) relating to 1991 and 1995 showed rather a stabilization or decrease (theft and burglary) in the percentages of victims of the acts considered (Siemaszko 1999).

Despite such large increases in the level of crime in Poland, as Beata Gruszczyńska notes,

in the first half of the 1990s in CEE [Central and Eastern Europe – author's note], the rates of almost all types of crime (except homicide) were much lower than in Western Europe, but the dynamics exceeded the growth of crime in Western European countries. The rate of increase in robbery and drug offenses in post-socialist countries was also significantly higher than in Western Europe between 1995 and 2000, while some stabilization was observed in personal injury and thefts. . . . The dynamics of robberies and thefts in Poland were similar to the situation in

Lithuania, Latvia and Estonia, while trends in the Czech Republic, Slovakia and Hungary were similar to those in Western European countries. (Gruszczyńska 2005:37–38; Gruszczyńska 2004:123–136)

However, changes in crime rates have not been followed by sufficient legislative adjustments to meet the emerging challenges of transition and the transformation of the free-market economy. It is true that two major amendments were made to the Criminal Code in the initial period after the political change, but these were mostly a result of the need to liberalize overly repressive communist-era regulations and the need to adjust the level of fines to the hyperinflation that prevailed in Poland (it should be recalled that in 1990 the price increase was almost 586% on an annual basis).

The first of these amendments (the Act of 23rd February, 1990, on Amendments to the Criminal Code and Certain Other Acts, Journal of Laws No. 14, item 84) introduced regulations limiting or eliminating differentiation in the protection of social and individual property (e.g., lowering sanctions for the crime of seizure of social property of significant value), and abolished the additional punishment of confiscation of property quite widely used in Poland after World War II (between 1985 and 1989, it was imposed in more than 6% of final convictions, with almost 95% involving convictions for crimes against property) (Rzeplińska 1997:59), as well as special measures related to special recidivism (protective supervision and social adjustment centre). In addition, the amendment eliminated provisions related to the so-called “great economic scandal” (Articles 134 and 135 of the 1969 Penal Code).

The second of the amendments (the Act of 29th September, 1990, on Amendments to Certain Provisions of Criminal Law and the Law on Misdemeanours, Journal of Laws No. 72, item 422) raised the magnitude of fines and restitution tenfold. The purpose of these changes was to accommodate the extremely fast-growing inflation in Poland resulting from the reforms being implemented in the country to introduce a free-market economy system. Therefore, it cannot be considered an amendment that increased the repressiveness of legislation. The increase in repressiveness was only brought about by the 1992 amendments to the Criminal Code (the Act of 28th February, 1992 amending Certain Provisions of Criminal Law, the Law on Misdemeanours and Juvenile Proceedings, Journal of Laws No. 24, item 101) increasing the lower limit for fines by 150% and the upper limit for fines by 400% from the values set in 1990.

The amendments made in the first years of transition to the provisions of the Criminal Code, enacted on 19th April, 1969, did not adequately address the extremely dangerous phenomena associated with economic crime. It is clear that the losses resulting from criminal activity in business were many times higher than those resulting from so-called common crime. This crime also resulted in the unjustified privileging of certain players in the market, and thus led to a violation of the principles of free competition and trading certainty.



Law enforcement agencies also did not show due interest in this type of crime in the first years after the political transformation, and even showed complete helplessness in combating it. This state of affairs was due to several causes: the liquidation of economic crime divisions in police structures; the poor substantive preparation of police officers, prosecutors, and judges to prosecute and try this type of crime; and the lack of adequate legal regulations to effectively combat new pathological phenomena in the changing Polish free-market economy (Siemaszko 1999:171).

Poland, in making its political transformation concerning economic crime, took over the solutions applied on the basis of the 1969 Criminal Code (which was in force throughout the 1970s and 1980s), which were characteristic of a system based on a centrally controlled economy and the monopoly of the state as owner. As Konrad Buczkowski notes:

For this regime, the most characteristic crimes were those committed by employees appointed to manage and supervise the state property entrusted to them, such as: causing and helping to conceal a shortage in social property, speculation or using a socialized economic unit for private activity. These crimes (included in Chapter XXX of the 1969 Criminal Code). despite the fact that the relevant provisions were left in force, no longer fulfill their repressive function, which is related not so much to the transformation of the political system in our country, but to the change in ownership relations and the shrinking number of state-owned enterprises.

(Buczkowski 1998:21)

Therefore, it became necessary to develop and implement criminal legislation corresponding to the ongoing systemic transformation in the economic field. As originally drafted, provisions criminalizing new economic crimes were to be included as part of the new Criminal Code. However, prolonged work on this led to the decision to pass the act on the Protection of Economic Turnover as a special law.

This law – adopted on 12th October, 1994 (Journal of Laws of 1994, No. 126, item 615) – introduced six new, previously unknown to the Polish criminal law system, types of economic crimes, in three cases restored (with modifications) the crimes already provided for in the Criminal Code of 1932 (unreliable maintenance of business records, liability of a person in charge of the affairs of a debtor or creditor, and bankruptcy), and in one case modified the object scope of the type of crime in force on the basis of the Criminal Code of 1969 (the crime of mismanagement, which could be committed if a person obliged – on the basis of a legal provision, a decision of a competent authority, or a contract – to deal with property affairs or economic activity neglected these duties or exceeded their scope, thereby leading to significant property damage to the property of the State Treasury, another legal person or an organizational unit without legal personality, or a natural person whose

property should have been protected). In addition, the law introduced a number of amendments to the laws still in effect, which were adopted during the communist state in 1969: the Criminal Code (Journal of Laws of 1969, No. 13, item 95, as amended), the Code for Criminal Proceedings (Journal of Laws of 1969, No. 13, item 97, as amended), and the Criminal Tax Law of 1971 (Journal of Laws of 1971, No. 28, item 260, as amended).

In terms of new types of criminal acts, the Law on Protection of Economic Turnover introduced such crimes as:

- credit, grant, subsidy, and public procurement fraud, which involved knowingly submitting false documents to obtain funds from the forms of funding identified earlier (credit, grant, subsidy, and public procurement);
- insurance fraud, the introduction of which was already considered during the drafting of the 1932 Criminal Code but eventually subsisted on the construction of classic fraud. This crime provides protection for insurance institutions against the actions of their clients aimed at defrauding them of undue compensation by intentionally causing the applicant to incite the event giving rise to such compensation;
- money laundering, a type of crime aimed at limiting the circulation of funds from organized crime, which could – in the early years of the systemic transformation – lead to criminal organizations taking control of certain areas of the economy. The criminalized acts were aimed at concealing the criminal origin of the property or at thwarting the forfeiture of means of payment, securities, and foreign exchange values from organized crime linked to the circulation of narcotics or psychotropic drugs, counterfeiting of money or securities, racketeering, and arms trafficking. This catalogue was immediately considered insufficient, as it did not cover crimes that were particularly visible and relevant in the Polish spectrum of criminal activities at the time, namely, organized theft of motor vehicles, embezzlement of public funds, or corruption offences. In addition, the money laundering provision criminalized behaviour related to accepting large amounts of money or foreign currency values in cash in contravention of the applicable regulations, and accepting money or foreign currency values under circumstances giving rise to a reasonable suspicion that they originated from organized crime. In the qualified type, stricter liability for the commission of this crime was provided for a perpetrator who acted in concert with other persons;
- thwarting or depleting the satisfaction of creditors, which included acts of thwarting or depleting the satisfaction of creditors and thwarting the execution of the decision of a court or other state authority related to economic activity. In the qualified type, this offence provided for thwarting the execution of property threatened with seizure resulting in damage to many creditors;
- bringing about bankruptcy or insolvency – the provision was in fact another qualified type of thwarting the satisfaction of creditors; its purpose was to criminalize the phenomenon of a dishonest debtor transferring assets from

one economic entity controlled by himself to another, debt-free entity under the actual control of the debtor;

- preferential treatment of creditors – the purpose of this provision was to criminalize the perpetrators' efforts to violate the rules of distribution of the debtor's assets, so that the claims of all the creditors of a given debtor could be satisfied fairly evenly; the criminal behaviour included satisfying only some creditors to the detriment of others and bribing a creditor with a financial benefit or the promise of such a benefit in exchange for that creditor acting to the detriment of other creditors in connection with bankruptcy proceedings or aimed at preventing bankruptcy.

Despite the introduction into the Polish criminal law system of provisions designed to help combat the pathologies of the economic system, it should be pointed out that they did not live up to the hopes placed in them. During the effective period of the act on the Protection of Economic Turnover (from 1st January, 1995, to 31st August, 1998), proceedings initiated under its provisions accounted for less than 1% of the total. Data for the period 1st January, 1995, to 30th June, 1996 – i.e., for the year and a half that the law was in effect – showed that prosecutors' offices throughout Poland handled 1,760 cases of crimes under the law, of which as many as 863 proceedings (49%) concerned only the crime of mismanagement (Article 1 of the law). It should be pointed out that of this total number, more than 43% of the proceedings were discontinued, and in only 26% of the cases were indictments filed in court (Buczowski 1998:100).

Such low effectiveness of the law's provisions was mainly attributed to mistakes made in the construction of its provisions causing difficulties of interpretation or even making it impossible to apply some of its provisions in practice and also, as mentioned earlier, from the unprofessional performance of the prosecutor's office and the police, even indicating a lack of adequate substantive preparation. This resulted in a fairly widespread practice of discontinuing proceedings initiated under the provisions of the law on the Protection of Economic Turnover in the event that the act under consideration could not be classified under a provision of that law or due to an inability to analyze the content of a particular article. The proceedings, for which prosecutors referred indictments to the courts, were for cases with straightforward evidence and of low significance. (Buczowski 1998:148).

The new Criminal Code enacted on 6th June, 1997, which came into force on 1st September, 1998, along with the two other laws that make up the criminal law system in Poland – the Code of Criminal Procedure and the Executive Criminal Code (Journal of Laws No. 88, items 553, 555, and 557, as amended) – made a fundamental change in criminal law oriented generally towards lowering punitiveness. As Mirosława Melezini noted:

The liberalization of criminal law has found expression in numerous moves by the legislature to limit the role of mandatory imprisonment in

criminal policy. This objective was served in particular by expanding in the Criminal Code the grounds for the application of non-custodial punishments and measures while modifying their legal form and adopting the ultima ratio principle of imprisonment for petty and moderate crime. (Melezini 2003:200)

In terms of responding to the transformational and globalization processes taking place, the new criminal regulations did not go unanswered, although of course this was not the main purpose of the changes carried out. Rather, in preparing the new criminal codifications, the idea was to break with the rather restrictive legislation created under the previous political system and develop a modern system of criminal responsibility that met the requirements of a state with a free-market economy.

First of all, it should be pointed out that the provisions of the law on the Protection of Economic Turnover (in the form of Chapter XXVI of the Criminal Code) were incorporated into the new Criminal Code of 1997 (with changes resulting from suggestions made by theorists and practitioners), to which two provisions were added: one existing in the previous Criminal Code of 1969 concerning the crimes of usury and forgery of identification marks. The first offence (contained in article 304 of the Criminal Code) consisted of forcibly taking advantage of the position of another natural or legal person or an organizational unit without legal personality, entering into a contract with him, and imposing on him an obligation to provide a benefit incommensurate with a reciprocal benefit. The second was committed by those who remove, counterfeit, or alter identification marks, dates of manufacture, or expiration dates of goods or equipment. This new type of forgery crime at the time fell on fertile ground with the changes taking place in the economy and was able to take into account new forms and techniques for committing economic crimes. It was intended by the drafters to “also reduce the phenomenon of car theft associated not only with organized crime.”<sup>3</sup>

It should be borne in mind, however, that the Criminal Code did not constitute, in the Polish system of broadly understood criminal law, the only legal act in which provisions reflecting current problems arising from the transformation of the economy and changes taking place in society (so-called non-Criminal Code law – regulated in laws separate from the Criminal Code) would be reflected. An example of the former (resulting from the introduction of a free-market economy in Poland) was the law of 10th September, 1999 – the Fiscal Penal Code (Journal of Laws of 1999, No. 83, item 930, as amended), which criminalized crimes and misdemeanours protecting the financial interest of the State Treasury, local government units, and, after Poland’s accession to the European Union, the financial interest of the European Communities.

<sup>3</sup> *Kodeks karny, kodeks postępowania karnego, kodeks karny wykonawczy z uzasadnieniami*, Wydawnictwo Prawnicze, Warsaw 1997, p. 211.

An example of a response to the emergence of a number of previously inaccessible goods, including those unwanted by the state, following the opening of borders and easier access by the public, was the act on Counteracting Drug Addiction, passed on 24th April, 1997 (Journal of Laws of 1997, No. 75, item 468, as amended) – now an obsolete act, replaced by the act on Counteracting Drug Addiction of 29th July, 2005 (Journal of Laws No. 179, item 1485, as amended).

The two examples of laws indicated earlier are illustrative of state-imposed formal institutions, i.e., those in which written rules are created by the state to bring order and predictability to actions in society (Ostrom, Basurto 2011) in connection with the operation of markets for socially disadvantageous goods, such as alcohol, gambling, drugs, and prostitution. As Jakub Sukiennik notes: “These are goods or services whose consumption is unhealthy, has a degrading effect on the individual, or otherwise creates undesirable effects for society and has negative consequences for consumers themselves” (Sukiennik 2020:740).

The 1997 Law on Counteracting Drug Addiction introduced criminal punishment for drug possession into the Polish system. This was supposed to be a dam for the increasingly easy access to narcotics on the Polish market resulting from the opening of borders.

This treatment, however, was carried out in a rational manner in the law, which sought to reconcile the requirements of effective prosecution of illegal drug trafficking with a permissive-medical approach to drug users. The introduction of the punishment for drug possession in Article 48 of the law was accompanied by a clause in paragraph 4 of the provision stipulating that the perpetrator of such an offense who possessed narcotic drugs or psychotropic substances for personal use and in insignificant amounts was not subject to punishment.

(Krajewski 2007)

However, the provision in this form lasted only three years. An amendment to the law carried out in 2000 deleted paragraph 4, causing any form of drug possession to become a criminal act.

This change, moreover, has brought a dramatic increase in the size of drug crime revealed in police statistics, a significant part of which are acts involving possession of small amounts of drugs for personal use. This means that a significant portion of police forces and resources have been diverted in the completely wrong direction of prosecuting petty drug crimes, which have little to do with reducing the illegal supply of drugs.

(Krajewski 2007)

This is clearly shown by police statistics on the share of the crime under Article 48 of the law in the total number of crimes found by the police under the Law on Counteracting Drug Addiction. While between 1998 and 2000

the share ranged from about 8% to more than 14%, between 2001 and 2005 it ranged from more than 22% to almost 46% (Sukiennik 2020). This provision – in a slightly modified form (Article 62) – was included in the new Law on Counteracting Drug Addiction enacted on 29th July, 2005 (Journal of Laws No. 179, item 1485).

### **2.3. Years 2000–2010 – a period of development in troubled times**

The first decade of the 21st century was marked by international conflicts initiated by the attack on the World Trade Center towers on 11th September, 2001. This event set the stage for the war on terror launched by U.S. President George W. Bush, which led to the fall of the Taliban regime in Afghanistan (2001) and the overthrow of Saddam Hussein's dictatorship in Iraq (2003). The terrorist attacks of 11th September, 2001, created a new political landscape and ushered in a new era of warfare, beginning another chapter of global changes in cultural, social, and political life (Denton 2004). The world entered a hitherto unknown, highly confrontational era, both politically and economically. The immediate aftermath of the 11th September attacks most significantly, including economically, affected the United States, which is the economic epicentre of the world, and what happened there has translated and continues to translate to the rest of the globe. The attack generated, first and foremost, massive arms spending, which has had a serious impact on the U.S.'s fiscal position and, by extension, its monetary policy. The wars and related spending took a toll on the U.S. position, especially vis-à-vis China and the American policy of isolationism, eventually impacting Europe and Poland.<sup>4</sup>

The year 2008 saw the collapse of the Lehman Brothers investment bank, which triggered several years of global economic crisis. It should be recalled that at the time of its collapse, the Lehman Brothers investment bank was the fourth largest bank of its kind in the U.S.A. (after Goldman Sachs, Morgan Stanley, and Merrill Lynch). It employed more than 26,000 people and had assets worth \$680 billion. The Lehman Brothers bankruptcy triggered a 4.5% drop in the Dow Jones Industrial Average index in a single day – the biggest drop since the 11th September attacks. It was also the largest bankruptcy in the history of the United States. However, the problem faced by the Fuld-managed bank also affected most of the other large investment banks and the entire lending and securitization industry. Already in 2007 there was a recession in the real estate market, while the coming to light of certain facts set off an avalanche of events. Credit also fuelled another important industry – the automotive industry – while the booming real estate market provided jobs. The wave of layoffs affected Chrysler (2009 bankruptcy), General Motors

<sup>4</sup> <https://www.rp.pl/gospodarka/art18904991-swiat-po-11-wrzesnia-to-byl-poczatek-dwoch-dekad-z-kryzysami> [accessed: 04/04/2022].

(2009 bankruptcy), Volkswagen, and Ford, among others. There was a rise in unemployment, a drop in consumption, and, as a result, a deep recession that spread to other countries around the world in the weeks that followed. As a result of the crisis, tens of millions of people lost their jobs, the roofs over their heads, and their entire life savings.<sup>5</sup>

For the countries of Central and Eastern Europe, the first decade of the 21st century was a period in which they found themselves within the structures of the European Union (Poland, along with nine other countries in 2004) and in the area of the Schengen Agreement abolishing border controls at the internal borders of the signatory countries (2007).

In Poland, the first years of the 21st century were marked by strenuous efforts to adapt national legislation to the requirements of accession to the European Union and then to make the most effective use of the aid funds provided for it.

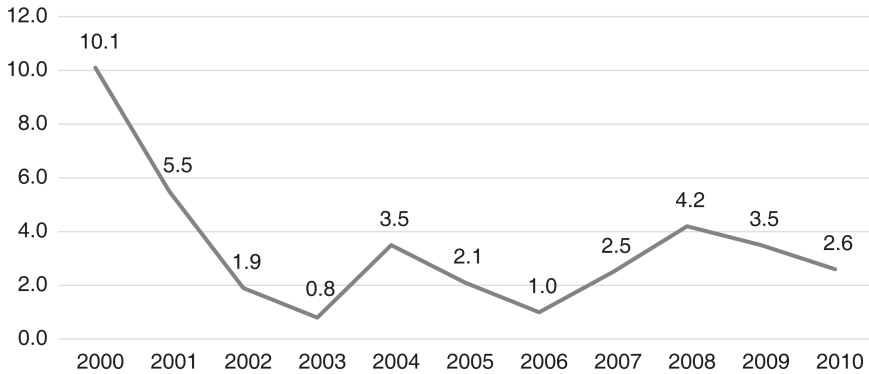
The very deep economic transformation carried out in the 1990s, the so-called Balcerowicz Plan (Rolski 2013:88–100), had already begun to bear fruit. The plan aimed to transition the economy to a market system by, among other things, privatizing businesses, reducing inflation, and opening the market to imports. It was a programme with primarily corrective assumptions but was received by the Polish public with great disapproval, since understanding its assumptions required knowledge of economic and financial mechanisms. The process of economic transformation on the basis of the Balcerowicz Plan aroused many positive and negative emotions even before it went into effect. The stabilization programme and systemic changes have had both positive and negative effects on society.

Undoubtedly, however, as a result of its implementation, the assumptions of the adopted plan have been largely achieved – above all, inflation was reduced substantially and brought down to single-digit values. While in 2000 it was still above 10%, in 2003 it was only 0.8% per year, reaching 2.6% by the end of the decade in 2010 (Figure 2.4).

Unfortunately, the programme was less effective in controlling unemployment, which in 2003 achieved its highest ever figure with 20% of the working population unemployed, representing more than three million unemployed people (Figure 2.5).

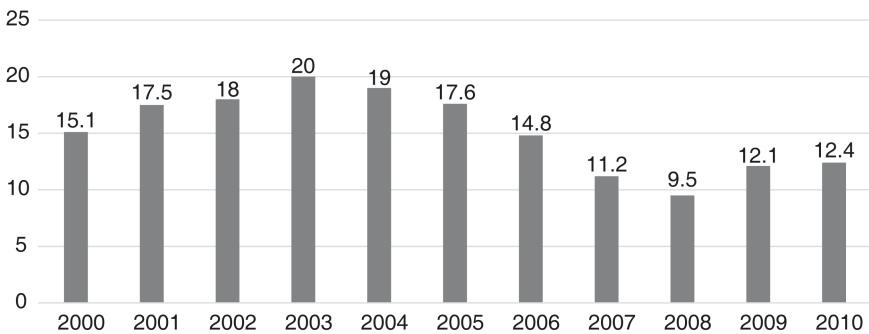
Such high unemployment was the result of the economic downturn and the expiration of commitments made in the privatization agreements of the mid-1990s. These commitments obliged companies to maintain employment at a certain level. When they were discontinued, there were massive cutbacks at companies, with particularly noticeable effects between 2002 and 2004. Two factors had a big impact on the decline in unemployment at the time: mass labour emigration and favourable economic conditions. The first – through the so-called export of unemployment – reduced competition in the labour

5 <https://goldenmark.com/pl/mysaver/upadek-lehman-brothers/> [accessed: 04/04/2022].



*Figure 2.4* Price index (inflation) in Poland from 2000 to 2010 – in percentages.  
Description: x-axis – year; y-axis – percent.

Data source: the Central Statistical Office (own elaboration)



*Figure 2.5* Unemployment rate in Poland from 2000 to 2010 (as of December of a given year – in percentages). Description: x-axis – year; y-axis – percent.

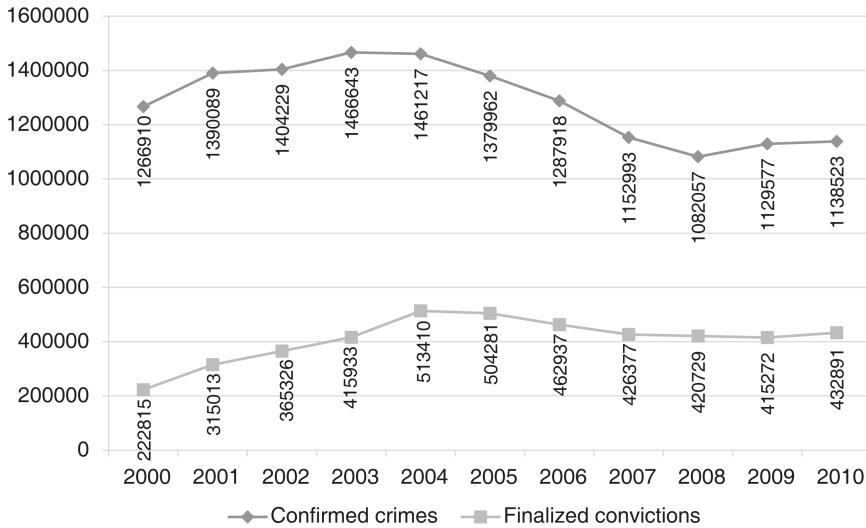
Data source: the Central Statistical Office (own elaboration)

market. The second gave more room for wage negotiations. Some of the so-called “working unemployed,” i.e., those who appeared in the registers of labour offices, but actually earned money in the grey economy, decided to return to the legal labour market. In 2008, for the first time since 1990, registered unemployment fell to single digits (9.5%). However, this state of affairs did not last long – deterioration came with the crash in the financial markets. Unemployment exceeded 12% in 2009.<sup>6</sup>

The first years of the 21st century in Poland were also a period of systematic growth in crime (Figure 2.6).

6 From: <https://rynekpracy.pl/monitory/bezrobocie-1990-2010> [accessed: 31/03/2022].





*Figure 2.6* Confirmed crimes and finalized convictions in Poland in absolute numbers from 2000 to 2010. Description: x-axis – year; y-axis – absolute numbers.

Data source: Statistics Department, Ministry of Justice and Police Headquarters

As Andrzej Siemaszko notes:

The magic number of 1 million crimes was surpassed in 1998. In the following four years, the growth in their total number continued apace, leading to a record-setting 1,400,000 in 2002. Between 2002 and 2004, crime remained extremely high at 1,400,000–1,460,000, but starting in 2005 the upward trend was reversed and in 2007 there were already 20% fewer crimes than in the record year of 2003.

(Siemaszko 2009:313)

The year 2008, in turn, was the year in which the number of stated crimes reached its lowest value in the first decade of the 21st century. It was more than 26% lower than in 2003. Thus, it approached the value of stated offences, which was recorded in 1998, when the two criminal codes of 1969 and 1997 were in effect. Since 2009, there has been a slight increase in the number of stated crimes (Buczowski 2015:62).

The number of robberies decreased during this decade, and in 2007 was half that seen in 2000. Burglary steadily declined between 2000 and 2009, with the number of burglaries decreasing by about 10% per year. Car theft also exhibited a sustained downward trend, falling about five-fold compared to that in the 1990s (Siemaszko 2015:225).

With regard to the number of final convictions, a sharp increase of more than 130% between 2000 and 2004 was noted. The amendment to the Criminal Code of 14th April, 2000, which introduced a new Article 178a

into the code, was largely responsible for this increase. Under this provision, driving a motor vehicle on land, in water, or via air traffic, or using another vehicle (such as a bicycle) on a public road or in a residential zone while intoxicated or under the influence of an intoxicant was moved from the category of misdemeanours to the group of crimes. It is worth pointing out that in the total number of convictions in 2001, convictions under article 178a of the Criminal Code accounted for 24%, while in 2005 they accounted for more than 30%. Thus, traffic offences (including article 178a of the Criminal Code) have replaced the top contender in the number of crimes committed – crimes against property. In 2010, such acts accounted for more than 31% of all crimes, while crimes against property accounted for about 29%. This was followed by crimes against the administration of justice (8.2%), drug-related crimes (about 5%), crimes against health and life (4.7%), and the crime of abuse of a family member (3%) (Buczowski 2015). It should also be noted that traditional property crime began to be replaced by economic crime, which by the end of the decade accounted for about 10% of total crime. Since 2005, a decline in the number of final convictions began and in 2009 reached its lowest point during this decade and was 20% lower than in 2004.

The period of growth in the number of stated offences recorded in the first years of the 21st century provided fodder for trends reinforcing the punitive nature of criminal law and intensified voices calling for a tightening of the state's criminal policy.

Teodor Szymanowski (Szymanowski 2012:106–108) divided the criminal law amendments made in the first decade of the 21st century into three main groups:

- 1) amendments resulting from the need to adapt the provisions of criminal law to new legislation enacted in other areas of the law, or to make necessary corrections to existing norms, *inter alia*, following the judgements of the Constitutional Court;
- 2) amendments resulting from the need to adapt Polish criminal law to the adopted regulations of the European Union. An example of this is the act of 18th March, 2004, amending the acts on the Criminal Code, the Code of Criminal Procedure, and the Code of Offences (Journal of Laws No. 69, item 626), which, among other things, in the provisions of the Criminal Code, recognized that sexual intercourse with a minor under the age of 15 already constitutes a criminal act, expanded the catalogue of restrictions on the dissemination of pornographic materials, introduced new crimes relating to information technology and interference with a computer system (operation of a network), and expanded the statutory elements of capital fraud;
- 3) amendments introduced as a result of specific views of politicians in power who were guided by their accepted criminal policy preferences or so-called “penal populism” using, as a rule, imaginary or exaggerated fears of crime, whereby amendments of this kind, although characterized by a specific

value system or political views or a reaction to the current situation in the country, can be divided into two groups: legitimate amendments and illegitimate amendments.

An example of legitimate changes can be found in the act of 13th June, 2003, amending the Criminal Code (Journal of Laws No. 111, item 1061) to more effectively combat corruption crime and introducing, among other things, the possibility of depriving perpetrators of such crimes of the benefits they have gained (Articles 39, 44, 45, and 115 of the Criminal Code). This act provided for regulations breaking solidarity in the crime of bribery (articles 229, § 6 and 230a, § 3 of the Criminal Code) and expanded the economic penalization of corruption and professional sports (article 250a of the Criminal Code). It is also worth mentioning in this context the act of 20th March, 2009, on the Security of Mass Events (Journal of Laws No. 62, item 604, as amended), which introduced into the Criminal Code a ban on entry to a mass event if, in committing a crime, the convicted offender “indicates that his participation in mass events threatens important objects protected by law.” It is combined with a mandatory appearance at a police unit or at a location determined by the relevant police chief. In practice, the so-called “stadium ban” is of particular importance.

As an example of an erroneous amendment one can cite the act of 16th November, 2006, amending the Criminal Code and certain other acts (Journal of Laws No. 226, item 1648), which restored in article 115, § 21, the notion of “hooligan misdemeanour” known to the 1969 Criminal Code, which cannot be strictly defined on legal grounds. Equally ineffective were the amendments to the laws on alimony payments and persistent evasion of alimony obligations, which required as many as three revisions. One of the effects of this legislation was an increase in sham divorces in order for a “single” mother to receive benefits.

When looking for reasons for the decline in crime in Poland between 2000 and 2010, they should not be associated with actions taken as part of one-off political actions, but rather with changes of a more general nature, which include: emigration related to Poland’s accession to the European Union and the opening of labour markets by some of the member states (mainly the United Kingdom), improvements in police work, demographic changes resulting from the entry into adulthood of the baby-boomers, and thus the shrinking of the group at particular criminal risk, which is 16–24-year-olds (Siemaszko 2009:319).

Comparing data for Poland with Eurostat data from 2000 to 2009, it should be pointed out that Poland was the country with the lowest crime rate in Europe in 2009 for the group of crimes related to drugs, car theft, residential burglary, and violent crimes, ranking 16th in the number of murders and robberies (Gruszczyńska, Heiskanen 2012:83–102).<sup>7</sup>

7 <https://ec.europa.eu/eurostat/web/products-statistics-in-focus/-/ks-sf12-006>

#### 2.4. Years 2011–2020 – a time of stability and development: towards a mobile society based on modern technology

The years 2011–2020 have especially allowed us to see how much learning, work, and social relations depend on new technologies (Przyłucka 2020:10). Admittedly, compared to the previous two decades, the years 2011–2020 appear as a period of stability and relative calm on the European continent, but two events (the ongoing COVID-19 pandemic in 2020 and the outbreak of war in Ukraine in 2022) have made us realize how quickly the order of the “established” world is changing and how difficult it is to infer current and future crime trends from available statistical data.

However, let’s start at the beginning of the decade we are discussing. Outside Europe, the period described is the time of the so-called Arab Spring (2010–2012), which began as a result of economic protests by the populations in a number of Arab countries to change their existing leaders (e.g., Muammar Gaddafi in Libya), and in some countries (e.g., Syria) turned into a war lasting many years.

This is the decade in which the world recovered economically from the crisis triggered by the 2008 collapse of the Lehmann Brothers investment bank.

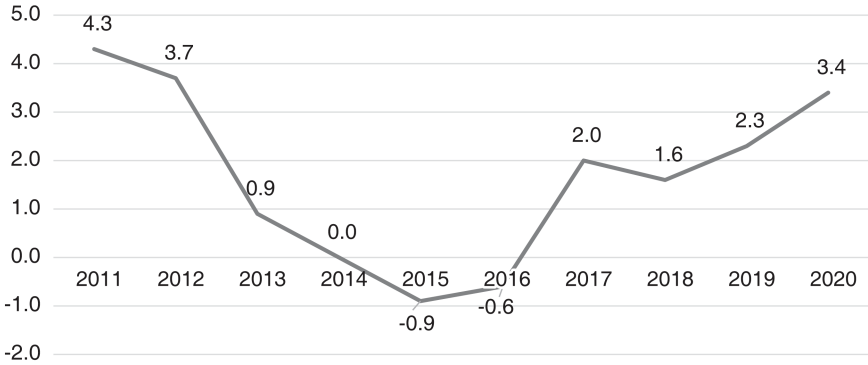
At the same time, almost simultaneously as a result of years of rapid growth in production and export expansion, in 2016 China became the world’s third largest economy and India the seventh (Kundera 2018), changes which “shook up” the economic *status quo* that had been in place for years in a significant way.

Against this backdrop, Poland’s economy fared very well. The government’s policy of supporting the economy during the post-2008 global market crisis resulted in a significant drop in the country’s inflation rate. There was even negative inflation in 2015 and 2016 (–0.9% and –0.6%, respectively), which, however, began to rise again in subsequent years to reach 3.4% in 2020 and exceed 10% in 2022.<sup>8</sup> The increase in prices recorded since 2017 should be linked to the policies pursued by the new Law and Justice government elected in 2015, which, among other things, began pursuing social policies by directing substantial funds to more and more social groups for the proclaimed slogan of “equalizing inequality” (Figure 2.7).

There has been a significant decrease in the number of people who are unemployed. Such a clear downward trend should be combined with the growth of Poland’s GDP, which between 2011 and 2020 was among the highest among the European Union countries (Figure 2.8).

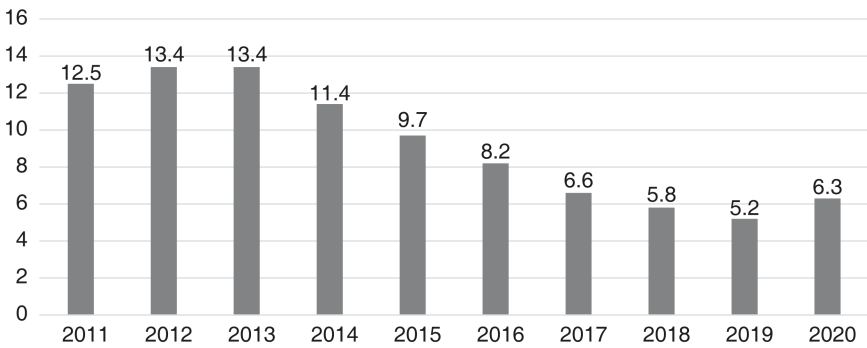
Looking at the dynamics of crime, it should be noted that in 2019, total crime was 30% lower than in 2009 and nearly 10% lower than in 1990. There was a noticeable decrease in crime in 2014–2016, while a slight increase in the following years of 2017–2019 (Klimczak, Włodarczyk-Madejska 2021:13).

<sup>8</sup> <https://www.money.pl/gospodarka/stalo-sie-inflacja-w-polsce-przebil-psychologiczna-granice-6753480186333728a.html> [accessed: 04/04/2022].



*Figure 2.7* Price index (inflation) in Poland from 2011 to 2020 – in percentages.  
Description: x-axis – year; y-axis – percent.

Data source: the Central Statistical Office (own elaboration)



*Figure 2.8* Unemployment rate in Poland from 2011 to 2020 (as of December of a given year – in percentages). Description: x-axis – year; y-axis – percent.

Data source: the Central Statistical Office (own elaboration)

The reported renewed decline in crimes observed in 2020 can be linked to the COVID-19 outbreak, although, as we write in the third chapter of this book, the data we have on this subject at the moment is too fragmentary and covers too short a period to draw indisputable conclusions or to make predictions about future crime trends.

The crime structure changed slightly during this decade. Comparing 2002 and 2019, an increase of about 5% is evident in the categories of drug crimes and crimes against family and guardianship. There was also a slight increase in crimes against liberty, sexual freedom and morality, reliability of documents, activities of state and local government institutions, and the administration of justice, although in these categories, the fluctuations were insignificant and the data tend to show a general trend towards stabilization.

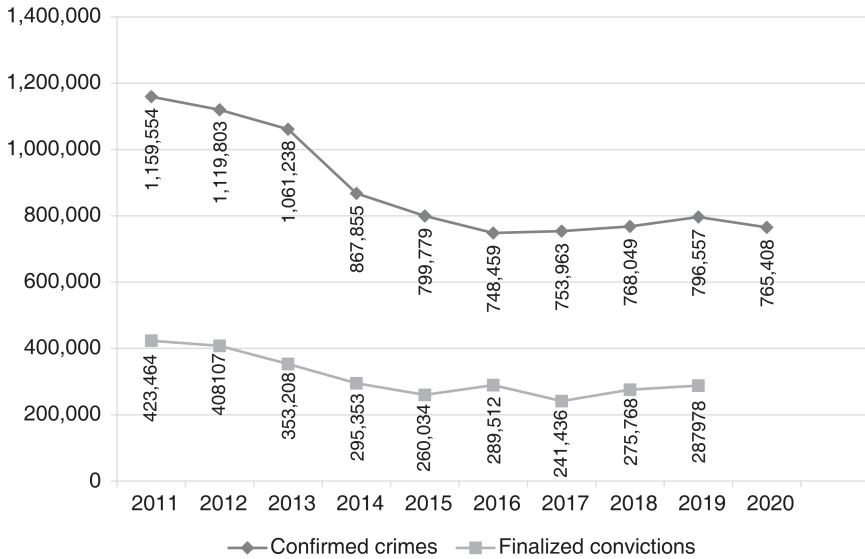


Figure 2.9 Confirmed crimes and finalized convictions in Poland in absolute numbers 2011–2020. Description: x-axis – year; y-axis – absolute numbers.

Data source: Statistics Department, Ministry of Justice and Police Headquarters

Comparing 2002 and 2019, a further decrease in the property crime category (by almost 60%) is noted. The share of offences recorded from the group against public safety and communication (along with the offence of article 178a of the Criminal Code) decreased by about three percentage points, while the percentage of crimes against life and health in 2019 was almost the same as that in 2002.

Within the category of property crimes, burglary decreased by almost 75% in 2019 with respect to 2002, and robbery crimes by almost 90%. The number of thefts fell by almost 70%, while the percentage of frauds increased by 31% (to 33% in 2019) (they accounted for more than 33% of all property crimes in 2019).

In addition, it should be noted that the number of internet crimes doubled between 2013 and 2019, with their share among the total number of stated crimes rising from nearly 5% in 2013 to about 14% in 2019, an increase of nine percentage points. The crime most often committed in this way was fraud, accounting for about half of online crimes (Gruszczyńska 2021:194).

Comparing the data for Poland with international crime statistics, one should note a significant decrease in the number of robberies – more than 10% per year, similar to trends in the Czech Republic, Lithuania, Slovakia, and Hungary. With regard to the crime of rape, 2018 saw an increase in the number of registered crimes of this type in the vast majority of European countries compared to 2008, with the exception of Poland and Bulgaria. The largest

increases (more than double) were seen in the UK, Ireland, Iceland, Denmark, France, Austria, and Hungary (Gruszczynska 2021:197).

It is difficult to diagnose clear and obvious reasons for the changes in crime statistics in Poland over the last decade. However, it is worthwhile to make an effort to link certain – the most visible – changes in crime trends to the political, economic, and social situation, consisting increasingly of advancing technological innovations and the transformations of desirable social competencies, especially professional ones, that are conditioned by them. With each passing year, there seems to be an irreversible increase in the demand for knowledge of new technologies, IT expertise, and STEAM (science, technology, engineering, art, and mathematics) competencies.

The first question to ask is: why have the rates of certain types of crimes increased in the last decade in Poland? As we mentioned earlier, this primarily concerns drug crime; crimes against family and guardianship; crime against liberty, state, and local government institutions; crimes against the administration of justice; and internet crimes in the broadest sense, including cyber fraud in particular.

The increase in recorded drug crime can be attributed to a variety of circumstances. The most common one mentioned is the increasingly frequent interception of large shipments of narcotics. It is pointed out that

the number of cocaine seizures and the amount of cocaine seized was record-breaking, with more than 181 tonnes of drugs seized in 2018. Belgium, Spain and the Netherlands are the main countries where large quantities of drugs are seized. Indicators point to the high availability of cocaine on the European market and signs of growth in countries where cocaine was previously not a popular drug. More and more countries are reporting crack cocaine use, although it is still not widespread. Cocaine purity at the retail level has increased almost every year since 2009, and in 2018 it reached its highest level for the past decade. Overall, the drug's high purity and data from treatment centres, emergency admissions, and drug-related deaths indicate that cocaine is now playing a more important role in Europe's drug problem. It also appears that the cocaine market is an important factor in drug-related violence.<sup>9</sup>

Poland is well below the statistical average compared to European countries, with marijuana and amphetamines being the most commonly used substances (Malczewski et al. 2020), but nevertheless, the share of drug-related crimes in total crime has more than doubled (Klimczak, Włodarczyk-Madejska 2021:15).

<sup>9</sup> *Europejski raport narkotykowy 2020: Najważniejsze kwestie* <https://www.emcdda.europa.eu/system/files/publications/13238/TD0420439PLN.pdf>, p. 10 [accessed: 03/04/2022].

Other reasons that may account for the increase in drug crime are the increasing availability of the product and the decreasing difficulty of “trading” in drugs. Widespread mobility makes it possible to purchase psychoactive substances online from countries where the availability of “soft” drugs is legal.

However, we must also keep in mind that 2020 was dominated by COVID-19 epidemic threats globally affecting the health, social, and economic conditions of all countries, regions, and continents and thereby affecting drug use and distribution. In principle, the use of psychoactive substances is forecasted to increase, but statistics will not necessarily capture this trend due to the increasingly massive shift of all drug activity to the so-called “darknet,” that is, that part of the internet that is not accessible to the average user and which can only be accessed with specific software, configuration, or authorization.

In a sense, the “culture” of drug use has also changed. An increase in narcotics consumption is occurring primarily among the younger generation. They are credited with additional “empowerment” in social and cultural changes. The opening up to a mobile globalized world has changed young people’s behavioural patterns and life aspirations, causing, among other things, an increase in the supply of stimulants and their consumption patterns both literally and psychologically (Stępień 2004:3).

The growth of social tolerance towards drugs with psychoactive properties has undergone noticeable changes in recent decades, both towards their use and towards the users themselves. The boundaries that less than three decades ago were thought to be crossed only by people perceived as deviants seeking an escape from the world around them have shifted significantly, while drug addiction itself – even at the end of the 20th century – was sometimes portrayed mainly as an effect of anomie (Motyka 2013:675).

Practically since the beginning of the 21st century in Poland – though not exclusively – there has been a social phenomenon involving the formation of positive references to psychoactive drugs in all kinds of cultural messages, including low and popular culture in particular. Drugs are written about in the press and books, with films on the subject or musical works being produced. There is also a growing number of blogs and online forums that allow people to freely express their opinions and share their experiences after taking drugs (Motyka 2013:676). The internet is full of functioning shops dealing in narcotics. Examples include sites such as “LegalWeed Pills & Powder”<sup>10</sup> and “Pylki”,<sup>11</sup> which offer drugs and so-called “legal highs” for sale. As Marek Motyka points out:

The transformation is also about the ways drugs are taken. The variety of assortment gives the person concerned the opportunity to take a drug by the least invasive means possible, including by spraying with a spray in a

10 <http://www.legalweed.pl/> [accessed: 16/03/2022].

11 <http://www.pylki.com/> [accessed: 16/03/2022].



room, lighting similarly to incense or inhaling intoxicating vapours, taking in the form of a liquid, a biscuit or sweets soaked in an intoxicating solution. . . . In the face of earlier methods – especially injection which was quite effective in deterring many potential users – the current methods may themselves act as an incentive.

(Motyka 2013:443)

Finally, it should be noted that of great importance for changing attitudes towards drug use is the complete reformulation of the terminology previously used regarding this phenomenon. Phrases such as: drug abuse, intoxicants, drug addict, and narcotics, which were associated pejoratively, have been replaced by phrases such as “recreational drugs,” “entheogens,” “legal highs,” “afterburners,” “smarts,” “users of psychoactive drugs,” “travellers,” and many similar-sounding names containing a decidedly different message than those used previously (Motyka 2013:443). One can risk saying that drugs have become a new form of entertainment, self-expression in the pursuit of popularity, a “relaxation pill” for the increasingly rapid changes and increasingly serious social problems that the global world is facing in almost all areas of its functioning.

It should come as no surprise, then, that there are increasing calls for the legalization of certain forms of narcotics. In particular, this relates to marijuana, the use of which is permitted in several European countries and is planned to be legalized in more countries (e.g., Germany). The Parliamentary Group for the Legalization of Marijuana has been active in the Polish Sejm for several years, analyzing the health, economic, social, and financial effects of legalizing marijuana, conducting a society-wide debate on marijuana, and developing recommendations and draft laws in this regard with the broad participation of social, scientific, and economic partners.<sup>12</sup>

Another group of crimes that saw a slight increase in the last decade in Poland is that of crimes against the family and guardianship, which most likely had to do with the amendment of laws on the crime of failure to pay alimony. The phenomenon of evasion by persons obliged to pay alimony in Poland has been a fairly serious problem for many years. It was estimated that by 2021, nearly 300,000 people were in arrears in child support for underage children or children in education, of which there were more than a million, with a total debt of 13 billion zloty.<sup>13</sup>

On 8th May, 2017, the President of the Republic of Poland signed into law the act of 23rd March, 2017, amending the act on the Criminal Code and the act on Assistance to Persons Entitled to Alimony (Journal of Laws of 16th

12 [https://orka.sejm.gov.pl/opinie9.nsf/nazwa/zesp\\_reg666/\\$file/zesp\\_reg666.pdf](https://orka.sejm.gov.pl/opinie9.nsf/nazwa/zesp_reg666/$file/zesp_reg666.pdf) [accessed: 17/05/2022].

13 <https://pieniadze.rp.pl/budzet-rodzinny/art18937331-alimenty-byly-partner-nie-placi-na-dziecko-co-mozna-zrobic> [accessed: 17/05/2022].

May, 2017, item 952), introducing a change in the description of its elements. Prior to the amendment, the hallmarks of the crime of failure to pay alimony under article 209 of the Criminal Code included the following elements: the perpetrator's behaviour had to bear the hallmark of persistence, and an effect in the form of exposing the entitled person to the impossibility of satisfying the basic needs of life was necessary.

The amendment led to the removal of the elements of "persistence" and "effect of exposure," which generated a lot of controversy both in doctrine and jurisprudence, which was not conducive to the full criminal protection of victims. Therefore, by broadening the scope of the criminalization of acts under article 209 of the Criminal Code, it was intended to improve the effectiveness of enforcement of alimony payments by authorized persons and to eliminate current and undesirable phenomena in the form of intentional evasion by persons obliged to pay alimony. At the same time, however, this change, by criminalizing a broader spectrum of behaviour, likely translated into an increase in statistics.

However, part of the judicial community remained critical of the changes, claiming that

it is wrong to introduce the punishability of an additional type of criminal act by eliminating the element of exposure to the satisfaction of the entitled person's living needs, because the aspect of the entitled person's material situation causes a certain automatism of punishability. Judges also take the position that the crime of so-called "failure to pay alimony" should not be punishable by imprisonment at all, since the incarceration of the perpetrator in fact derails the possibility of fulfilling the obligation imposed, and thus actually turns against the entitled person.

(letter from the President of the Court of Appeal  
in Kraków of 22nd November, 2016)<sup>14</sup>

In addition to the crime of failure to pay alimony, the second most frequently committed act against the family and guardianship is the crime of abuse of a loved one or other person in a permanent or transient relationship of dependence on the perpetrator, categorized in article 207 of the Criminal Code. In today's mobile society, the model of the traditional family, in which everyone has a culturally and socially assigned role, determined largely by gender, has largely become obsolete. Disapproval of the use of violence, which is most often perpetrated against women and children, is on the rise, but there is also a growing awareness that this crime affects the elderly, the disabled, the dependent – those forced, if only for housing and economic reasons, to stay in violent environments. Nowadays it goes much wider than husband–wife,

<sup>14</sup> <https://bip.brpo.gov.pl/sites/default/files/Nowelizacja%20art%20209.pdf> [accessed: 10/03/2022].

partner–partner relations; it becomes a problem that touches more and more subtly upon individually shaped social micro-structures and networks.

In this context, the role of the media, including social media, is not insignificant and by being highly active in publicizing the harmfulness and reprehensibility of any form of violence against another person – physical, psychological, economic, or sexual – has contributed to the growth of the public’s legal awareness in defining violence and recognizing the need to respond firmly to it. Many public figures – actors, musicians, celebrities, bloggers – have chosen to disclose the personal harm done to them through the use of violence and the severe social consequences that have affected not only them directly, but also many of those closest to them. There are numerous national and local projects that engage in educational and outreach activities both for those affected by violence and those who use violence, including, above all, violence which constitutes the elements of a crime. Finally, thanks to professional training and supervision, the legal, psychological, social awareness and sensitivity of professionals working in violent environments is constantly being raised. Article 207 of the Criminal Code, criminalizing the crime of abuse, was altered by the act of 23rd March, 2017 amending the acts on the Criminal Code, the Proceedings in Juvenile Cases, and the Code of Criminal Procedure (Journal of Laws of 12/04/2017, item 773), and its primary effect was to criminalize the physical or mental abuse of a person who is unfit due to age or mental or physical condition.

The increase in the number of crimes under Article 207 of the Criminal Code is due to the fact that, as a result of successive amendments to the Polish Act on Counteracting Domestic Violence (Journal of Laws 2015, item 1390, as amended), also resulting from the requirements of the Council of Europe Convention of 11th May, 2011 on Preventing and Combating Violence against Women and Domestic Violence (Journal of Laws 2015, item. 961), which Poland – not without extreme and radical protests – eventually adopted (Wiktorska 2021b:252–253) had important results. On the one hand, in the strengthening of procedures for the protection of victims of violence, in particular by facilitating the possibility of actually separating the perpetrators from them (Wiktorska 2021a:80–90), and on the other hand, in the extension of the legal obligation to notify law enforcement authorities of suspected crimes committed in connection with violence to all persons who, in connection with the performance of their professional duties, have such a reasonable suspicion. This applies primarily to professionals involved in the work of interdisciplinary teams created at the levels of individual municipalities and working groups separated within their structures, i.e., representatives of organizational units of social welfare; municipal commissions for solving alcohol problems; the police; education, healthcare, and non-governmental organizations; and probation officers.

In conclusion, we can say that the increase in crime in the last decade, as analyzed here with respect to two crimes (articles 209 and 207 of the Criminal Code), is definitely due more to legislative and socio-cultural changes than to

Table 2.1 Article 207 of the Criminal Code and Article 209 of the Criminal Code (comparison).

<i>Year</i>	<i>Total crimes against family and guardianship (in absolute numbers)</i>	<i>Crimes related to Article 209 of the Criminal Code: evasion of the obligation to pay maintenance</i>	<i>Crimes related to Article 207 of the Criminal Code: abuse of a person close to you</i>
2015	27,751	13,368	14,191
2016	24,098	9,398	14,513
2017	32,892	16,885	15,824
2018	85,899	70,412	15,269
2019	69,861	53,194	16,416

Data source: Klimczak, Włodarczyk-Madejska 2021:34

the share of these crimes in the group of acts actually committed. With that said, it should be noted that the last year we analyzed, 2019, shows a renewed downward trend in the crime of child support evasion, while the number of abuse crimes continues to rise. The scale of the dynamics of these two crimes is shown in Table 2.1.

The second question we ask ourselves is: why has the occurrence of some crimes decreased? It is worth noting that the general trend is a fairly significant overall decline in crime – not only in Poland, but also globally. However, for some acts, the decline is particularly pronounced. This includes crimes against property (of which there have been far fewer in the last decade overall), including the offences of theft and burglary in particular. It should be noted, however, that despite the overall downward trend, an increase in fraud is evident in this category of acts, especially computer fraud, which is discussed in more detail later in this section. Such a change does not seem surprising. It is a result of people moving their daily activities to virtual space, as this is the direction set by the rules of a mobile society based on modern technology.

The magnitude and structure of crimes against property are most dependent on the economic and business situation at a given time and in a given region, as already established by Gary Becker's economic theory of crime, according to which crime is usually the result of a rational calculation of the benefits and costs associated with its commission (Becker 1968). Significantly simplifying the assumptions of this theory for the purposes of this book, it can be said that the economic model of individual behaviour assumes that each person, when making rational choices, optimizes their behaviour in such a way as to maximize the profits achieved and minimize the risk of any expected losses. As a result, if the costs of committing a crime seem to be less than the profits possible from doing so, a person chooses to ultimately avoid such an action.

The previously described processes of political–economic change, market characteristics, trade trends, the degree of inflation and unemployment, or the general state of social poverty are considered to be among the most significant

determinants of changes in the structure of crime, including in particular that against property.<sup>15</sup> Due to the fact that in the years that we analyze, the economic situation in Poland was relatively stable, it was possible for such a pronounced decrease in crime against property to occur. Underlying the downward trend is also the mass availability of consumer goods. Goods that are expensive, difficult to obtain, or considered luxury items have had cheaper counterparts available to the mass public for many years. The proliferation of large-format outlets in the market has, in turn, made it possible to purchase a wide range of products to which such access was difficult in earlier years, and thus the risk of theft has simply become disproportionate to the expected benefits.

Within this group of acts, the largest decrease was seen in the crime of burglary. Between 2010 and 2019 in Poland, the decline was almost twofold (Klimczak, Włodarczyk-Madejska 2021:35).

The reasons for this trend can be attributed to several factors. First, the number of residential burglaries has decreased due to the use of increasingly effective prevention strategies resulting from the growing prevalence of the conative (behavioural) component in attitudes that offset fear of crime (Błachut, Gaberle, Krajewski 2006:452). These strategies include defensive and “evasive” actions. The former primarily involve the installation of additional professional security measures: monitoring and alarm systems connected to mobile devices that allow rapid response regardless of the distance from home or work. Evasive strategies manifest themselves mainly by avoiding certain places, situations, or interpersonal contacts judged as potentially dangerous. Burglary is no longer a “profitable” crime because the most valuable items at our disposal have become items of personal (mobile) use. As a micro-mobile device, the mobile phone (or increasingly a smart watch acting as a watch) provides us with access to bank accounts; credit cards; e-systems; and official personal data including healthcare, personal insurance, and property insurance information, and also allows us to make direct payments and order services and goods. All this makes it unnecessary to keep valuables and money at home.

Secondly, the number of car burglaries has declined significantly in the last decade. While in the 1990s, these accounted for more than one-third of all

15 Research on the relationship between unemployment, poverty, and crime in Poland has been conducted by, among others, Bobrowska A. et al., *Bezrobocie a przestępczość w Polsce – próba określenia związku przyczynowo – skutkowego tych zjawisk*, [in:] *Demograficzne i społeczne aspekty rozwoju miast*, J. Słodczyk (ed.), Wydawnictwo Uniwersytetu Opolskiego, Opole 2002; Kądziołka K., *Bezrobocie, ubóstwo i przestępczość w Polsce. Analiza zależności na poziomie województw*, “Studia Ekonomiczne. Zeszyty Naukowe Uniwersytetu Ekonomicznego w Katowicach”, No. 242, 2015, pp. 71–84; Klaus W., *Relacje między biedą i wykluczeniem społecznym a przestępczością*, [in:] *Spoleczno-polityczne konteksty współczesnej przestępczości w Polsce*, K. Buczkowski, B. Czarnecka-Działuk, W. Klaus, A. Kosowska, I. Rzeplińska, P. Wiktorska, D. Woźniakowska-Fajst, D. Wójcik (eds.), Wydawnictwo Akademickie Sedno, Warsaw 2013.

burglaries, starting in 2000 the frequency of such crimes, year after year, began to decline significantly. In 2012, the number of these crimes was more than six times lower than that at the turn of the 20th century, and in 2019 it was two-thirds lower than in 2012.

In analyzing this trend, one should again refer to the impact of economic factors on crime. Car theft is no longer profitable, it seems, for two reasons: first, mass consumer access to new vehicles has increased, and second, vehicle security (formerly alarms, immobilizers) is increasingly being replaced by systems that allow quick, mobile control of the vehicle via personalized devices, such as a phone or watch. This dramatically increases the owner's control over the vehicle and ability to react quickly, for example by notifying formalized social control authorities, which at the same time provides a "disincentive" for the potential perpetrator of the act to take the risk of committing it. In addition, thanks to the increasingly sophisticated electronic systems that vehicles, including those used by police, are equipped with, the ability to locate a vehicle is much stronger than it was even a decade earlier and can happen much faster. On the other hand, the police warn that this trend will change in the near future, influenced precisely by the increase in the technological sophistication of vehicles. While technology is supposed to help us, it also helps thieves by enabling, among other things, a new way to track the vehicle they want to steal, which involves installing so-called GPS Tracking Tags. Car thefts and break-ins are also greatly facilitated by keyless vehicle access, which allows for the copying of stored data and quick, easy access to vehicles.<sup>16</sup>

Car burglaries can be divided into two groups. First, there are thefts of valuables carried in the car – purses, wallets, laptops, and mobile phones, but also personal documents, or credit cards, which can be used to commit further crimes. Secondly are thefts of the cars themselves, which are sourced primarily to acquire spare parts that have recently become scarce both in the aftermarket and in the production of new cars.

The economic situation and the global lockdown we faced as a result of the COVID-19 outbreak (which we discuss in more detail on a global level in the third part of the book) affected the automotive industry in a very significant way. After more than three decades in which the automotive industry was in overcapacity, the COVID-19 pandemic changed the course of events. Semiconductors fell into short supply, supply chains were disrupted, and raw material prices began to increase. Production was paralyzed, and car buyers had to forgo discounts and wait a long time for the vehicles they ordered. Passenger car sales fell by 16% in 2021 (analysts estimate that some 11 million cars

16 <https://moto.pl/MotoPL/7,88389,27897879,policja-ostreza-zlodzieje-maja-nowy-sposob-kradziezy-aut.html> [accessed: 24/04/2022]. Once the signal from the key is intercepted, the security code is broken and in turn is sent to the device commonly referred to as the "suitcase." From the time the signal is intercepted to the time the vehicle's security code is broken, only a few to tens of seconds elapse.

could not be produced due to component shortages), and 13 manufacturers sold significantly fewer cars than in the same period last year. Of the markets affected by the crises, China has suffered the most so far. In the world's largest car market, sales in the third quarter of 2021 fell 26%.<sup>17</sup>

The automotive industry crisis also became evident in Poland, and despite divergent analyses, it is difficult to forecast the extent to which it will affect trends in car burglary statistics, especially those committed to obtain spare parts or raw materials for reprocessing to manufacture particular components.

A particular drop in property crime statistics was seen in robberies involving firearms and gas weapons or other dangerous instruments. Beginning in 2001, the trend of these crimes fell sharply downward. In 2012, they were recorded more than four times less than at the beginning of the 21st century, and between 2014 and 2019 the decline was exponential: in 2019 such were committed more than ten times less than in 2000 (Klimczak, Włodarczyk-Madejska 2021:20).

The restrictive model of firearms control that was adopted made in Poland the country with the lowest rate of firearm ownership per 100 inhabitants in all of Europe. According to 2017 data presented in the Small Arms Survey, there were 2.5 firearms per 100 residents in Poland, a figure that included both registered and unregistered weapons.

It seems that the introduction and maintenance of such a model of regulation was accompanied by the belief that there is a significant correlation between the number of firearms at the disposal of members of society and the number of crimes committed with them. Contrary to appearances, this association is not at all obvious. While the cited view is characteristic, particularly among opponents of broad access to firearms, it is far less popular among proponents of free access to such weapons, who argue that it may reduce the level of crime, as a potential perpetrator may be more inclined to abandon his intention knowing that his attack could be repelled by a potential victim or witnesses of the incident also possessing a weapon (Rejmaniak 2021:137).

Studies conducted in Poland over the past decade confirm that, in general, it is unlikely that the number of gun permits issued directly affects the number of crimes committed with guns, but the reverse relationship cannot be ruled out.

Perhaps the decline in crime in general and the associated increase in the sense of security are resulting in fewer applications for gun permits. It is also possible that these phenomena appropriately shape the policy of issuing gun permits by provincial police chiefs.

(Rejmaniak 2021:150)

Beginning in 2014, there has also been a downward trend in the group of traffic offences, which include exposure to imminent danger of loss of life or

17 <https://www.dw.com/pl/rok-2022-w-motoryzacji-kryzys-czip%C3%B3w-i-przerwane-dostawy/a-60210603> [accessed: 01/05/2022].

grievous bodily harm, causing a traffic crash, operating a motor vehicle while intoxicated or under the influence of an intoxicant, failing to stop for inspection, failure to comply with vehicle or driver licensing requirements, or driving despite having a revoked licence. From 2013 to 2019, the number of crimes in this group decreased by 50%.

The decline in traffic crimes can be linked to several factors. These primarily include:

- a) the increasingly better technical condition of vehicles on the road, which is the result of a decreasing presence of “worn-out” vehicles imported from outside Poland that were often recovered from accidents, with a simultaneous increase in technological solutions that increase the safety of road traffic, including the safety systems used in vehicles based on modern technologies (active cruise control, early warning systems for the driver of the vehicle warning of traffic hazards, etc.);
- b) an increasingly modern road infrastructure, which includes not only the construction of new roads, but also the thorough modernization of existing ones;
- c) the increasing level of awareness of traffic participants in terms of the dangers of driving under the influence of alcohol or any other intoxicant, which, on the one hand, causes danger to the life and health of all traffic participants, and on the other hand, exposes the potential perpetrator to incur harsh consequences for this type of behaviour, including restrictions on the ability to move freely on their own as a result of a driving ban.

In the group of traffic offences, it is worth taking a slightly closer look at the crime of Article 178a of the Criminal Code, criminalizing driving under the influence of alcohol or an intoxicant. This is a characteristic problem for Polish society that at the same time is a potential risk to the health and lives of traffic participants.

As Marek Marczewski and Paweł Ostaszewski point out, the analysis of statistics collected based on this provision poses some difficulties caused by two factors (Marczewski, Ostaszewski 2017:39). First, there are the legislative changes, in that on 9th November, 2013, an amendment to the Criminal Code<sup>18</sup> went into effect, repealing paragraph 2 of Article 178a of the Criminal Code, which provides for the criminalization of driving a vehicle other than a motor vehicle while intoxicated or under the influence of an intoxicant (i.e., eliminating cyclists under the influence of alcohol). Second, in late 2012 and early 2013, there was a change in the Police Headquarters’ statistical recording system (from the Temida system to the KSIP system). For these reasons, in the period we are analyzing, it is worth focusing primarily on the statistics for article 178a, § 1 of the Criminal Code and the perpetrators of traffic accidents.

18 The act of 27th September, 2013, amending the act on the Criminal Procedure Code and certain other laws (Journal of Laws, item 1247 as amended).



In the first category, between 2011 (87,430 crimes recorded per 100,000) and 2019 (56,351 crimes recorded per 100,000) we see a significant decrease in the number of offences (Klimczak, Włodarczyk-Madejska 2021:38–39).

A similar trend is evident in statistics on the percentage of accidents caused by intoxicated drivers. Starting in 2011, the number of such events has maintained a downward trend (Marczewski, Ostaszewski 2017:41). According to Marek Marczewski and Paweł Ostaszewski, the reasons for this trend can be traced to several factors. First, is increase in deterrent controls on potential perpetrators of this crime, leading to a reduction in the number of such acts committed. Second, is the fear of imminent and swift criminal consequences, and third is an overall change in public awareness.

While at the beginning of the 21st century there was still considerable public acquiescence to drivers getting behind the wheel under the influence of alcohol, just a few years later a large part of society no longer looks kindly on drunk driving. Nationwide public campaigns carried out in the media, such as “Stop the drunk driver” and “Alcohol and car keys. No way” have contributed to this.

(Marczewski, Ostaszewski 2017:53)

Finally, there is a group of crimes for which statistics show relative constancy and which, in a sense, seem immune to social change. Among other things, the number of the most serious crimes, including homicides, fluctuated only slightly in the last decade we analyzed (Klimczak, Włodarczyk-Madejska 2021:30). In 2002, such offences accounted for 3.5% of total crime, while in 2019 they accounted for 3.2% among stated crimes. The same is true of the crime of rape, whose share in the overall crime structure fluctuates between 3% and 4%, and the crime of sexual intercourse with a minor – between 2% and 3%. This is also true for corruption and participation in an organized criminal group, which remained at a relatively constant low level during the period analyzed (Ostaszewski, Siemaszko 2021:48).

There are also acts whose severity in the total number of crimes is so small that it is difficult to talk about the possibility of observing any trends in their statistics. This includes, for example, crimes against peace and humanity or crimes against elections and referendums, along with the crimes of bigamy, failure to provide assistance, or filing a false report of a crime.

Another thread worthy of attention is the emergence of new types of behaviours, which by the decisions of the Polish legislators (and those of other European and non-European countries, many of which are well ahead of what is happening in Poland) have been penalized. New types of offenses enacted in response to technological advances and undeniably resulting social changes, as well as mobility increasing at an unprecedented rate in an increasingly globalized world.

As we mentioned earlier, globalization and technological mobility, on the one hand, are sources of many new opportunities, but on the other hand, exclude, marginalize, and lead to anomie as human understanding of the

world has not kept pace with understanding of its transformations. Humans are becoming slaves to technology, adaptive capabilities are increasingly limited, and resources are running out at younger and younger ages, thus increasing the population of “mobile and technologically” excluded people (Toffler 2007). The structure of acceptable behaviour and the definition of actions considered opportunistic or deviant is changing. Thus, crime is also clearly changing, and with it the assumptions for conducting criminal policy in the broadest sense, including in particular the criminalization and decriminalization of certain behaviour.

All positive changes resulting from the development of modern technologies are also accompanied by unfavourable phenomena. The more the world depends on computer technology and content transmitted and posted on the internet, the more vulnerable it is to the activities of groups or individuals whose goal is to take control of computer systems or gain possession of confidential or personal information. In recent years, the threat of so-called cyberterrorism has been growing significantly (Buczowski 2016:138).

The crimes most associated with the advancing development of modern technology are precisely internet crimes. In 2013, their share in the category of total stated crimes was 5%, while in 2019 their percentage exceeded 13% (Klimczak, Włodarczyk-Madejska 2021:42). The internet has become a universally popularized medium, bringing many benefits that are difficult to dispute for the development of science, the speed and detail of information exchange, or the initiation of innovations that are proceeding at an increasingly rapid pace. However, the widespread use of the internet involves some significant areas of risk: the real problems begin when financial issues come into play.

Nobody wants information about their bank accounts, credit cards or transactions carried out to become public. At the same time, advertisements for many companies on websites tempt us with the possibility of quick and easy purchases or services offered via the internet without leaving home. Several banks offer full account services via the internet. You can pay for a lot of useful information available on the internet by credit card. In a similar way, you can pay for shareware programs – immediately register a copy of the program and receive an activation code. The market for internet services is starting to grow more and more.

(Płoszyński 2012:37)

Internet crimes are defined based on various criteria. Following Joanna Klimczak and Justyna Włodarczyk-Madejska, the authors of this book decided to adopt the following as determinants of internet crimes:

- the specifics of where they are committed: the internet or other computer network, cyberspace;
- the tools of the crime: online shops, web auctions, webcams, computers, computer storage media (disks, streamer tapes, CDs, computer networks);
- the objects of the attack: online shops, computer networks;

- the characteristics of the perpetrator and the types of executive actions undertaken by them: pretending to be an employee of an online shop; pretending to be a participant in an online auction; pretending to buy or sell through an online portal or service; committing fraud in an online auction; destroying a computer record; cracking passwords, codes, and computer security; contacting the victim via the internet, threatening the victim via the internet or telephone;
- other specific forms of activity: connecting to a network distributing an internet signal, impersonating an existing website to gain unauthorized access to data (phishing), making unauthorized modifications to stored computer data, using specialized computer software, bypassing computer server security, illegally intercepting internet data (sniffing), checking or distributing content prohibited by law on the internet, posting unauthorized advertisements on the internet (Klimczak, Włodarczyk-Madejska 2021:42).

As Janusz Wasilewski notes, the advancing technological progress, which is nowadays an imperative with a force equal to that of biological progress, seamlessly and unpredictably changes the reality around us creating not only new opportunities but also hindrances and threats.

In particular, this claim applies to the development of modern computer or, more broadly, ICT techniques, which, just a few decades ago were the subject of *science-fiction* novels, are now commonplace solutions. The phenomena included in this trend, such as e-banking, digital signatures, unlimited territorial exchange of information, possibilities for remote management of the most diverse network resources, but also social or entertainment solutions, in effect, lead to the virtualization of reality and digitization of human life.

(Wasilewski 2017:4)<sup>19</sup>

It is worth emphasizing, however, that an increase in cybercrime statistics, while associated with a decrease in physical crime, does not necessarily correlate with a shift in the activities of certain categories of perpetrators to the internet. It can be the result of a shift of opportunities/crime opportunities from physical space to cyberspace. This makes it possible to formulate the hypothesis that the quintessence of the changes observed is not necessarily a shift in people, but rather a shift in opportunities that has occurred because the popularization of modern technology, including the internet in particular, has created a new area of criminal opportunity in cyberspace that has automatically reduced the potential opportunities in real space.

19 Wasilewski J., *Cyberprzestępczość wybrane aspekty prawne i kryminalistyczne*, Białystok 2017, [https://repozytorium.uwb.edu.pl/jspui/bitstream/11320/6538/1/J\\_Wasilewski\\_Cyberprzestepczosc.pdf](https://repozytorium.uwb.edu.pl/jspui/bitstream/11320/6538/1/J_Wasilewski_Cyberprzestepczosc.pdf) [accessed: 20/04/2022].

Undeniably, the internet has changed our daily lives while influencing the spread of new social, political, and legal phenomena. Suffice to point out that in the third quarter of 2015, there were more than 1.5 billion users of the social networking site Facebook alone – almost three times the number of all internet users in 2000 (Buczowski 2016:137). With each passing year, new negative phenomena emerge, often with very destructive effects, for which social media is the vehicle. In doing so, it should be remembered that even 30 years ago, none of us had heard of Facebook, Google, Twitter, WhatsApp, Messenger, Instagram, or Snapchat – just to name a few examples.

The rise in internet crime may have been further accelerated by the situation created by the COVID-19 pandemic. Polish statistics show that immediately after the introduction of national lockdown in March 2020, perpetrators of internet crimes undertook increased activity, particularly involving the creation of fake internet payment gateways in order to take advantage of the demand for online payments. (Gryszczyńska 2021:2). In this context, it is also worth raising the question of whether the deceleration of the pandemic, the cancellation of lockdown in individual countries, the increase in preventive vaccinations, or the increase in people's adaptability, to some extent, will have an impact on the level of internet crime as in recent times, or whether they will remain unrelated to the crime trends observed. We write more extensively on this topic in Chapter 3 of the book. Here, we will focus on identifying new types of criminal acts related to the internet.

One of the first new types of crimes related to cyber activities is an act whose hallmarks consist of seduction a minor over the internet, or so-called grooming. The criminalization of grooming was introduced by the act of 5th November, 2009, amending the acts on the Criminal Code, the Criminal Procedure Code, the Fiscal Penal Code, and certain others (Journal of Laws 2009 No. 206 item 1589). Polish literature also uses terms, such as online grooming of children, sexual solicitation of a minor, electronic corruption of a minor, and cyberpaedophilia (Filar 2012:1011).

Polish legislators, in deciding to introduce the new Article 200a of the Criminal Code, brought Polish legislation into line with international law. The first legal definition of grooming was found in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature on 25th October, 2007 in Lanzarote. Poland signed this law but has not yet ratified it. Another definition was found in Directive 2011/92/EU of the European Parliament and of the Council of 13th December, 2011, on combating the sexual abuse and sexual exploitation of children and child pornography.

As Emilia Truskolaska (Truskolaska 2021:72–80) notes, special attention should be paid to the strictly psychological mechanisms at work for the victims and perpetrators involved in this crime. It is possible to distinguish basic personal and social factors that create fertile ground for the occurrence of the crime/phenomenon of grooming. These are undeniably such conditions as the increasing fascination of children and adolescents with online activities,

the constant daily – often hours-long and unreflective – presence on the internet, the high possibility of selecting potential victims, and the anonymity of perpetrators being protected, especially in the early stages of efforts to seduce a minor on the internet.

Admittedly, grooming, as a socio-criminal phenomenon, has a much longer history than the internet itself, and child grooming began to be perceived as a social problem in the 1970s. It was only the development of modern computer technology and the spread of online networking practices, including by minors, that highlighted the scale of the phenomenon.

It is also worth noting that grooming is not a one-time act, but a certain, sometimes long-term process consisting of several consecutive phases. The first involves making friends with the child and observing their virtual or only revealed behaviour in cyberspace. The next phase primarily involves recognition regarding the perpetrator's ability to detect the phenomenon and identify their actions, as well as a closer relationship with the potential under-age victim, which begins to involve increasingly intimate issues. In the third phase, the perpetrator focuses on the pursuit of an actual encounter with the minor, during which sexual contact between the perpetrator and the victim may occur; this may fail primarily as a result of the child's discernment of the situation and their attitude or the intervention of the parents (Truskolaska 2021:74–75).

The object of protection from grooming is sexual freedom, aiming to protect the freedom from initiation of contact for minors under the age of 15. Article 200a of the Criminal Code specifies an intentional act, committed only with a directional intent with a purpose. This purpose may include paedophilic rape, sexual exploitation of a minor, or the perpetuation of pornographic content involving a minor. However, the criminalization of grooming under the Criminal Code is not a sufficient preventive mechanism to ensure the protection of children from sexual exploitation. An extremely important role in this regard falls to the police, who, within the framework of their statutory powers, can, among other things, by claiming to be minors online, initiate contact with potential perpetrators; equally important is the informal social control exercised by the minor's immediate environment, including in particular family members, peers, and the school environment. It should also be the task of the education system to constantly sensitize both students and parents to the dangers threatening the mental and often physical health of minors that can result from excessive involvement in online activities (Truskolaska 2021:79–80). Statistics from the Police<sup>20</sup> Headquarters for the period 2010–2020 show that the number of grooming offences increased year after year until 2017, after which the strong upward trend became relatively stable, as shown in Figure 2.10.

20 <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-6/64005,uwodzenie-maloletniego-ponizej-lat-15-z-wykorzystaniem-systemu-teleinformatyczne.html> [accessed: 20/05/2020].

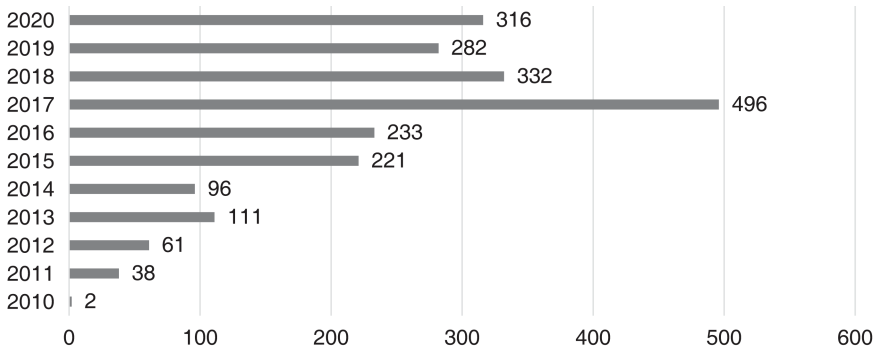


Figure 2.10 Article 200a of the Polish Penal Code. Description: x-axis – absolute numbers; y-axis – year.

Data source: Police Headquarters statistics

Another very important change related to the progressive development of new technologies was the introduction of a provision to the Polish Criminal Code penalizing behaviour known as stalking (article 190 a of the Criminal Code, added in the act contained in the Journal of Laws from 2011, No. 72, item 381).

Stalking is a form of emotional violence involving persistent harassment that causes the stalked person to reasonably fear for his or her own safety. The actions undertaken by the attacker-stalker are characterized by low harm (although psychologists have been urging for years that the importance of this phenomenon should not be underestimated), but their frequency and form adversely affect the well-being of the victim. A lesser-known form of stalking is the impersonation of a victim with the aim of causing financial or personal harm.

The ingenuity of stalkers seems limitless. According to research, as well as national and international literature on the issue, stalking can constitute, among other things, the following behaviours: persistent phone calls, text messages, emails; giving or sending unwanted gifts and flowers; following; watching; intrusive propositioning of meetings and sexual proposals; wiretapping; taking pictures; destruction of property; emotional blackmail; and even threats.<sup>21</sup>

As Dagmara Woźniakowska-Fajst states, “there are types of crimes that have existed in social life for a long time, but the technological development of the modern world gives them a completely different dimension” (Woźniakowska-Fajst 2019:51). Stalking, bullying, and various forms of sexual harassment and pornography are “driven” by the widespread availability of new technologies. Mobile phones, smartphones, computers, instant messaging, and social media are creating in users an apparent conviction of anonymity, which affects

21 <https://gazeta.policja.pl/997/archiwum-1/2011/numer-75-062011/66545,Polskie-prawo-karne-wobec-uporczywego-nekania-innej-osoby-stalkingu.html> [accessed: 14/04/2022].

the increasing incidence of behaviour involving various forms of harassment. Nowadays, the vast majority of these behaviours can be carried out through modern technology using digital tools. We are then dealing with cyberstalking, cyberbullying, or cybermobbing.

According to definitions cited by Dagmara Woźniakowska-Fajst (Woźniakowska-Fajst 2019:51), cyberstalking specifically involves: using the internet (e.g., chat rooms, emails) to identify and arrange meetings between a stalker and a person of his or her choosing and sending a large number of messages via instant messaging, often at regular intervals, with the goal of these actions being to make the victim feel upset, ashamed, afraid, humiliated, or threatened with attack by the stalker, which may directly affect the harassed person or his or her loved ones.

Stalking is a crime occurring mainly in cyberspace today. Taking the action of harassing another person in this space is simply easier and increasingly common. It should be remembered, however, that some of the acts that fulfil the characteristics of stalking are also carried out in real space. Nevertheless, there is no denying what Dagmara Woźniakowska-Fajst points out, that over the past two decades, since international research on stalking has been conducted, there is a very clear trend showing that the development of new technology affects the forms of contact between stalkers and victims. Studies show that with each passing year, the dominance of electronic contact between perpetrators and victims increases significantly (Woźniakowska-Fajst 2019:53). A 2013 survey of Warsaw University students identified as victims of persistent harassment indicated that the perpetrators most often used methods that did not involve direct contact: writing letters, emails, and text messages (47%); following the victims' online activity (40%); and making offensive or "silent" phone calls. Research conducted between 2011 and 2016 showed that unwanted electronic messages (text messages, emails, instant messaging) already accounted for 66.8% of stalking cases, and 66.2% of victims were harassed by phone (Woźniakowska-Fajst 2019:53).

Polish regulations penalizing the crime of stalking, compared to the regulations of individual European Union countries, seem balanced, primarily due to the fact that they do not define *expressis verbis* in the catalogue of behaviours of the potential perpetrator; they also ignore the intention of the perpetrator's actions, which can only affect the assessment of the social harmfulness of the act and the final penalty. In addition, it seems relevant that Article 190a of the Polish Criminal Code provides for the criminalization of the qualified type of this crime, consisting of the victim's bargaining with his or her own life.

The criminalization of stalking on the one hand seems justified, but on the other hand, the question arises as to whether this is really an area of human activity into which criminal law should enter. This question seems all the more justified because, according to research, perpetrators of stalking very often struggle with mental disorders or personality disorders that exacerbate their tendency to commit such acts. These problems affect one in three perpetrators

of stalking. According to judicial findings, they do not cause a lack of sanity preventing criminal responsibility, but they definitely cause mental deficits that make it difficult to function, understand one's own feelings and needs, and control personal impulses (Woźniakowska-Fajst 2019:342).

A new crime (Article 306a of the Criminal Code), related to the development of modern technology, although no longer related to the development of the internet, is also the crime of altering the readings of a car odometer, introduced in Poland on 15th March, 2019. by the act on Amendments to the Law on Road Traffic and the act on the Criminal Code.<sup>22</sup>

The Polish market is still dominated by used cars, including those imported from outside the country. The rolling back of car odometers has been a fairly common and accepted practice since the early 1990s, affecting nearly 70% of second-hand vehicles. The Automobile Dealers Association estimates that up to 85% of used cars imported to Poland have “reversed” odometers. This is euphemistically referred to as “odometer correction” or “vehicle mileage verification,” and it has even become the subject of well-organized services used by those “dealers” who do not perform their own “turning back” of the odometers, as well as vehicle owners who make such “adjustments” before selling them (Buczkowski 2022). The purpose of the provision in question is to guarantee the certainty of civil law transactions and prevent unfair practices by people selling cars. Its introduction was conditioned, on the one hand, by the progressive lack of social acceptance of this type of activity, and on the other, precisely by the increased possibilities of detecting such acts using the devices and systems introduced by modern technology. The aetiology of committing the described act on an individual basis, in the vast majority of cases (if not exclusively), boils down to the desire to maximize profit obtained from the sale of a motor vehicle by deceiving a potential buyer of that vehicle. Hence, the financial penalty in the form of a fine threatened for its commission seems to have a more effective dimension than the current parallel threat of a restriction of liberty or imprisonment, which is generally imposed in court sentences in a form with the conditional suspension of its execution. It should be noted that during the first year and a half of this provision, as many as 13,410 cases were legally terminated at the pretrial stage (either discontinuance or refusal to initiate), and only 72 cases resulted in a conviction or conditional discontinuance (Buczkowski 2022).

In connection with the progress of mobile societies, the development of modern technologies, and the steadily decreasing age of minors in cyberspace, there are also some new phenomena about which there are not yet directly applicable legal regulations (although violations of the goods involved can be protected under civil law), and opinions on the necessity of their introduction are ambiguous.

<sup>22</sup> Journal of Laws from 2019, item 870.



One such phenomenon associated with the not always approved and sometimes harmful “presence” of minors online is *sharenting*. The word was formed from a combination of two English terms: *sharing* and *parenting*. The phrase means that parents regularly post photos, videos and information from their child’s life online. The effect of the development and ubiquity of the media in social life is undoubtedly a redefinition of cultural participation and interpersonal communication. This does not go unnoticed in the understanding of the essence of parenthood. Like other social institutions and interpersonal arrangements, the parent–child/society/mass audience relationship has also dynamized and changed its historically developed quality, moving in line with trends towards universal, widespread mobility. Marshall McLuhan wrote that “thanks to radio, television, and the computer, we have already entered a global theatre in which the whole world is a happening” (McLuchan 2001:368). With the development of modern technology, the previously existing definitions of the social roles of parents, which boiled down primarily to the fulfilment of caregiving functions and the guarantee of social and economic needs, have become obsolete.

In today’s world, full of turmoil, with the erosion of values and marked by the shakiness of authority, parental roles are no longer so obvious, revealing a new picture of parenting. The multiple patterns of motherhood and fatherhood, as well as the multidimensionality and variability of the parent-child relationship, create uncertainty in the implementation of the new role.

(Brosch 2017)<sup>23</sup>

In a nutshell, we can say that some parental functions have moved to the internet. A child “absent” from social media used by parents is an increasingly rare phenomenon. In the last decade, sharenting has become a sort of new trend among parents, according to whom the internet and especially Facebook is the ideal modern platform for expressing parental feelings. Although it is a new phenomenon, several variations of it are already distinguished: oversharenting, parental trolling, commercial sharenting, prenatal sharenting, family sharenting (Grabalska, Wielki 2022:55), all of which pose different levels of risk to the minor. According to data cited by the “Dzieci Niczyje”<sup>24</sup> (Nobody’s Children) Foundation, one in four parents of a child in Poland (under the age of 10) admits to publishing photos of children in their underwear or naked.<sup>25</sup> This act – parental trolling, also known as troll

23 <https://depot.ceon.pl/bitstream/handle/123456789/12798/20.%20Sharenting%20-%20nowy%20wymiar%20rodzicielstwa.pdf?sequence=1&isAllowed=y> [accessed: 02/05/2022].

24 Currently: Fundacja Dajemy Dzieciom Siłę (Empowering Children Foundation); <https://fdds.pl/>.

25 Data taken from the study by Wrzesień-Gandolfo A. (ed.), *Bezpieczeństwo dzieci online. Kompendium dla rodziców i profesjonalistów, Polskie Centrum Programu Safer Internet*, Warsaw 2014, p. 60; <https://www.edukacja.fdds.pl/dd5bcf09-cf2d-4340-9eb3-2c437cf66245/Extras/>

parenting; literally: parental ridicule – is by far the most negatively rated form of social network use.

The report entitled “Sharenting in Poland, or how many children have been trapped in the net?”, published in 2019, is the result of the first qualitative and quantitative research in Poland on the subject of sharing children’s images online by their parents. It shows that 40% of Polish parents share photos and videos of their children’s lives online, with the annual number of such publications averaging 72 photos and 24 videos. A study of sharenting in Poland further found that: 81% of parents rate the sharing of their own children’s photos positively or neutrally, 57% of parents say that their child’s privacy is up to them, and only 25% of parents have asked their own child for permission to share their photos online.

(Grabalska, Wielki 2022:54–55)

Parents’ sharenting activity is stirring up more and more controversy and triggering a number of disturbing opinions and assessments. This is exacerbated as the first generation of children finding their way onto the internet without their consent and sometimes knowledge begins to reach adulthood. According to many opinions, the “unwanted” publication of their image may trigger a new phenomenon involving a mass change of names in order to break with the previously publicized identity (Brosch 2017:386). This raises the question of whether the abundant, excessive documentation of children’s lives online is such a harmful phenomenon that it should be separately criminalized. There has already been a judgement in Poland regarding parental trolling (*Judgement of the Warsaw-Praga Regional Court of 25/01/2017, IV Ka 1206/16, unpublished*). The case involved a father who shared a photo on Facebook of his naked two-year-old son, who was holding a beer bottle in one hand and his own penis in the other. The child’s father faced legal consequences in the form of a restriction in liberty. The judgement was a landmark case in Poland, as it showed that parents cannot use a child’s image without restriction and cannot share it with impunity if they do so irresponsibly.

When writing about the changing trends in Polish crime in the last decade, it is impossible, in our opinion, to omit the issue of migration. Poland now, and throughout its postwar history, has remained a country with a negative migration balance, which has meant a higher rate of emigration than immigration. Much of the migration influx has been related to Poland’s location and is not significantly linked to the perception of Poland as an immigrant-friendly country. However, Poland has begun to gradually transform, as has

been clearly observable in recent years, from a country of emigration and transit into an attractive destination (Szczepanik 2015:14).

As of February 2022, however, the situation in Poland related to the inflow and transit of migrants has changed radically (we do not know whether it is temporary or whether it will be related to permanent changes in the national structure of Polish society) due to the Russian aggression against Ukraine. Poland was the first border country on NATO's eastern flank directly adjacent to the area of the war conflict to receive more than three million people from Ukrainian territory. The incoming people are mainly women, children, and the elderly. Their presence, in principle and according to the trends observed so far, should not significantly affect the structure of crime for foreigners residing in Poland, since, taking into account the age and gender criterion, this group constitutes a small percentage of suspects and convicts (Ostaszewski, Siemaszko 2021).

Crime committed by foreigners has for years accounted for a small percentage of the overall recorded crime rate in Poland, although media reports often obscure this picture while downplaying the magnitude of crimes that result in foreigners becoming victims.

It can be said that in recent years, especially since 2015, when the European Union had to face a huge wave of immigration, the very word "immigrant" or "foreigner" arouses a lot of emotions in Poles, often extreme, being not only an important element of public discourse, but also a problem of political nature.

(Włodarczyk-Madejska, Kopeć, Goździk 2021:268)

According to statistics released by the Office for Foreigners, there were 450,000 foreigners with residence permits in Poland in 2020. Of these people, the largest group at that time comprised Ukrainians (237,000 people, more than half), Belarusians (28,000), Germans (20,900), Russians (12,800), Vietnamese citizens (11,500), Indians (10,200), Italians (8,500), Chinese citizens (7,900), Georgians (7,100), and citizens of the United Kingdom (6,300). Of this group of foreigners, almost 267,000 have a temporary residence permit for no more than three years, and 95,800 have a permanent or long-term resident permit. The remaining approximately 82,000 foreigners are registered citizens of European Union member states. Nearly 58% of the foreigners, according to calculations by the Office for Foreigners, are under the age of 35, about 38% are in the 35–59-year-old age bracket, and only 4% are 60+.

The data presented also show that people coming to Poland were mostly settling in large urban centres, with the largest number of foreigners recorded in the Mazowieckie Voivodeship (with its main city, Warsaw), which had as many as 119,500 immigrants. In addition, as data from the European Statistical Office for 2017 shows, Poland was the country with the highest number of residence permits issued to non-EU citizens among all EU countries, 22% of the total. At the same time, just over 87% of the permits were related to the desire to work in the country, more than 5% were related to education, 0.5%

were related to family issues, and 7% of the permits referred to other reasons. Thus, it can be concluded that the dominance of short-term stays, settlement in large urban areas, and the working age of foreigners are related to the fact that immigration to Poland, so far, has been mainly for better paying jobs (Włodarczyk-Madejska, Kopec, Goździk 2021:270).

Crime committed by foreigners is characterized by quite notable dynamics, and the high intensity of foreigners suspected of committing crimes seen in the 1990s, after a downward trend since 2001, relatively stabilized between 2006 and 2012 (0.4% of total suspects).

Since 2016, we have seen another intensive increase in the number of suspected foreigners, which has translated into an increase in their percentage of total suspects to 3%. This increase is most likely a natural consequence of the significant increase in the number of foreigners residing in Poland observed during the same period.

(Ostaszewski, Siemaszko 2021:47)

It is true that the period of the pandemic significantly slowed down the migration processes in the overall international dimension, including a temporary reduction in the influx of migrants to Poland, but it seems that in the era of universal mobility into which modern societies have entered, the flow of people between countries and continents will assume increasing proportions and multicultural societies will become the rule rather than the exception.

An analysis of the structure of crimes committed by foreigners shows that it differs from the structure of crimes committed by Polish citizens. The most common offences committed by foreigners fall into five main categories: crimes against the credibility of documents (21% of those convicted), against public order (20% of those convicted), against safety in transportation (18% of those convicted), against economic turnover (15% of those convicted), and against property (13% of those convicted). Together, these account for 87% of all crimes committed by foreigners in Poland. Qualified offences from articles protecting other types of legal assets, which are the basis for the conviction of foreigners, occur sporadically (Rychlik, Wiktorska 2016:66).

As Irena Rzeplińska and Justyna Włodarczyk-Madejska emphasize, an analysis of police statistics on the crime of foreigners allows us to distinguish basic groups of factors that affect the nature of this crime (Rzeplińska, Włodarczyk-Madejska 2020:95–97). These are:

- a) economic factors that determine, among other things, the profitability of committing certain crimes, such as trafficking in goods without excise taxes or the unlawful use of trademarks;
- b) cultural factors that determine, among other things, the commission of the crime of driving while intoxicated, often resulting from the lack of illegality of this act in Polish law;

- c) social factors consisting of various criminogenic conditions, such as undocumented residency, working without a work permit, contact with representatives of their ethnic groups who are engaged in illegal activities, and barriers arising from the reporting of crimes involving foreigners, especially women (Klaus 2016:239–259).

A 2018 Justice Institute survey of a sample of 2,000 adult residents of Warsaw showed that nearly 40% of respondents believed that stemming the influx of foreigners would improve security in Warsaw, so nearly one in two respondents equated foreigners with crime. At the same time, the European Crime and Safety Survey indicated that foreigners are more likely to become victims of crime than natives. The victimization rate of foreigners in the European Union averages 19%, while that of “locals” is 15% (Włodarczyk-Madejska, Kopec, Goździk 2021:269).

## 2.5. Summary

In this part of the book, we described three decades in which changes in registered crime in Poland were evident depending on the broad social changes faced. We have focused on a period of only 30 years, during which time Polish society has undergone a general transformation from a socialist state based on systemic subordination to the Soviet Union, operating under an authoritarian political system and centrally controlled planned economy, through a phase of democratization and Europeanization, to a postmodern mobile state operating on the basis of the latest technological solutions. We have tried to capture and describe selected crime trends in the three decades described, showing that with the development of a postmodern, high-tech society, we can make fewer and fewer predictions about crime trends and statistics.

The last decade we analyzed, in terms of the impact of social change on crime, was characterized by three basic trends: the politicization of law, legal populism, and legal punitivism. The politicization of law and legal populism, which have a fundamental impact on the overall condition of law in a postmodern society, are not exclusively phenomena occurring in Poland. In principle, the claim that the choice of the model of the state, society, and legal culture in general are political issues is not disputed today. This choice determines, to a large extent, the tasks posed to criminal law and, consequently, its shape: it spells out for criminal law the goal and the framework within which this goal is to be realized. The realization of this goal within this politically defined framework should belong first and foremost to the lawyers who draft the criminal code, and then to the judges, prosecutors, and police officers who will apply this law in practice. Unfortunately, in Polish parliamentarism, politicians rather than people with legislative legal training have become responsible for making laws, which has resulted in a legislative sprawl that is not always justified. This has led to the widespread juridification of social life and the spread of the belief

that criminal law, particularly punitive criminal law, is an effective remedy for solving all kinds of social problems. Piotr Chlebowicz expressed the view that one of the elements shaping the phenomenon of penal populism is the media, including social media in particular.

Given the importance and place of the mass media in modern post-industrial societies, it must be said that they share responsibility for the progress of penal populism, . . . the phenomenon of crime is one, but its images are different depending on which method of cognition one uses. For it so happens that the media world of crime is diametrically opposed to the one described by crime statistics and the results of criminological research.

(Chlebowicz 2009:498)

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# 3 What's next? Crime in the first year of the COVID-19 pandemic

## 3.1. Preliminary aspects

In concluding our crime analysis, the year 2020 brought another change of global scope. A new, previously unknown coronavirus called SARS-CoV-2, causing a disease called COVID-19, detected in early January of 2020 and caused the world to pause for a moment.<sup>1</sup> The high contagiousness of the virus with a relatively high mortality rate and ease of transmission between people meant that practically overnight, almost the entire globe – all societies – were forced to introduce far-reaching restrictions on movement, interpersonal contact, and travel. What was previously taken for granted – unfettered freedom of movement – became unattainable overnight. In the first months of 2020, countries were forced to introduce restrictions that led to the freezing of entire nations, both economically and socially. The forced shutdown of economies and the resulting rupture of supply chains, shift to remote working, and widespread loss of jobs could not help but shake the foundations of how modern societies function. It is no surprise that COVID-19 quickly became a worldwide pandemic.

Of course, this is not the first disease in the history of the world to cross the borders of a single country. One must cite the plague epidemic which swept across Europe between 1347 and 1351, popularly known as the “Black Death.” Its appearance in Europe has been linked to two routes. The first of these was the Silk Road, linking the European continent with China, for it was there that the first outbreaks of plague were found, and the disease itself was spread by fleas carried on rats on trading ships. A second hypothesis connects the spread of plague to the Mediterranean and then to all of Europe through the territory of Crimea, where the Mongols used infected corpses as biological weapons during one of their sieges.<sup>2</sup>

1 The World Health Organization (WHO) officially confirmed the detection of the new COVID-19 coronavirus on 30th January, 2020, [https://www.who.int/news/item/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-\(2019-ncov\)](https://www.who.int/news/item/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov)) [accessed: 01/02/2022].

2 The “Black Death” was also not the first disease to decimate the world’s population. Epidemics have occurred since ancient times. An example of this is the epidemic of typhoid fever in Athens

The flu pandemic of 1918–1920 (the so-called Spanish flu), which in three waves swept through Europe, Asia, Africa, and North America, is still in the memory of Europeans and led to around 500 million people falling ill, which constituted as much as a third of the world's population at that time. Its mortality rate ranged from 5–10% of patients, and in some closed communities (such as the military) it was up to 20%. More people are assumed to have died from it than in the entire World War I that preceded it. An unusual feature of this flu was the high mortality of young and middle-aged people (20–40 years old), whereas usually children, elderly, and immunocompromised people die from such diseases.<sup>3</sup>

The HIV epidemic, prevalent in the 1980s and 1990s, caused by a retrovirus and resulting in immunodeficiency syndrome, was also global in nature. Unlike the Spanish flu, HIV has had a strong impact on modern societies and culture, making a clear mark on the collective memory. Its uniqueness (and that of COVID-19) was that “we were attacked by a group of viruses that had not previously been of concern, and the disease itself was unique in that it destroyed the immune system” (Afeltowicz, Wróblewski 2021:10). Successive epidemics of the Ebola haemorrhagic fever virus, occurring mainly in African countries; the bird flu virus, which spread in the first decade of the 21st century almost all over Asia; or swine flu, which in 2009 was detected in North America, caused us to start getting used to successive epidemics, which no one had predicted before, and to which – as humanity – we are becoming more and more susceptible.

But against this backdrop, the COVID-19 pandemic outbreak is a special situation for the modern world. It has never happened before that any epidemic affected basically all countries in the world (even those such as North Korea who officially claimed that the problem did not concern them), having such a huge impact on the entirety of socio-economic and political life and causing the necessity to adapt the functioning of entire societies under

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in the 5th century BC during the Second Peloponnesian War, which resulted in Athens losing the war against Sparta. In the early medieval period (541–542 AD), Constantinople, and later all of central and southern Asia, North Africa, continental Europe, and Ireland, was decimated by an epidemic of plague, also known as the Plague of Justinian (after the Byzantine emperor who also contracted it). It stopped Justinian's offensive into Italy. It is estimated that about 40% of the population died in Constantinople alone, along with about 100 million people worldwide, including roughly half the population of Europe. Epidemics decimating the population occurred not only in the so-called Old World, but also took place in the Americas. In 1545, an epidemic of typhoid fever (paratyphus) broke out in what is now Mexico, resulting in the deaths of about 80% of the Aztec population. The Spaniards are considered to be the culprits, as they unknowingly carried a bacterium harmless to Europeans to people who were immune to it. In the following centuries, there were epidemics of smallpox (for example, Boston was affected by several waves of the disease between 1636 and 1721) and cholera, which killed nearly 40 million people in Europe, North America, and India in the first half of the 19th century.

From: “Największe epidemie w dziejach ludzkości. Pochłonęły miliony istnień”, <https://wiadomosci.onet.pl/swiat/najwieksze-epidemie-w-dziejach-ludzkosci-dzuma-cholera-czarna-ospa/0v0q52j> [accessed: 31/01/2022].

3 From: [https://pl.wikipedia.org/wiki/Pandemia\\_grypy\\_hiszpanki](https://pl.wikipedia.org/wiki/Pandemia_grypy_hiszpanki) [accessed: 31/01/2022].

the dictates of subsequent waves of pandemics caused by new mutations of the coronavirus. All epidemic events, however, undoubtedly had a common denominator in the form of mechanisms responsible for the formation of a state of social anomie, which in the most general terms means the disruption of the socio-cultural order and the devastation of the axionormative core of societies (Zdun 2022:1–20).

### **3.2. The COVID-19 pandemic as a threat to the global economy and social relations**

“Pandemics are one of the greatest potentially negative global risks, especially in today’s highly globalized world,”<sup>4</sup> based on modern technology, fluid and mobile. The COVID-19 pandemic has been and continues to be primarily a humanitarian crisis, but it has also created very significant socio-economic implications that will likely impact the protracted global recession. Both the selected theories of social change, transformation, and globalization that we described in the first part of this book and the selected crime trends in Poland over the past three decades described in the second part of the book point to strong connections between the economic situation and the dynamics and structure of crime.

The economic reach of the pandemic runs two ways. On the one hand, there has been a serious decline in consumer spending. People fall ill, isolate themselves in their homes, and forgo the purchase of luxury goods and all goods that are not necessary for daily basic existence. They give up travel and entertainment (either by their own choice or as forced due to individual countries closing their borders). Thus, certain industries become “redundant.” This is especially true in the travel, entertainment, and transportation industries. On the other hand, an epidemic creates a negative supply shock, primarily by reducing the supply of labour. Due to illness or the quarantine of a large number of workers, there is a significant decrease in production, while the fixed costs of employers must continue to be covered, which generates debts and increases the risk of bankruptcy. According to the World Bank, the costs of a pandemic can be divided into three main categories;

- a) costs resulting directly from mortality, comprising nearly 12% of total pandemic costs;
- b) costs due to high employee absenteeism, accounting for 28% of total pandemic costs;
- c) costs resulting from behavioural changes, causing as much as 60% of total costs.<sup>5</sup>

4 <https://uni.wroc.pl/czy-pandemia-covid-19-spowoduje-zapasc-globalnej-gospodarki/> [accessed: 29/03/2022].

5 <https://uni.wroc.pl/czy-pandemia-covid-19-spowoduje-zapasc-globalnej-gospodarki/>, p. 2 [accessed: 29/03/2022].

Cost resulting from behavioural changes are determined by the behaviour of people who primarily seek to avoid the risk of contracting the virus and – not always in a completely rational way – give up many consumer goods.

The World Bank also reports that the last two decades of global economic growth rates, enabling millions of people to be lifted out of poverty, have been dramatically interrupted by the pandemic. COVID-19 has reversed past trends and negated forecasts. The outbreak of the pandemic caused a major disruption in economic development. The costs alone have led to increased indebtedness for national budgets, individual companies and households; the loss of many jobs; and tighter rules on access to credit that have made it impossible to continue successively reducing the scale of global poverty, which in 2020 affected 76 million more people globally than the year before.<sup>6</sup> It is already known that assumed long-term goals will not be achieved due to the global increase in inflation accompanying the global economy's recovery from the deep recession caused by the pandemic. Obviously, poorer countries will be affected more, but highly developed and wealthy countries will also feel the severe crisis. The slowdown and reduction in economic activity also reduces tax revenues, which, as government spending increases, widens the fiscal deficit and generates an increase in the national debt. Italy, for example, had a public debt of 135% of GDP in 2021 and it may continue to grow.<sup>7</sup>

The distinguishing feature of COVID-19 is that previous epidemics, such as Ebola, have primarily affected underdeveloped countries, while the current pandemic has most affected countries with the world's largest economies, such as China, South Korea, France, Spain, and the United States, which together account for more than 40% of the world economy in terms of purchasing power parity and more than 50% at nominal GDP.<sup>8</sup>

The pandemic, at least in its first phase, also showed that the globalization of production had actually led to the world's dependence on a single producer. The need to manufacture and supply personal protective materials of a medical or hygienic nature (masks, gloves, etc.) to societies around the world has shown how dependent the world economy is on China, which has become a global producer of such items.

The reality conditioned by the COVID-19 pandemic is not only an economic and health crisis, but also a violation of an established, reasonably stable axiological and normative order, the quintessence of which is as follows:

The tension between the rational and the irrational and the private and the public, along with the shuffling of these orders. On the one hand,

6 <https://www.obserwatorfinansowy.pl/bez-kategorii/rotator/zubozali-przez-pandemie/>, p. 4 [accessed: 18/03/2022].

7 <https://uni.wroc.pl/czy-pandemia-covid-19-spowoduje-zapasc-globalnej-gospodarki/>, p. 2 [accessed: 29/03/2022].

8 <https://uni.wroc.pl/czy-pandemia-covid-19-spowoduje-zapasc-globalnej-gospodarki/>, p. 3 [accessed: 29/03/2022].

events can be observed that show that rationality has been pushed to the limits of absurdity (expressed in restrictions that are difficult for many to accept), while on the other hand, attempts can be made to logically explain even the most irrational theories. A similar tension can be identified based on the second dichotomy: the pandemic invalidates the division between private and public. On the one hand, it causes individual privacy to cease to be 'only' an individual's affair; on the other, it forces the public sphere to be designed in such a way as to protect private well-being at the expense of public life.

(Zdun 2022:11)

Undoubtedly, the anomie brought about by COVID-19 has upset the axiological balance of society and, once again in the history of the world, has rendered the established value system obsolete, with the result that "reflexive accounting" (Zdun 2022:13) no longer works. The fluid anxiety described by Zygmunt Bauman (Bauman 2008) during a pandemic has concretized and transformed into a tangible barrier between the ends and the means to ensure their realization, thus forcing both individuals and societies to move towards determining an acceptable compromise. The pandemic has significantly impeded the ability to predict the meaning and viability of planned activities. "The enormity of the losses caused by the spread of coronavirus is so great that it forces the abandonment of many socially important goals" (Zdun 2022:12–13). Most socially relevant issues have been completely devalued; social, educational, socialization, and even health issues have become secondary; and government budgets have begun to be planned primarily around the pandemic, often at the expense of other socially relevant goals. The resulting state of anomie has produced the effects Niklas Luhmann wrote about – the social system has lost *equilibrium* and the structure of meaning (Luhmann 1994:81). This has caused internal governance to become unstable and transparency to be lost.

The pandemic forced the rebuilding of this order and changed its basic communication code, which is the law. It criminalized practices previously considered normal and prohibited behaviours that are the essence of modernity, such as freedom of choice, self-realization, and a fluid life full of spontaneous contacts without obligations and consequences. The pandemic negated the customs developed in the long process of globalization, introducing a "regime" in place of the existing "collective agreements," such that a set of norms and values was negated. The introduced "restrictions are directed at the everyday life of the individual, and the object of particular persecution becomes the contemporary lifestyle, the quintessence of which is openness, mobility, and sociability" (Zdun 2022:14). The global nature of the phenomenon has also set in motion behaviours characteristic of the crowd, as Gustav Le Bon wrote about (Le Bon 2004). Collective emotions are evident in the rebellion against imposed restrictions and limitations, petty robberies and street vulgarity, and internet *fake news*, but also

in the mass belief in extreme opinions of “experts” that oscillate between the prophecy of the “black death” and “mockery of a common cold” (Zdun 2022:16).

At the time of the pandemic, Poland was at the forefront of European countries in terms of isolation, border closures, and restrictive quarantine, which may have contributed to the low number of infections compared to that in other countries despite a health care system unprepared for a pandemic. The COVID-19 issue has also become part of the political crisis in Poland and has somewhat overshadowed it. First, there were strong disagreements over the delay of the May 2020 presidential election, causing the following weeks to be dominated by a polarizing election campaign that ultimately ending with the re-election of President Andrzej Duda, promoted by the Law and Justice party, who won by 2% over the main opposition candidate Rafał Trzaskowski, illustrating the level of polarization in the country. Second, extreme civic and political initiatives to further tighten abortion rights and demonize LGBTQ groups, along with corresponding mass protests by opponents of such views, were evident during this time.<sup>9</sup>

In the first half of 2022, most countries abandoned the restrictions introduced as a result of the pandemic; the world “reopened,” but the economic and social effects of the pandemic will be visible for many months, maybe even years, and some of them may take the form of irreversible changes, redefining the axiological order of our lives.

### 3.3. Crime during the pandemic

Crime, as a social phenomenon, was also incapable of avoiding the impact of COVID-19. We have been living in a pandemic for more than two years, and it is too early to conduct in-depth analyses of changes to criminality or point to permanent trends that have been influenced by the epidemic, but this does not prevent us from conducting partial – often selective and incomplete – analyses that allow us to assess possible changes in criminal behaviour in the coming years, both locally and internationally.<sup>10</sup> As Irena Rzeplińska notes,

only by examining the files of criminal cases, and at an earlier stage – by examining the reports stating that a crime has been committed, will we know in what situations a crime has been committed. We will not know

<sup>9</sup> <https://www.moreincommon.com/media/p4hmctco/more-in-common-the-new-normal-poland-pl.pdf> [accessed: 19/03/2022].

<sup>10</sup> The data presented in this section are difficult to compare to one another because the methodology used to obtain them varied enormously. While some of them represent information for a longer period of time (a year), allowing us to observe initial trends, others cover very short time spans (days to weeks). Moreover, the range of their acquisition varied – they contained either nationwide data or data selected for a specific region or even city. Therefore, such data

that the crime of fraud, theft, and battery was related to pandemic circumstances until we examine criminal and misdemeanor case files occurring in 2020 and 2021.

(Rzeplińska 2022)

The first European country affected by COVID-19 was Italy, and there, too, early changes in the structure of crime were noted, reflected primarily in the number of crimes committed. In the month after the disease emerged (February–March 2020), there was a significant decrease in property crimes, primarily theft (down 67%), car theft (also down 67%), and motorcycle theft (down 57%). There was also a significant decrease in robberies (about 58%) (Travaini, Caruso, Merzagora 2020:199). This decrease should be attributed to the implementation of *lockdown* restrictions and increased police patrolling the streets.

Considering this change from the perspective of Gary Becker's theory of rational choice, it should be noted that from the point of view of potential perpetrators, it would not make economic sense to choose property crimes in a period of such far-reaching restrictions and increased scrutiny. The potential gains would be much lower than the potential losses (Michalczyk 2004:276).

The link with restrictions on movement and the obligation of isolation introduced by the Italian government can be seen in the crime of profiting from prostitution (pimping) – a 77% decrease – and in trafficking in narcotic substances – a 42% decrease in the number of crimes committed.

The first months of the pandemic also saw a decrease of 65% in the number of crimes against health and life (intentional bodily harm, suicide, homicide) in Italy. It is difficult to unequivocally link this change to the occurrence of the pandemic, since the number of such crimes has been declining in Italy in recent years anyway, following a pan-European trend.

However, not all crime categories experienced downward trends. Italian criminal organizations decided to take advantage of the pandemic to increase their profits by speculating on the sale of medical and hygienic products, in particular protective masks and gloves, which in the first weeks after the pandemic became a scarce commodity with prices that often increased by several hundred percent while availability decreased. In addition, some of these groups tried to sell products supposedly curing COVID-19 and moved part of their activities to the internet (Travaini, Caruso, Merzagora 2020:201).

Similarly high declines in the number of crimes committed were reported in the United Kingdom. Initial survey results conducted one week after the lockdown was introduced on 23rd March, 2020, compared to the period immediately preceding it (11th –23rd March) showed a 41% decrease in recorded

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should be viewed as a kind of overview of the trends observed in different countries at different stages of pandemic development during the first year of the pandemic.



crime, with some fluctuation across types: shoplifting (–62%), larceny (–52%), domestic violence (–45%), theft from vehicles (–43%), robbery (–36%), residential burglary (–25%), and other burglary (–25%) (Halford et al. 2020). However, antisocial behaviour, such as disturbing neighbours (35% above average) and drug offences (+17%) increased between March and May 2020, which paradoxically may have been a result of lockdown and the need to spend time at home (Kirchmaier, Villa-Llera 2020).

Research conducted in England and Wales for the period from March 2020 to February 2021 confirmed the earlier data obtained in March 2020. Significant decreases in crime were reported for robberies (about 30% below average), burglaries (about 25%), thefts (about 40%), shoplifting (down about 25%), and traffic offences (about 25%). Sexual and violent crimes decreased by about 10–20% (Dixon, Farrell 2021).

The Federal Republic of Germany saw a 2.3% decrease in the number of crimes committed in 2020 compared to that in 2019, continuing a trend that the country has seen for several years. The impact of the COVID-19 pandemic and the countermeasures taken on the nature of crimes committed in Germany was most evident for car theft (down 16% in 2020 compared to 2019), burglary (down 14%), and pickpocketing (down 11%), with an increase in online fraud (11%) and incidents of domestic and sexual partner violence (up 6% and 4%, respectively). There has also been a nearly 7% increase in child sexual abuse, but it is difficult at this time to look for reasons for this increase or tie it directly to the pandemic.<sup>11</sup>

A much higher year-on-year decline in crime than that in Germany, by more than 11%, was reported in 2020 in Austria. The largest decreases of over 22% were seen in the property crime group, with decreases varying by type of crime. Residential burglaries were down more than 27%, motor vehicle thefts were down nearly 34%, and pickpocketing was down nearly 50%. There was an 8% decrease in the violent crime group (this includes acts against life and health, against freedom, and against sexual freedom).

However, Austria saw a more than 26% increase in cybercrimes in 2020 as a result of closing physical stores and moving parts of economic life online. Online fraud (cyber fraud) alone, including but not limited to online ordering fraud, credit card fraud, and phishing (i.e., impersonating another person or institution in order to extract confidential data), was up nearly 12% from a year earlier. An unusually high increase of almost 70% was seen in crime categories such as hacking attacks, corruption or data falsification, and data abuse.<sup>12</sup>

French data for 2020 shows up to a 20% decrease in robberies, armed robberies, burglaries, car thefts, and vandalism compared to 2019. During two

11 From: <https://www.dw.com/en/germany-records-increase-in-murder-and-child-abuse-cases/a-57217668> [accessed: 31/01/2022].

12 From: [https://www.bundeskriminalamt.at/501/files/PKS\\_2020\\_HP\\_20210412.pdf\\_20210412.pdf](https://www.bundeskriminalamt.at/501/files/PKS_2020_HP_20210412.pdf_20210412.pdf) [accessed: 31/01/2022].

periods of government-imposed lockdown alone, the number of reported robberies and burglaries dropped by as much as 60%. Like Germany, France also saw an increase in reported cases of rape (up 11% year-on-year) and domestic violence (up 10%) with the highest number of acts in the latter category occurring during the first lockdown between March and May 2020. According to the French Ministry of Justice, the increase in reporting of this type of crime was not only due to the situation related to the COVID-19 pandemic but also to the greater willingness of victims to report such acts to the police and the publication by victims of their experiences on social media combined with the higher detection rate of this type of crime on the part of the French police.<sup>13</sup>

A downward trend in crime, exacerbated by state-imposed lockdowns, was also observed in Portugal. In 2020, there was an 11% decrease in crime rates compared to the previous year, and up to a 13% decrease for violent crimes. The largest decreases in the number of crimes were recorded during the periods when states of emergency were imposed in Portugal: 29% between March and May 2020, and about 15% between October and December 2020, with decreases of 27% and 20%, respectively, for violent crimes. Interestingly, the amnesty for convicts serving time in prisons, adopted in April 2020 in the wake of the epidemic, has not caused an increase in crime.

In addition to the overall decrease in crime in Portugal, there were increases in reported crime in several groups, particularly those related to the use of electronic media – computer fraud. It was linked to changes in the nature of crime resulting from the COVID-19 pandemic.<sup>14</sup>

Analysis of official data on crime in Russia during the pandemic period caused by the spread of the COVID-19 virus for 2020 shows a decrease in the number of crimes of a general criminal nature. Overall crime against persons decreased by more than 5% compared to that in 2019, with decreases in individual crimes ranging from 3% for homicide to nearly 7% for serious bodily injury.

The year 2020 brought a significant decrease in property crimes in Russia. The highest decrease, of 27%, was in vehicle thefts. This was followed by burglary, down 23% from 2019; robbery, down 22% for this type of crime; and theft, down over 16%. The year 2020 also saw a 2.5% decrease in crimes committed under the influence of alcohol and nearly a 5% decrease in crimes committed under the influence of intoxicants.

Restrictions on movement around the country introduced by the Russian authorities in connection with the pandemic led to an almost 10% decrease in

13 From: <https://www.rfi.fr/en/covid-cuts-french-crime-except-rape-domestic-violence> [accessed: 31/01/2022].

14 From: <https://www.criminaljusticenetowork.eu/en/post/portuguese-law-on-the-release-of-prisoners-due-to-the-covid-19-pandemic-> [accessed: 31/01/2022] and from: <https://www.theportugalnews.com/news/2021-04-09/lowest-ever-crime-rates-for-portugal/59194> rates for Portugal – The Portugal News [accessed: 31/01/2022].

crimes of various types (including robberies and thefts) committed in public spaces (squares, streets, parks). Family offences also decreased by a similar amount (10%), including serious injury by almost 16%, moderate injury by almost 13%, and light injury by 10%.

As predicted, and influenced by the COVID-19 pandemic, the number of crimes committed using information and telecommunication technologies has increased by 73% in Russia, including those committed using the internet by over 91%, and those using mobile phones by 88% (Mayorov, Velikiy 2021:82–83).

Interesting statistical data comes from Sweden. This country, unlike most countries in the world, in response to the threat of the unfolding COVID-19 pandemic, decided not to impose any restrictions on the functioning of the economy or social life. While in other countries, bans on assembly were introduced; restaurants, cultural institutions (cinemas, theatres), and sports facilities were closed; and people were ordered to wear masks or stay indoors, no such restrictions were introduced in Sweden (and on such a scale), justifying this with the need for Swedes to acquire collective immunity.

Therefore, for this state, it is difficult to tie the reported 9% decrease in crime across all categories (data is for March through May 2020) to reductions due to the threat of COVID-19 proliferation. The largest decreases were seen in pickpocketing, down 59%, and in economic crime, down 50%, but in the latter, case the decrease was due to the small number of such acts committed. Burglaries were also down by more than 46 percent, and robberies decreased by about 20 percent. Personal theft and drug offences remained at previous levels. For most other types of crime, the reduction was quite small, ranging from 5–20% (Gerell, Kardell, Kindgren 2020:1).

As a point of interest, it is important to note the significant increase between August 2019 and July 2020 in burglaries and thefts from holiday homes located on the coasts of Spain, with a corresponding decrease in burglaries from homes located in the Madrid area. Data from the Spanish Office of Insurance and Reinsurance Companies indicate as many as 78,000 burglaries of such properties during the period analyzed. This can be explained by the movement restrictions introduced in relation to COVID-19, which left the holiday properties of residents of inland locations, including Madrid, without proper surveillance, leading perpetrators to feel more impunity in undertaking burglaries knowing that the likelihood of them being caught red-handed was greatly reduced.<sup>15</sup>

What does crime look like in Poland against the background of the data presented for selected European countries? The onset of the pandemic should

15 From: *COVID-19 causes an increase in burglaries in*, <https://www.idealista.com/en/news/legal-advice-in-spain/2021/03/24/8873-covid-19-causes-an-increase-in-burglaries-in-spanish-coastal-homes> Spanish coastal homes [accessed: 31/01/2022].

be linked to the detection of the first cases of COVID-19 infection in the country in March 2020. Significant restrictions on movement (lockdown) were imposed nationwide from 25th March to 11th April, 2020, and a ban on entry into the country was in effect from 15th March to 20th April, 2020. After the level of COVID-19 infections declined from the second half of April, a gradual lifting of the restrictions began.

It is interesting that the occurrence of the COVID-19 epidemic became an opportunity for Polish legislators to introduce quite a number of changes in the provisions of the broadly defined criminal law (Sawicki, Bożek, Tofil 2020). In addition to the seemingly obvious regulations resulting from the need to limit the conduct of criminal and judicial proceedings in connection with the changes introduced in movement and the suspension of procedural and judicial deadlines with the exception of urgent cases,<sup>16</sup> a number of changes were introduced in the provisions of the Criminal Code<sup>17</sup> going in the direction of tightening criminal liability for certain crimes.

An example of such actions is the change introduced to the text of Article 161 of the Criminal Code penalizing the crime of exposure to HIV infection, venereal or infectious disease, a serious incurable disease, or a real threat to life, which increased criminal responsibility for exposure to HIV infection from three to eight years of imprisonment, and in the case of the remaining diseases from one year of imprisonment to five years. In addition, a qualified type was added – exposure to infection with a venereal or infectious disease, a serious incurable disease, or a real threat to life of many people – punishable by one to ten years of imprisonment and additional public prosecution. It seems interesting in the context of the possibility of COVID-19 infection to significantly raise the upper limit of criminal liability for HIV infection, as there is no clear link between the possibility of HIV retrovirus infection and COVID-19 infection in this case. An unanswered question will remain as to whether this case was about fighting the pandemic or additional stigmatization of people with HIV.

As part of the introduction of restrictions on movement and the need to comply with the restrictions ordered by the government, Article 65a was added to the Misdemeanour Code,<sup>18</sup> introducing liability for anyone who intentionally, without complying with the lawful instructions given by a police

16 The catalog of urgent cases was defined by the act of 31st March, 2020, amending the act on special solutions related to the prevention, counteraction, and combating of COVID-19; other infectious diseases and crisis situations caused by them; and some other acts (Journal of Laws of 2020, item 568 as amended), and was subsequently amended several times to be repealed on 20th October, 2020.

17 The act of 6th June, 1997 – the Criminal Code (consolidated text Journal of Laws of 2021, item 2345).

18 The act of 20th May, 1971 – the Code of Offences (consolidated text Journal of Laws of 2021, item 2008).

or border guard officer to behave in a specific way, prevents or significantly impedes the performance of official activities and allows the punishment of such a person with arrest, restriction of liberty, or a fine.

One of the most significant changes, closely related to the pandemic situation, was also an amendment involving the introduction of a new regulation in Article 66b of the Misdemeanour Code. This provision provides for the threat of arrest, restriction of liberty, or a fine for a person who, despite an order to vacate premises or a prohibition on approaching a certain person or the place of his or her residence and its vicinity, ordered against him or her in a court civil procedure or on the basis of a decision of a police or Military Police officer, fails to comply with the relevant order and prohibition (Wiktorska 2021:87). The introduction of this provision can logically and directly be linked to the situation caused by forced home isolation. It is true that the statistics for the first months showed a decrease in crimes against people closest to them, including the crime of abuse of a person closest to them under Article 207 of the Criminal Code (most often identified with domestic violence), but, as emphasized by representatives of the police, social services, and aid organizations working in this area, this was likely due only to a decrease in the reporting of this type of act, while the problem of violence among relatives gradually escalated.

A few weeks after announcing the order for home isolation due to the threat of coronavirus, it became clear what side effects the pandemic would have on us. Violence is generally not an uncommon guest in Polish homes, but new, unique conditions have exacerbated it. Victims were locked under the same roof with their abusers, and in many homes existing conflicts escalated. The media reported on the dire situation for children and gave further sobering statistics on the sharp increase in reports of violence experienced from loved ones. How did Polish families and organizations that deal with helping people experiencing violence on a daily basis deal with it?<sup>19</sup>

The changes introduced in Poland by the government have not been without impact on the so-called supply of criminal opportunities, i.e., opportunities to commit crimes (Błachut, Gaberle, Krajewski 2001:243–252). The need to stay home and work remotely reduced the number of crimes reported and recorded during the first pandemic period.

A study conducted by researchers from the Institute of Justice based on an analysis of data from the Police Command Support System for the period from March to June 2020 showed that, compared to the same period last year, there was a significant decrease in reports in almost every type of crime that can be described as “classic”: with regard to extortion by robbery, this

19 <https://stopuzalezniom.pl/artykuly/przemoc-w-rodzynie/przemoc-a-koronawirus-jak-i-dlaczego-pandemia-wywolala-lawine-agresji/> [accessed: 29/03/2022].

amounted to nearly 18%; reports on bodily injury decreased by almost 10%; and in the case of robbery, drug crimes, fraud reports decreased by almost 9%. There were about 8% fewer reports of crimes related to land, water, and air traffic incidents, and 6% fewer reports of sex crimes. In addition, reports of thefts and crimes caught in the act decreased by 5%. At a similar level to 2019 were reports of domestic interventions, fires, deaths, crimes against state security, suicides, and burglaries. On the other hand, an increase in reports was recorded in two categories of crimes: disturbing public order (by 1.5%) and homicides (by almost 8.5%) (Ostaszewski, Klimczak, Włodarczyk–Madejska 2021:35–36).

While the data presented earlier show changes in crime during the first pandemic period in Poland and include the only lockdown implemented so far, the data presented by the police on the number of prosecutions and crimes reported already covers the entire year 2020 and allows comparisons to be made with the last pre-pandemic year 2019.<sup>20</sup>

The number of investigations initiated by the police in 2020 was 8% lower than that in the previous year. The largest decreases in new prosecutions were recorded for traffic accidents (–20%), for robbery (–18%), and for the crime of forgery of documents (–22%). Theft was down 10% and driving while intoxicated or under the influence of an intoxicant was down 9%.

Police data on the number of recorded crimes show an increase in the number of computer fraud offences (Article 287 of the Criminal Code) in 2020 compared to that in 2019 by more than 9.5%, along with an increase in connecting to someone else's telephone (Article 285 of the Criminal Code) by more than 11%. Increases were also seen for more “classic” crimes against property: burglary (article 279 of the Criminal Code) by more than 4%, forest theft (article 290 of the Criminal Code) by more than 3%, and handling stolen goods (article 291 of the Criminal Code) by more than 7%, with recorded decreases in other categories of crimes from this chapter (e.g., fraud under Article 286 of the Criminal Code by less than 2%).

It should also be noted that there has been an increase of more than 220% in the number of offences found under Article 160 of the Criminal Code – exposure to infection with HIV, an infectious or venereal disease (20 cases in 2020 compared to 9 in 2019) – which can be linked to police actions taken in connection with the COVID-19 pandemic.

However, it is emphasised that “the COVID-19 pandemic in Poland, during the year 2020, had no substantial direct impact on registered offence rates and trends” (Krajewski 2022).

20 The data on the statistics for confirmed crimes and proceedings initiated come from: <https://statystyka.policja.pl/st/kodeks-karny> [accessed: 31/01/2022]. The data on police statistics could not be confirmed by the data published by the Polish Ministry of Justice concerning final convictions, because as of the date of preparation of this text, the last data that have been made available are those for 2018.

So far, new forms of committing traditional crimes are not reflected in the statistical data. In fact, during the pandemic, fraudulent marketing of medical and protective supplies – masks, gloves, tests, or respirators – emerged in the form of fake online auctions or advertisements on e-commerce sites. The tremendous increase in demand for such goods has led to an increase in usurious activities aimed at over-enriching those offering medical or protective materials.

Interpol's "Operation Pangaea," conducted in 90 countries from 3rd to 10th March, 2020, to combat the online trade in counterfeit medical products, led to the arrest of 121 individuals and the seizure of potentially dangerous products worth 14 million USD, including counterfeit protective masks, low-quality antibacterial gels, and drugs designed to combat coronaviruses such as chloroquine. As Paulina Pawluczuk-Bućko notes:

The problem is that criminal groups may seek to steal such products, which means that they may be improperly stored, which in turn renders the drugs ineffective. According to Interpol, some fake drugs contain mercury, arsenic, rat poison, or cement, among other things.

(Pawluczuk-Bućko 2021:78)

Pandemic times also led to changes in internet crime (Buczowski 2022). Criminals attempting to take advantage of the circumstances marketed fake tests for COVID-19 or drugs purportedly effective in treating the virus.<sup>21</sup> After the introduction of vaccination certificates in EU countries, there were offers to sell fake certificates to allow unvaccinated people to move between EU countries (Jurgielewicz-Delegacz 2022:430). There has also been an increase in the activity of scammers attempting to defraud the elderly of funds by pretending to be a "grandchild" or "cousin."

As Europol highlights in its report,

Individual criminals and Organized Crime Groups have been quick to exploit the crisis induced by the COVID-19 pandemic, adapting their activities and *modi operandi* to the new situation. Criminal threats have remained dynamic; altered and new criminal activities have emerged during the crisis and in its aftermath. The most affected areas of criminal activity included cybercrime, the illicit supply of counterfeit and sub-standard goods as well as the various types of fraud and scams often linked to organised property crime.<sup>22</sup>

21 *The illicit sales of false negative COVID-19 test certificates*, EUROPOL, 1 February 2021, [https://www.europol.europa.eu/sites/default/files/documents/ewn\\_-\\_illicit\\_sales\\_of\\_false\\_negative\\_covid-19\\_test\\_certificates.pdf](https://www.europol.europa.eu/sites/default/files/documents/ewn_-_illicit_sales_of_false_negative_covid-19_test_certificates.pdf) [accessed: 31/01/2022].

22 *How COVID-19-related crime infected Europe during 2020*, EUROPOL, 11 November 2020, [https://www.europol.europa.eu/sites/default/files/documents/how\\_covid-19-related\\_crime\\_infected\\_europe\\_during\\_2020.pdf](https://www.europol.europa.eu/sites/default/files/documents/how_covid-19-related_crime_infected_europe_during_2020.pdf) [accessed: 31/01/2022].

For now, it is difficult to predict whether the changes in crime are permanent or, on the contrary, will only be trends of a temporary nature. However, one can assume a fairly high degree of flexibility on the part of criminals that will allow them to adapt their activities to the new realities, whatever they may be after the pandemic ends. They will undoubtedly use individuals' new habits of using internet resources more frequently to increase their profits.

The social changes that may occur as a result of a pandemic, leading to the impoverishment of broad sections of society, can be used by criminals to recruit these people, who are often unemployed or whose income is insufficient for a dignified life, to collaborate in the illegal activities of organized criminal groups, mainly in the form of financial fraud (as so-called "fronts").

As Fernando Miro-Llinares and Asier Moneva noted,

the impact of cybercrime on the physical crime drop is not necessarily associated with a shift in the activity of certain criminals but, rather, with a shift in criminal opportunities from physical space to cyberspace. This can lead to the commission of more crimes in the environment where the new opportunities emerge. Thus, the relevant issue is not the shift of people but the shift of opportunities, which has occurred because the popularization of the Internet and smartphones has resulted in a new area of criminal opportunity in cyberspace that has affected opportunities in physical space.

(Miro-Llinares, Moneva 2019)

Crime is not just behaviour related to the internet and the activities of international criminal groups; it includes acts against other people. The COVID-19 pandemic brought with it a tremendous amount of frustration due to the need to adapt to numerous restrictions, most notably the need to remain forcibly confined to homes for weeks at a time and, for certain groups of people, opposition to the vaccines used to combat the coronavirus. The rise of the anti-vaccine movement and the organizing of opponents of restrictions resulting from lockdowns announced by individual states has already manifested itself in many states into mass protests, often turning into riots in city streets. It is now difficult to predict in which direction the strength of such protests might go, as well as how the frustration of such people will be channelled. Perhaps it will have an effect on increasing violent crime in the long run.<sup>23</sup>

23 Perhaps the reported stadium riots in France in the second half of 2021 are such a form of "reacting." In virtually every round, matches were disrupted (and some had to be abandoned) as a result of riots in the stands due to fights between fans. In attempting to explain the situation, the French dailies point out that the situation in the stadiums "is a reflection of the situation in society" ("Le Monde"). There are weekly riots in the French streets, there are protests by the "Yellow Vest Movement," anti-vaccinationists, and for many years the situation in the French suburbs has been unsettled. French sociologists point out that fans are using violence to react against the pandemic and the closure of stadiums for a year and a half. From: <https://sport.interia.pl/ligue-1/news-przemoc-na-stadionach-ogromny-problem-francusk->



At the end, it is worth noting that it is also difficult to predict how the armed conflict in Ukraine triggered by Russia's hostile actions, which began in late February 2022, will affect crime. Due to the ongoing hostilities – this question cannot yet be answered.

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# Summary

Thirty years in the development of societies is but a moment in the face of several thousands of years of the formation of the modern world. However, the last 30 years have been a period in human history representing the beginning of a new level of development. This is a time when significant changes have taken place in modern world geography. The political system created after World War II has collapsed, and a number of countries have regained or gained independence for the first time. Countries that have been hegemon on the world stage for years have lost their position, and new powers have emerged aspiring to take their position. The centre of gravity for the modern world has shifted from Europe and North America towards the rapidly developing Asian and Middle Eastern countries. The development of the global economy, however, has meant that the resulting links and dependencies between countries on different continents cause knocking one country out of the supply chain to disrupt the global economy, the clearest example of which we have as a result of the COVID-19 pandemic.

The last three decades have also seen social change due to technological developments unprecedented in earlier periods. Mankind at different stages of its development has already experienced periods of change associated with new inventions (such as during the so-called “Great Industrial Revolution” in the 18th century), but never in such a short period of time has there been such a change in the lifestyle of societies resulting from advances in so-called new technologies. During this 30-year period, we have gone from analogue societies to digital societies. It seems that it is already difficult to imagine functioning without access to the internet; without the ability to use cell phones, which are increasingly equipped with new features such that the calling function is already one of the less important ones; without high-speed computers, increasingly miniaturized; and without access to applications and social media. And to think that just 30 years ago all this was not yet in place.

This is also the period in which we became mobile on a global scale. What was previously available only to a select few has now become possible for everyone. Until a few decades ago, long-distance travel was associated not only with enormous costs, but also with overcoming numerous organizational and technical barriers. Today, it would seem, we are limited only by our imagination.

But travel is only one aspect of social mobility. Another is migration on an unprecedented scale. Human history is a history of migration, most often in search of a better life. And today this is also one of the dominant reasons for the movement of people, a movement made all the easier by the fact that we have at our disposal the technical means to quickly, sometimes within hours, change the location of one's residence.

Social mobility carries both positive and negative elements. The positive ones include, for example, raising the standard of living of migrants relative to the one they led in their homelands. Among the negatives are the drain of poorer countries of young people who are better educated and willing to work. Migration also brings with it problems related to cultural differences, frequently perturbations with acclimatizing to new homelands, but also difficulties in finding not only a job that matches one's abilities, but a job of any kind. This does not change the fact that social mobility is written into the fabric of the modern world, and probably nothing will change in this regard in the years to come. While the COVID-19 pandemic has re-established isolationist aspirations in some countries, this is due more to a desire to defend their own citizens from the additional external threat of new strains of the coronavirus than a genuine need to ward off other communities.

Therefore, it should come as no surprise that with such significant changes in the functioning of the world, individual countries, societies, and individuals, crime, which is one more unfavourable social phenomena, is also subject to change. It can be said that in recent years crime has also become largely globalized. Globally, organized crime has certainly changed. Facilitation of travel, acceleration of the transfer of material goods between different parts of the world, and the development of information technology allowing for rapid (and anonymous) money transfers have resulted in increased profits for today's already worldwide criminal groups. Crime is changing somewhat more slowly in individual countries, including Poland, as we have outlined in this book.

For Poland, the last 30 years have been a time of profound change brought about by regaining the ability to freely decide its own fate due to the collapse of the Soviet-led Eastern Bloc created as a result of World War II. During this period, Poland went from an undemocratic, economically backward country to the 23rd strongest economy in the world (Frączyk 2021). It joined the European Union, which gave it economic stability, and NATO, which gave it military security. But the past 30 years were also a period not only of profound political and economic change but also of social change, which was associated with the dismantling of the socialist "welfare state," in which it was the government that provided work and social security, in favour of the liberation of economic initiative by its citizens, with which were associated the problems resulting from such changes – primarily unemployment, including that among young people (Rau 1999:356). The social disorganization that took place in Poland during the period of systemic transformation was also associated with significant changes in crime, and not only the so-called ordinary crime, but also economic crime. The introduction of a free-market economy already made it

necessary in the years following 1990 to reformulate and completely change the approach to understanding what economic crime is, which in the previous socio-political system was most often identified with activities to the detriment of the state. In turn, the emergence of negative phenomena associated with the transition from a centrally controlled economy to a market economy, such as unemployment, has triggered an increase in the number of common crimes committed, including primarily theft, robbery, and burglary, but also crimes of a violent nature. This condition persisted for more than a decade.

The subsequent years of transition associated with the rebuilding and reconstruction of the economy, which significantly accelerated after Poland's accession to the European Union; the associated increase in the mobility of Poles, in large part related to the search for work in European countries (primarily Great Britain, to which more than one million people left at its peak); and the gradual enrichment of society and the equalization of the standard of living to other countries of the community resulted in the beginning of a slow decline in the number of crimes committed. There has also been a change in the structure of crime, in which acts of a violent nature and those directed against individual goods began to occupy a smaller and smaller share in favour of crime against property.

The criminal law system has also been adapting to the changing world over the past three decades, criminalizing new criminal behaviour – money laundering, stalking, computer fraud – and adjusting the scale of the legal and criminal response to the current expectations of the state's criminal policy (which in recent years has involved a tightening of criminal repression).

Progressive globalization poses new challenges for Poland; in particular, it will be related to the definition of appropriate conditions for legal and criminal repression in the face of the challenges posed to law enforcement and the judiciary by the transfer of some criminal activity to the virtual world. It seems that for the moment, cybercrime is not yet a significant item in the detection statistics, which does not mean that the next social change that will result from the COVID-19 pandemic will not move crime (at least in terms of the amount of damage caused) to the virtual dimension.

The war on the Ukrainian territory, which began with an attack by Russian troops on 24th February, 2022, confronts the world with the prospect of another change. Russia's aggression towards Ukraine has turned into a long-standing conflict, for which it is difficult to seek any definition at the moment. For Poland, it brings particularly significant challenges. The gigantic wave of refugees that has crossed the border seeking refuge from war may lead to a shaky sense of security for citizens both at the micro and macro levels. Poland will become, in this new world – so different from the one we knew just a few weeks and months ago – a field of extraordinary experimentation: social, political, and economic. Certainly, such a large number of people (more than three million), who in a short period of time found themselves on Polish territory, will remain here for the most part and will try to adapt to life here, which will significantly affect Polish society, for example by changing its previous

national homogeneity. However, Ukrainians – culturally close to Poles – are a separate nation with their own cultural patterns. Political change is related to the need to redefine the world we live in and Poland's place in it. In which direction this will go is difficult to judge at the moment. Everything depends on the further fate of the war.

Finally, we are experiencing an economic shift – we are already incurring increased costs due to reduced access and the consequent sharp increase in the cost of basic means of production, as well as the costs associated with hosting such a large number of refugees, who need to be provided with the basic necessities of life and, in the long term, with housing, schools, and jobs. It is also difficult to predict how this will affect changes in crime in the long term. We don't yet know the impact of the changes caused by the COVID-19 pandemic, and already we have to wonder how the war going on in the Ukrainian territory will affect this phenomenon. Will it lead to a reduction in conventional crime, shifting the burden to cybercrime, or the opposite? Or will there be no connection at all?

In concluding this book, we expressed the opinion that, however, crime as a phenomenon occurring in societies of universal mobility is likely to shift more to cyberspace. At the moment, this thesis, in view of the unprecedented scale and brutality of the scope of hostilities undertaken by the Russian Federation and the response – mainly by European countries and the United States – related to the blocking of the aggressor state's ability to dispose of funds, indicates that we will have to deal with actions against the perpetrators of classic crimes (including, of course – the crime of genocide, which in Polish crime statistics was basically absent). Any answer regarding crime trends in Poland and around the world in such a context therefore seems unauthorized.

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