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Corruption and politics: Comments on the specificity of the Polish model of transformation¹

Korupcja i polityka: Uwagi na temat specyfiki polskiego modelu transformacji

Abstract

The premise for undertaking the above topic is the conviction that it is impossible to understand the causes and scale of corruption in Poland without referring to the shape of political, economic, and social changes initiated by the democratization process from the turn of 90s in the last century. Corruption, as a phenomenon with a broad, often unobvious foundation, is characterized by difficulty in combating it. It is not the intention from this article's point of view on the issue to strictly define the concept of corruption. For its use, it will be equated with every action in which public positions are used for private purposes and where benefits are gained.² Corruption is a category of crime in which often only the perpetrators have knowledge about its occurrence, and which is often "covered" by other criminal acts such as fraud, mismanagement, failure to perform duties,

¹ This article is an abstract from the book *Państwo wobec korupcji. Analiza skuteczności Centralnego Biura Antykorupcyjnego jako służby specjalnej powołanej do walki z korupcją* (*The State vs Corruption: Efficiency analysis of the Central Anticorruption Bureau in the capacity of a special agency founded to fight corruption in Poland*) published in 2023 by Biblioteka Akademicka Kraków.

² As it seems, such a definition of corruption is the closest to the intuitive understanding of this phenomenon. In the Polish legal system, the development of this definition was in the original wording of art. 1 point 3 of the Act on the Central Anticorruption Bureau, which stipulated that "corruption is to promise, suggest, give, demand, receive by any person, directly or indirectly, any undue financial, personal or other advantage, for herself or any other person, or taking proposals or the promise of such benefits in return for acting or abandoning acting in the performance of a public function or in the course of an economic activity" (*Journal of Laws* 2006: No. 104, item 708).

or money laundering. Often, there are no external signs indicating that corruption has occurred. Consequently, the researchers of the phenomenon are forced to face its mythologization. The aim of this article is to possibly confront facts about corruption in contemporary Poland with the specificity of the Polish way of leaving behind communism. In my opinion and in the recent past, there are also many myths rooted in political disputes of the last three decades. Presentation of key historical aspects should contribute to the disclosure of the main determinants of corruption in Poland and, as an effect, result in a better chance of combating corruption. The study used the methods of scientific inference and analysis. The study used legal acts, reports of state institutions and secondary sources of information (source literature).

Keywords: corruption, politics, post-communism, transformation

Abstrakt

Artykuł, odnosząc się do kształtu przemian politycznych, gospodarczych i społecznych zapoczątkowanych procesem demokratyzacji z przełomu lat 80. i 90. ubiegłego wieku, ukazuje przyczyny i zakres korupcji w Polsce. Omówione zostały rozliczne przykłady patologii transformacji. Skonfrontowano fakty na temat korupcji we współczesnej Polsce ze specyfiką polskiej drogi odchodzenia od komunizmu. Artykuł w szczególności zarysowuje rolę Wojskowych Służb Informacyjnych. Przedstawienie kluczowych aspektów historycznych winno przyczynić się do ujawnienia głównych determinantów korupcji w Polsce. a w rezultacie skutkować możliwością lepszego jej zwalczania.

Słowa kluczowe: korupcja, polityka, postkomunizm, transformacja, Wojskowe Służby Informacyjne

Introduction: The genesis and beginning of the transformation

the post-war state was the enemy of most Poles (Friszke, 1996: 199). The communist system imposed on Poland by the Soviets was a system determined by its utopian and totalitarian ideology.³ However, in imposing communism on society, the idea itself mattered less than the way it was implemented (Conquest, 1998: 14). Communism evolved. As in the partitions period, Poland would have to free itself, and there had to be a favorable international climate. Paweł Wieczorkiewicz pointed out that the beginning of the change had already occurred in 1982 with the coming to power of Yuri Andropov, whose ideological pupil was Mikhail Gorbachev (Wieczorkiewicz, 2015: 425). Władimir Bukowski, archaeologist at the Central Committee of the Communist Party of the Soviet Union and the State Security Committee (KGB), came to a similar conclusion (Bukowski, 1999: 689). In the second largest and most important communist

³ As Wiesław Kozub-Ciembroniewicz points out: "The essence of the Soviet system is explained by the excellent application of the terms 'topia,' 'utopia' and 'revolution.' Topia is a relatively stable state of social life. The state, social and cultural relations, religious and economic have fixed and 'important' content. Topii oppose utopia. It is a projected new set of socio-economic and political relations and world vision. Utopia inspires you to transform into a 'new' milieu that is fundamentally different from its 'old' model. Utopia becomes an impulse for revolutionary changes. [...] The existing milieu is eliminated by its 'followers.' The utopia they postulated will replace it; 'Revolution is a period in which the former topia does not exist anymore, the new one has not yet come into being.'" (W. Kozub-Ciembroniewicz, 2010: 226).

state, the People's Republic of China, the party apparatus in charge at this time was under the leadership of Deng Xiaoping. He initiated economic processes resulting in the actual introduction of capitalism while maintaining power through the nomenclatura system. The international climate among communist states was the basis for the Polish transformation. The common denominator in countries that were People's Democracies was the total bankruptcy of communism as an economic system.⁴

Before Poland's democratization took place in September 1988, the 9th Plenum of the Central Committee of the Polish United Workers' Party (PZPR) adopted the "Assumptions for a Plan for Consolidating the National Economy," and in December 1988, the Diet of the Polish People's Republic passed legislation "On Economic Activity" as well as "On Economic Activity with The Participation of Foreign Entities" (Dudek, 2004: 187–188). These were the foundations for the introduction of a free-market economy.⁵ At the same time, they became the basis for the economic imbalance created in the nineties between society and the elites of the former communist authorities. This process had significance as an impediment to Poland's democracy; it laid the foundation for the emergence of corrupt practices. In the context of corruption, it should be emphasized that in a normative understanding, only in the case of democratic countries does it make sense to address it. In undemocratic countries, corruption is prosecuted when a political demand for such prosecution exists.⁶ It is only in democratic countries that the distinction between public and private good can be applied. Totalitarian systems are characterized by the appropriation and subordination of both these spheres to the power elite. In summary, communist power instrumentally using the institutions of the state for its own good is, by definition, corruption.⁷ It was this baggage of the communist authorities that determined the later development of Poland.

In Poland, at the time of the political changes initiated by the Round Table discussions,⁸ the party's nomenclatura was able to take full advantage of a whole range of means to preserve power through the appropriation of state property within the conditions of emerging capitalism (Dudek, 2013: 23). This appropriation proceeded

⁴ As Vladimir Bukowski recalls: "At the end of 1987, the OECD noted: 'currently the debt of the USSR is increasing by about 700 million dollars a month,' and the total debt of the Soviet bloc has increased by 55% compared to 1984." (Bukowski, 1999: 693).

⁵ As Marek Gędek points out, the decision of the government of Mieczysław Rakowski on July 29, 1989, to marketize of food prices beginning on August 1, 1989, was "a nail in the coffin of the centrally planned economy." (Gędek, 2016: 592).

⁶ In the Polish People's Republic, an example of the selective and instrumental prosecution of corruption was, among others, the meat scandal of February 2, 1965, in which the Provincial Court of the Capital City of Warsaw ruled against the director of the Metropolitan Municipal Trade Company Meat and others. The court pronounced the penalty of death against the main accused, Stanisław Wawrzeki. (Chwalba [ed.], 2000: 763).

⁷ The Soviet system itself additionally stimulated the presence of corruption due to the very essence of the economic system, the pillar of which was a fundamentally unjust distribution of goods (Glasman, 1994: 213).

⁸ From the point of view of the authorities, the weakness of the radical wing of the opposition, such as "Fighting Solidarity," was that it was not able to paralyze negotiations at the Round Table or the elections of June 1989. (Dudek [ed.], 2009: 30–31).

in parallel with the disintegration of the party apparatus. It was possible to observe the desire to transform shrinking political capital into economic capital. The members of the nomenclatura possessed exclusive knowledge, which enabled them to adapt to new economic and legal conditions first.⁹ What is more, they were the only ones who had the financial resources to implement business ventures.¹⁰ In light of this, the beginning of the transformation was inextricably linked with a foundation of systemic corruption.

The first and most vivid example of this situation was the formation of thousands of so-called nomenclatura companies (ibid.: 24). They were created by members of the party apparatus, their families or by people the apparatus allowed to participate. The common denominator of the activities of these companies was the drainage of state resources. As shown in the control reports of the Supreme Audit Office of September and October 1989, this parasitic activity was comprised of economically unjustified mediation between a state-owned enterprise and its recipients, or on fictitious accounting of supplies directed to recipients from the manufacturers' warehouses (Dudek, 2004: 191). The management of these companies often appeared in a double role. There was a decision-making body in a state-owned enterprise and, at the same time, the owner of a parasitic economic entity. This corrupt situation was not surprising considering the demoralization of party cadres resulting from the nature of the regime, which attracted individuals with conformist and self-serving attitudes. The essence of the communist regime effectively eliminated idealistic individuals.¹¹

With the first partly free elections of June 4, 1989, communism ended neither in the mental nor the material sphere.¹² The unrealized promise of de-communization and the only partially fulfilled demand for transparency also covertly influenced Polish reality, although the framework of this article does not allow for a detailed presentation of this effect. It is, however, worth mentioning the observations of Andrzej Zybertowicz, who

⁹ The most well-known examples include the opening of a network of exchange offices by Aleksander Gawronika on the day the new foreign exchange law entered into force or the alcohol scandal. (Dudek, 2004: 192). When Witold Kieżun writes about the "reta of power czy tak" for obtaining information, licenses, or privileged operating conditions, he notes, for example, the ruble scandal. (Kieżun, 2013: 205). The term "annuity of power" can be defined as the use of resources to obtain benefits when they come from activities that have a negative social value. (Tullock, 2012: 541).

¹⁰ This situation is inseparable from the oligarchic nature of the new economic relations, in which the richest and most influential entrepreneurs were most often members of the former party nomenclature or their relatives. Anders Aslund points out, however, that this phenomenon is not as common in Eastern Europe as in the countries of the former USSR. (Aslund, 2007: 258).

¹¹ Teresa Torańska developed an exceptional study of the mentality of Polish communists, published in a set of interviews titled, *Oni*. As Jan Bujnowski states in the introduction to *Oni*: "For me one of the most interesting things contained in Torańska's interviews is what the interviewees say, an image of the entanglement of Polish communists in contradictions which they themselves do not want to see or are unable to see." (Torańska, 1985: 11).

¹² (Eisler, 1992: 216). Witold Kieżun, citing research from 1990s and 2000, indicates that in the middle and upper classes of private enterprises, 80% of staff formerly worked in state-owned enterprises; of these, 62.5% had had managerial and executive functions. This shaped the situation in the highest business circles. (Kieżun, 2013: 116–117).

notes that: "Important actors of the political scene could find themselves in one of three types of situations: a) they were/are puppets, performing orders of other actors, and are by their very nature either covertly (e.g., criminal business groups) or openly performing secret activities (including the special security services); b) they had past or present contacts with such actors, which significantly restricted their freedom of action; or c) they had cooperated or had contacts with such actors and were people outside of the picture who were wrongly accused. However, the very existence of such accusations in public discourse generates political realities: it deprives politicians of the freedom of action (at the very least, forcing them to devote energy to dealing with accusations), creates a certain climate in the political class, and affects public opinion" (Zybertowicz, 2002: 176). Tarchalski's intrinsic feature of corruption is the secrecy entailed in the exchange of benefits (Tarchalski, 2000: 9). By contrast, disclosure is one of the cures for corruption. At the level of the state, the openness of the realities of social life is one of the guarantors of its integrity, without which it is impossible to build a democratic foundation. Undoubtedly, this openness in the Third Republic of Poland has been lacking. In the context of democratization, it is an objectively unjustified phenomenon.

During the era of the partitions of Poland, elites developed who could prepare comprehensive political programs in response to the defeat of political uprisings and the absence of a state. The elites of Solidarity must be charged with the absence of such programs. The political negotiations with the communists ended up placing the Solidarity camp in a position that was worse than before. What is more, the Solidarity camp suffered from a shortage of professionals who were qualified to perform public service (Wieczorkiewicz, 2014: 425).

On 7 April 1989, a constitutional amendment sealed the agreement created through the Round Table in place (Dz. U. 1989: 19.101). It created the office of the president in place of the State Council, created a Senate, changed the electoral system, and extended the guarantee of judiciary independence (Kornaś, 2015: 25). The political arrangements creating the presidency were designed for General Wojciech Jaruzelski,¹³ who was supposed to be the guarantor of the model of gradual transformations, which he had developed (Ibid.: 26). The unprecedented success of the June elections and the establishment of Tadeusz Mazowiecki's government resulted in a situation conducive to further changes.¹⁴ These materialized in another amendment to the constitution on 29 December 1989 (Dz. U. 1989: 75.444). It annulled the ideological declarations of the Stalinist constitution of 1952 and changed the name of the state from the Polish People's Republic to the Republic of Poland (Kornaś, 2015: 28). On March 8, 1990, on the other hand, because of further amendments to the constitution (Dz. U. 1990: 16.94), the national councils were abolished, and territorial self-government as the basic form

¹³ During his speech at the session of the Sejm of the Polish People's Republic on September 27, 1988, Wojciech Jaruzelski described the Round Table agreement as a continuation of the policy he started on October 30, 1980, through proposals for the establishment of the Council of National Alliance. (Jaruzelski, 1989: 249).

¹⁴ The establishment of the government of Tadeusz Mazowiecki was accepted by the communists of the USSR with calm and became an impulse for accelerating the collapse of the Soviet bloc. (Chwalba, 2011: 117-138).

of the organization of public life on the municipal level took their place. On 27 September 1990 (Dz. U. 1990: 67.397), the constitution was changed to specify that the election of the president takes place through general elections.

The above changes were unprecedented but also provisional. The text of the constitution remained largely inconsistent and contradictory (Kornaś, 2015: 31). An expression of the weakness of the transformation of the Polish People's Republic into the Third Polish Republic on normative and systemic grounds is the fact that a new constitution was only adopted only in 1997, that is, eight years after the political changes of 1989.¹⁵ It was only in December 1990 that Lech Wałęsa was sworn in as the first Polish president elected through universal suffrage (Chwalba, 2000: 813), and the first fully free parliamentary elections took place only in October 1991. It is, therefore, legitimate to ask whether, in the sense of systemic reforms, Poland has consistently maintained its leading position in comparison with other European states of the former Soviet bloc. To realize the significance of this question, it is worth recalling that the first free elections to occur after Poland had regained its independence after 123 years of annexation, with an incomparably more difficult internal and external situation, managed to be carried out on January 26, 1919 (ibid.: 628). The reason for this situation was, to a large extent, the lack of a clear and coherent political program among the leaders of Solidarity. Paweł Wiercorkiewicz even stated that "beautiful, healthy beams were used in the construction of the Second Polish Republic. In 1989, rotted boards attempted to hide the emerging holes, rotten bricks, and leaking tiles" (Wiercorkiewicz, 2014: 429).

The above statement is of fundamental importance for the determination of the weakness of the Polish state after 1989. This weakness, which has its roots in the deficiencies of the democratization process, is still visible in every aspect of the country's functioning (Soreide, 2014: 3). It is this foundation that generates corrupt behavior. Corruption always appears where the state is weak. It also occurs where the needs of citizens are not being met. Moreover, as noted by Wojciech Roszkowski, the lack of political will to bring communists to account for 45 years of government favored the emergence of resentment, which was reinforced by the fact that only a small group privileged by the communist system benefited from the change (Roszkowski, 1994: 408). At the same time, in the first years of the transformation, most of the population felt the negative effects of the economic reforms, effects that appeared as poverty and unemployment.¹⁶

The legitimacy of this situation was negligible, as evidenced by the low rate of participation in elections.¹⁷ It is no coincidence that in the second round of the presidential

¹⁵ Aleksander Kwaśniewski became the first chairman of the Constitutional Committee. (Dudek, 2013: 357). The adoption of the new Constitution was preceded by the introduction of the so-called of a small constitution, i.e. the Constitutional Act of October 17, 1992, on mutual relations between the legislative authority and the executive of the Republic of Poland and local self-government (Dz. U. 1992.84.126), defining the state system as both presidential and parliamentary (Roszkowski, 2017: 480).

¹⁶ The problem of unemployment in Poland is significant since its characteristic feature was its longevity. (Kabaj, 2005: 238).

¹⁷ In the elections on June 4, 1989, the turnout reached 63%, and the second round on June 18, 1989, 25%. (Chwalba, 2011: 807). The local government elections of May 27, 1990, were held

election, Tadeusz Mazowiecki ran against Stanisław Tymiński, unknown to everyone, rather than against Lech Wałęsa. This fact can be interpreted as social susceptibility to populism and disorientation,¹⁸ but also as a sign of disapproval of the newly created reality. The leaders of the “Solidarity” camp did not seem to notice this issue. Committed to the need to respect the Round Table Agreements, they did not see that breaking these agreements was needed for full democracy (Krasowski, 2012: 149). The breakup itself was a matter of political dynamics clear to all (Kuczyński, 2010: 108). The post-communists won the parliamentary elections of 1993 and returned to power (Krasowski, 2012: 108). As noted by Robert Krasowski, this outcome was due to the fact that they did not lose much in 1989 (Ibid.: 276). The leaders of the Solidarity camp allowed for the continuation of the gigantic organizational and financial advantages of the post-communists within the PZPR and the United People’s Party, leaving behind assets for the Social Democracy of the Republic of Poland and the Polish People’s Party (Ibid.: 346). It is hard to imagine a standard of democracy that includes the financing of only selected parties from the national estate, yet the Third Republic of Poland adopted such a standard.

The PZPR still had significant assets that were invested in a range of undertakings aimed at preparing the economic ground for the establishment of a new party, even though it had been on the edge of financial bankruptcy since the middle of 1989 (Dudek, 2004: 439). In addition, in January 1990, the communists received 1.23 million US dollars and 500 million old zlotys directly from the Central Committee of the CPSU for the purpose of its liquidation and the start of operations by its successor (Ibid.: 442). Moreover, according to the findings of January 1990, the government commission to assess the property status of political parties identified about 1,900 buildings and premises at the disposal of the PZPR (ibid.: 443–444). This allowed them to earn renting and leasing benefits. Organizations that had been excluded from the Round Table discussions, such as the Confederation of Independent Poland (KPN), protested against this situation by organizing the occupation of PZPR buildings. In fact, the Security Service continued to conduct operations against KPN and “Fighting Solidarity” into the 1990s (ibid.: 457). More foundational to the PZPR’s financial base, and later that of the Social Democracy of the Republic of Poland (SdRP), however, was the 45 billion old zlotys taken from the Workers’ Cooperative Publishing House “Press-Book-Movement.” In 1989, the PZPR also received about 37 billion old zlotys from direct state subsidies (Wildstein, 2000: 27). In addition, the PZPR received 5 billion old zlotys from joint ventures composed of the company “Transakcja” and the USSR company “Semeba” (Dudek, 2004: 442). In this context, the ban on party financing from foreign

with a turnout of approximately 42% of those eligible. (Roszkowski, 1994: 411). The first round of the presidential election took place on November 25, 1990, and turnout was over 60%, and the second round of the presidential election took place on December 9, 1990, with a turnout of over 53%. (Dudek, 2013: 132, 139). The first free parliamentary elections took place on October 27, 1991, with a turnout of 43%. (Roszkowski, 1994: 417).

¹⁸ See the statement in the journal Waldemar Kuczyński, undersecretary of state and minister of ownership transformation in the government of Tadeusz Mazowiecki. (Kuczyński, 2010: 176–177).

sources for the elections in 1991, made to sever the Solidarity parties from Polonia's donations and forced by SdRP and PSL votes, can be viewed as another decision of the anti-communist camp that undermined democracy (Krasowski, 2012: 347–348).¹⁹ Like the ongoing financial hegemony of the post-communists, it clearly affected the Polish transformation, deepening the weakness of the state.

The role of military special services

To investigate the causes of corruption in the Third Polish Republic, a look at the special services, which served as the foundation for the communist system. There was even greater neglect in this field than in the political system in Poland after 1989. Special services, whose officers came from communist organizations to a greater or lesser extent, exerted a significant influence on the Polish political scene. To illustrate the phenomenon, material from the selected findings of the Verification Commission of the Military Information Services (WSI) is helpful to analyze in detail.²⁰ The WSI operated between 1991 and 2006, and was the heir to the Military Information, the Military Internal Service, and the Board of the Second General Staff of the People's Polish Army.²¹ The military special services, until the liquidation of the WSI, maintained the former structures and staff, which resulted in the continuation of a number of pathologies that did not meet the requirements of a democratic state.²² They still played the role of a secret political apparatus.

¹⁹ As Bronisław Wildstein points out, the ideological picture of that time is evident in Adam Michnik's speech against the state's takeover of property, reprinted by *Gazeta Wyborcza* in the 30 April – 1 May 1990 issue, titled "I will not fight with weapons of hate" (Wildstein, 2000: 38).

²⁰ "Report on the activities of soldiers and employees of the WSI and military organizational units carrying out tasks in the field of intelligence and military counterintelligence before the entry into force of the Act of 9 July 2003." On the Military Information Services specified in art. 67. section 1 item 1 – 10 of the Act of 9 June 2006, see "Provisions introducing the Act on the Military Counterintelligence Service and the Military Intelligence Service and the Act on the service of officers of the Military Counterintelligence Service and the Military Intelligence Service and regarding other activities going beyond the matters of state defense and security of the Armed Forces of the Republic of Poland" (M. P. 2007.11.110).

²¹ The pedigree of the military intelligence of the PRL is older than the civilian security apparatus and dates to 1943, when the formation of the 1st Infantry Division in the USSR began. Tadeusz Kościuszko. (Pawlikowicz, 2004: 46).

²² The report broadly describes the WSI direction of employees of TV, radio and press editorial offices. As indicated in the Report on page 13, there were 67 such collaborators. Moreover, the annex No 15 to the Report is a memo from Colonel Janusz Bogusz on August 20, 1992 "on the disclosure of information about the WSI in the mass media," which indicates the surveillance of journalistic circles to prevent the publication of articles depicting service as compromised. Page 66 of the report is referenced here in particular, for its discussion of the operational matters "Apel," "Paczka," "Szpak," and "Publisher." The WSI also conducted analogous projects against officers demanding changes in the Polish Army, which was coincident with the categorization of right-wing and anti-communist circles as those that require surveillance and control by the WSI. Such surveillance was undertaken in the 1990s, towards the parties of Porozumienie Centrum or KPN and towards a part of the media. (Report..., 2007: 67–69, 71).

However, most importantly, the military service was involved in the largest economic and corruption scandal of the time, the scandal related to the operation of the Foreign Debt Service Fund. The establishment of this institution coincided with the talks of the Round Table and was aimed at the purchase of Polish foreign debts incurred during the period of the PRL, using a range of methods, legal and illegal. The nominal value of Polish debts deviated from market value due to the low economic credibility of Poland. The management of the FOZZ was entrusted to a collaborator of the military special services with the nickname "Dik" or Grzegorz Żemek.²³ He assumed the position of General Director of FOZZ.²⁴ From April 1989 to July 1990, the activities of FOZZ caused losses to the state budget estimated at nearly 1.4 trillion old zlotys (Dudek, 2004: 196).²⁵ As a result of multiple complex financial operations, the Fund's budget funds were not used as intended, but were removed (Dakowski, Przystawa, 1992: 133–156).

²³ According to Sławomir Cenckiewicz's findings, the appointment of Grzegorz Żemek gave the military services a wide range of prerogatives to run so-called "unconventional banking operations." He was supported by members of the "Y" Branch of the II General Staff of the Polish Army. The participation of military services in the FOZZ affair has been safeguarded by secrecy for years. The "Dik" operational files have not been entered into the main legal process of the FOZZ case. Their identification and discovery became possible only thanks to the work of the WSI Verification Commission. (Cenckiewicz, 2011: 348, 362–363).

²⁴ The formal supervision over the General Director of the FOZZ was exercised by a Supervisory Board composed of: Janusz Sawicki, Chairman and Deputy Minister of Finance, a member of the supervisory board of Bank Handlowy; Jan Boniuk, Secretary and director of the foreign department of the Ministry of Finance, former first secretary of the FRMP executive in the Ministry of Finance; Dariusz Rosati, director of the Business and Price Institute; Zdzisław Sadowski, former deputy prime minister in the PRL government; Zbigniew Messner; Jan Wołoszyn, NBP vice president; Grzegorz Wójtowicz, president NBP; and Wojciech Misiąg, deputy finance minister (Dakowski, Przystawa, 1992: 127–128). Equally important, all members of the first supervisory board had connections with the civil special services of the PRL, as they were recorded in various periods as personal sources of information (OZI). This includes in particular: Jan Boniuk, who in 1981–1990 was registered by Department IV Department V of the Ministry of the Interior as a business contact (KS) about ps. "Bon" and Department VII Department I as operational contact (KO) about ps. "Donek;" Wojciech Misiąg, who in 1986 was registered by the Department VIII of the II Department of the Interior Ministry as a secret collaborator (TW) ps. "Jack" and also in 1988 registered by the Department VIII of the Department II of the Ministry of the Interior; Dariusz Rosati, who in 1978 was registered by the Department VIII of the Department and the Ministry of the Interior as KO ps. "Buyer;" and in the years 1985–1989 he found himself in the Department II operational interest, registered in the "candidate" and "security" categories; Zdzisław Sadowski, who in the years 1965–1970 was registered by the Department III of the Ministry of the Interior as TW ps. Robert; and Grzegorz Wójtowicz, who in the years 1982–1986 was treated by the Department VIII of the Department and the Ministry of the Interior as KO ps. "Camelo" and "Camel," and who signed a commitment to cooperation in 1982. As Sławomir Cenckiewicz points out, the operations and official position of Grzegorz Żemka aroused the jealousy of civil services, which had a dominant position in the financial, banking and investment spheres of the PRL. (Cenckiewicz, 2011: 352–353).

²⁵ Marek Gędek cites calculations of experts for the years 1989–1990 and offers the amount of 3.5 trillion old zlotys. (Gędek, 2016: 631). It is difficult to capture today the real value of damages arising from appropriation by people related to the FOZZ.

At the same time, Polish foreign debt continued to grow.²⁶ For example, the nomenclatura of the Bank of Economic Initiatives²⁷ received 160 billion old zlotys from FOZZ, 100 billion of which were transferred to PKO SA, earning an interest difference of at least 1.8 billion of old zlotys (Dudek, 2004: 196).

When depicting the corruption entanglement in operation in the Third Republic, it should be pointed out that the shareholders of BIG SA were people such as Jerzy Urban, the former spokesman of the government during the Polish People's Republic and after 1989, the editor-in-chief of the weekly "NIE," and the politician Andrzej Olechowski, a candidate for the office of President of the Republic of Poland (ibid.: 195). The final findings of the Supreme Chamber of Control (NIK) indicated that the Collective Laboratories were putting the state budget at risk. Without realizing the assumptions of the Act, it dealt with: 1) the purchase of Polish foreign debt by companies²⁸ that were commercial banks specializing in trade in debts; 2) the takeover of foreign currency deposits; and 3) the granting of PLN and foreign currency loans to various domestic parties (Dakowski, Przystawa, 1992: 133). The NIK also demonstrated the lack of supervision by the FOZZ supervisory board and the lack of keeping a receivables book and record of state liabilities arising from foreign loans and state guarantees. In the absence of these accounting records, the FOZZ took over the receivables and liabilities of the state registered in its balance sheet at Bank Handlowy (Commercial Bank) on off-balance accounts without their specification. For example, the Supreme Audit Office found that in October 1989, FOZZ granted loans to the election committee of Dariusz Przywieczerski, director of Universal, after the election deadline. The convictions of Grzegorz Żemek, Janina Chim, and Dariusz Przywieczerski in the main criminal trial in 2006 should have concluded the FOZZ case. The scale of FOZZ's networks is evidenced by the involvement of Universal in transactions with the then president of the Central Customs Office, Ireneusz Sekuła,²⁹ former deputy prime minister in the government of Mieczysław Rakowski (Dudek, 2013: 333). On the other hand, Prime Minister Leszek Miller, citing the position of Judge Barbara Piwnik, the

²⁶ The course and result of talks between Poland and the London Club and the Paris Club in the field of Polish debt were presented by Marek Gędek. (Ibid.: 609–610).

²⁷ The founder of the bank was Bogusław Kott, former director of the department in the Ministry of Finance (Dudek, 2004: 195). As examples of other nomenclature banks of the period of Polish transformation, one can mention Bank Gospodarstwa Krajowego under the direction of Czesław Gawłowski and Bank Rozwoju Eksportu under the direction of Krzysztof Szwarc. (Dakowski, Przystawa, 1992: 43–44; see also Kowalik F., 2002). Witold Kieżun indicates that all the local banks established through the banking reform of February 1989, such as the Bank Przemysłowo-Handlowy, Powszechny Bank Kredytowy, Bank Zachodni, Wielkopolski Bank Kredytowy, Powszechny Bank Gospodarczy from Łódź, Bank Gdański, Bank Deposit-Credit in Lublin, Pomorski Bank Kredytowy and Bank Śląski, were led by the party nomenclatura. (Kieżun, 2013: 115–116).

²⁸ That is, according to the definition of NIK, a legal or natural person that correlates the activities of an undisclosed factual owner, in this case, the FOZZ.

²⁹ Ireneusz Sekuła died in a suspicious suicide in 2000. Sekuła had engaged in business dealings with members of the Pruszkow group, in particular Andrzej Koliowski, pseudonym "Pershing." (Gędek, 2016: 740).

Minister of Justice formerly conducting the case, wanted the charges to be time-barred in the FOZZ process.³⁰

The Report also disclosed economic crimes and corruption, as in the case of the Military University of Technology (WAT). In July 1999, an investigation confirmed that criminal activity caused losses for WAT of almost PLN 382 million (Report, 2007: 133). The WAT Service and Production Center engaged in unfavorable long-term contracts with entities linked to the "Pro-Civili" foundation, created in 1994. The foundation was founded by WSI officers, among others. According to the findings of the Office of State Protection, it was associated with people from the criminal world, such as Andreas Erdinger, considered to be a representative of the Italian mafia, and one of the leaders of the Pruszkow group, Jarosław Sokołowski, pseudonym "Mass" (Ibid.: 134). Sokołowski's participation related to an organized crime initiative of money laundering. Another example of WSI's corrupt activity was the involvement of some of its officers in the role of foreign companies in the Polish alcohol market.³¹ The Supreme Audit Chamber (NIK) implemented a comprehensive review of the privatization of the spirits industry from August 2004 to March 2005. Post-audit reports of January 2006 on the purposefulness, cost-effectiveness, and reliability were negative, and the NIK assessed the activities of the Ministry of Treasury negatively in 80% of the completed privatization processes (NIK, Information no. 163/2005/P04055, p. 3). In addition,

³⁰ Michał Falzmann exposed this issue in "CDN – Głos Wolnego Robotnika," June 20, 1990, titled "Poland's Plunder." Falzmann had directed PZH Universal in October 1989 as the commissioner of fiscal control. During this period, he learned of the transfer of over one billion dollars from this enterprise through a network of financial institutions and companies, including Altex, Texal and Chemitex. The guarantor of and financing for these transactions was FOZZ. Falzmann's memo led to his dismissal from the Tax Chamber in Warsaw and the withdrawal of his director position at the new "POLON" Nuclear Technique Plant. "POLON" was created through privatization and purchase by the Elpol company, in a situation analogous to Universal's creation by FOZZ. Despite notifications from Falzmann to his superiors, the plant was put into liquidation. He then acquired a position at the Supreme Audit Office in mid-1991. There he dealt with the issue of the servicing the Polish foreign debt by the FOZZ. He informed the state authorities, including in direct meetings with Deputy Prime Minister Leszek Balcerowicz, Prime Minister Jan Krzysztof Bielecki and members of President Lech Wałęsa's cabinet, such as Lech Kaczyński, about the ongoing practice and the lack of any control over the Polish foreign debt. On June 25, 1991, Falzmann was removed from his official duties ostensibly because of the disclosure of the FOZZ scandals to a professor of physics, communist oppositionist Jerzy Przystawa. The actual reasons were complaints about his activities by the chairman of the FOZZ Bank Handlowy Cezary Stypułkowski and others. Despite his status, Falzmann wrote another memo, in which he applied for detailed control at the National Bank of Poland, the Ministry of Finance and Bank Handlowy, on June 26, 1991. He then investigated the FOZZ scandal regarding Poland's obligations to foreign creditors on his own until his death at the age of 38, officially by a heart attack. (Dakowski, Przystawa, 1992: 5, 23–26, 95–97).

³¹ Lt. Col. Mieczysław Tryliński, the brother of the co-owner of the French company "EURO-AGRO," supported her interests in the takeover of profits from the production and sale of the products of Zakłady "POLMOS" in Żyrardów. He inspired the online article "Belvedere war" by Piotr Najstüb and Maciej Gorzeliński and the article "Whose vodka" by Michał Matys, both published in *Gazeta Wyborcza*, and the article "Vodka Marcylianka sings" by Henryk Schulz in "NIE." (Report... 2007: 81, 91).

several privatization processes were conducted through corrupt means.³² The audits indicated that the prices of shares and property of privatized Polmos were understated. The total amount of income lost by the State Treasury in these transactions was estimated at PLN 45 million.³³ The NIK also documented the value of the non-performance of investment commitments to be approximately PLN 5 million and capital liabilities to be approximately PLN 7 million (NIK, Information no. 163/2005/P04055, p. 70). Contractual fines for the failure to fulfill obligations under the agreement of sale of Polmos shares in Kutno for approximately PLN 1.7 million were also not enforced (NIK, Information no. 163/2005/P04055, p. 37). The imposition of a penalty of PLN 12.2 million for failure to meet the obligation to buy Polmos shares in Toruń was not waived (NIK, Information no. 163/2005/P04055, p. 66).

Returning to the findings of the WSI Verification Commission, it should be noted that only thanks to its activities did the facts described in the Report come to light. Only thanks to its activities was it revealed that the WSI did not fulfill a range of statutorily required actions, a result of the fact that the Russians had penetrated this service. The model by which WSI was functioning, as described in the Report, deviates substantially from the requirements of the operation of special services in a democratic rule of law state.³⁴ Relying on the summary of the WSI methodology in the findings of the

³² As noted in footnote 4 of the quoted information, "A corruption mechanism is the procedure or practice of the functioning of public administration or the legal status objectively facilitating the occurrence of the phenomenon of corruption." According to the methodology included in the Methodological Guidelines for the Control of Areas at Risk of Corruption, constituting the fourth part of the Controller Manual, approved by Miroslaw Sekula, President of the Supreme Audit Office, NIK includes: 1) an excess of competencies in the hands of one official; 2) freedom in making decisions; 3) disregarding documentation and reporting; 4) weakness of internal control; 5) unequal access to information; 6) no personal responsibility; 7) lack of anti-corruption solutions. In the July 2005 study the "threat of corruption in light of the NIK audit carried out in 2004" supplemented the catalog of corruption mechanisms with: a) excessive use from external services, b) evasion from state control, c) the phenomenon of a conflict of interest.

³³ Of which about PLN 1.8 million – Polmos in Żyrardów, about PLN 11.7 million – Polmos in Łańcut, about PLN 10.7 million – Polmos in Siedlce, about PLN 8.9 million – Polmos in Wrocław, about 1.9 million zlotys – Polmos in Krakow, about 6.8 million zlotys – Polmos in Zielona Góra, about 3 million zlotys – Polmos in Warsaw. (NIK, Information no. 163/2005/P04055, pp. 41, 50, 52, 54, 57, 60, 62, 70).

³⁴ The Verification Commission sent a crime report in the following cases to the Public Prosecutor's Office: 1) the penetration of the Russian Military Information Services and the absence of measures to neutralize the threat; 2) the takeover of state property to illegally obtain funds for financing special services; 3) the illegal trade in weapons, as well as concealment of documents; 4) actions taken to the detriment of the State Treasury and state security by favoring the "Siltec" company in tenders organized for the Polish Army; 5) the creation of a residency whose officers undertook illegal activities with the participation of former, unverified employees of the Security Service; 6) irregularities related to the management of the operational fund in the Kraków branch of the WSI and the appropriation of operational premises; 7) misleading Polish state authorities by providing false messages of significant importance to the Republic of Poland and failure to fulfill obligations; 8) irregularities related to the tender for a Wheeled Armored Personnel Carrier; 9) the illegal surveillance of political parties; 10) spying activities against the defense interests of the Republic of Poland and its Armed Forces; 11) the disclosure

Verification Commission, "O" folder; the criteria used in the selection of agents included people who: 1) did not pass verification (in the case of officers); 2) were detrimental for the Polish government after 1989; 3) wanted to enter the newly created service; 4) assessed the situation before 1989 as an orderly one; and 5) the reason for the growth of crime and various pathologies was seen in democracy (Report... 2007: 60). In sum, the long functioning of the WSI is dramatic testimony to the quality of Polish statehood and democracy.

Other selected examples of the pathology of Polish transformation

Another particularly valuable complement to the picture of the effects of the above deficiencies and lapses of the Polish transformation is the manner of implementing ownership transformation.³⁵ The basic facts can be found in information about the results of inspections carried out by the Supreme Audit Office (NIK). For the purposes of this article, it is sufficient to indicate only some examples of arrangements in that area.

In the years 2001–2002, the Supreme Audit Office carried out an inspection of restructuring on its own initiative of ownership transformation in the iron and steel industry (NIK Information no. 169/2002/P01119/KGP). The relevant ministries and 12 steelworks were inspected. As the analysis of privatization processes above has established, the State Treasury did not have any instruments of influence on investors to support restructuring activities. Their actions were also characterized by gross mismanagement. The critical assessment of the Supreme Audit Office can be illustrated by the case described on page 8 regarding the acquisition of a majority stake in Huta Pokój and Huta Ferrum by the Finance and Investment Consortium "Colloseum." The founder of this entity, Zbigniew Jędruch, was ultimately convicted in 2013 for financial fraud in the amount of approximately PLN 430 million and sentenced to six years imprisonment. The synthesis of the audit found that the government failed to implement the basic objectives indicated in the restructuring programs for the iron and steel industry (NIK Information no. 169/2002 / P01119 / KGP, p. 2). In the area of ownership transformation, the NIK criticizes, for example, the supervision over the implementation of investment projects at the Baildon and Ostrowiec factories, already in bankruptcy at that time, for a total of over PLN 540 million. Thus, they did not fully repay the loans secured by State Treasury guarantees. As a result, this could have resulted in a burden on the budget of approximately PLN 245 million (NIK Information no. 169/2002/P01119/KGP, p. 5 and 39–51).

of confidential information by employees of Polish ministries in exchange for property benefits and the withholding of information on the state's energy threat to competent authorities by the WSI; and 12) the disclosure of state secrets and the use of unlawful threats. (Report... 2007: 10).

³⁵ Michał G. Woźniak argues that in terms of privatization, the most significant errors included the lack of a long-term vision. Moreover, he states that it was possible to reduce the scale of social conflicts and high unemployment by choosing the right method of privatization and high-quality law guaranteeing the equal freedom of business entry to the market, preventing the privileged position of various interest groups in the privatization process (Woźniak, 2011: 261).

The method of privatization through the National Investment Fund (NFI)³⁶ was also critically assessed, as it only secured short-term NFI targets focused on profit and posed a threat to restructuring processes in metallurgy. The reliability and cost-effectiveness in the selection of privatization advisors were also negatively assessed. For example, the Minister of the Treasury³⁷ concluded contracts with public privatization advisors selected in the public tender and, although he knew the difficult financial situation of the mills, obliged them to finance consultancy services estimated at over PLN 9.4 million. In the case of Huta Cedler, the remuneration agreed with the adviser was higher than the amount initially declared for this purpose by Huta. The poor economic situation of the smelters and their payment difficulties led to the non-fulfillment of contractual payment deadlines for work performed by advisers (NIK Information no. 169/2002/P01119/KGP, p. 10). In turn, the Tender Commission established by the Minister of the Treasury allowed for the freedom to quantify the criteria and led to a situation in which it was not objective criteria used, such as the price for the service, but subjective criteria, such as the opinion and substantive evaluation of the company, that determined the selection of advisers. The critical assessment of NIK found confirmation in the selection of the adviser to company by the Minister of the Treasury in the privatization of Huta Katowice, whose professionalism, according to subjective criteria, was assessed as ideal. Such an assessment was not confirmed by the adviser's further actions, and reservations about the quality of his work resulted in the breach of the contract. In sum, it is likely that these practices could repeatedly result in corruption, including even at the ministerial level.³⁸

³⁶ On the national scale, the failure of the universal privatization program through NFI was preceded by the re-affirmation of the 18th of November 1996, the turnout of which was only 32.4 percent. (Gędek, 2016: 690–691).

³⁷ At that time Emil Wąsacz, who was later indicted before the Tribunal of State because of the request of the parliamentary investigative commission to examine the correctness of the privatization of Powszechny Zakład Ubezpieczeń Spółka Akcyjna. (Roszkowski, 2017: 519). In the scope of NIK reservations, it is also worth noting the reservations of the auditors indicated on page 63 Information to the consulting company "NICOM" belonging to the policies, the candidate for the office of President of the Republic of Poland, Henryka Bochniarz.

³⁸ In turn, as a typical example of privatization standards at the local and micro level, the "BIPRODEX" case is revealing. In 2003, the Supreme Audit Office, on its own initiative, carried out an audit for the years 1997–2003 of the privatization of the BIPRODEX Concrete Industry Bureau from Warsaw. As established by the NIK elected by the Warsaw Voivode, the buyer of the privatized company "Studia Projektowe KWWS" Sp. z o.o. unilaterally disregarded several obligations arising from the privatization agreement. The remaining were carried out in improperly. This happened with insufficient supervision of the Governor and the Minister of the Treasury. According to NIK, the genesis of this situation was the change in 1998 by the Governor Maciej Gielecki to privatize by putting the enterprise up for payable use by the employees, that is, so-called employee leasing, for the sake of privatization through sale. This change took place after receipt of the letter of the company "Dom Wydawniczy Wolne Słowo" sp. o.o., which did not justify the hope that the State Treasury would obtain greater benefits. As in many other cases, the pre-privatization analysis was corrupt and, without the required tender, was contracted out by the company itself. This violated the then binding regulation of the Council of Ministers regarding the scope of the analysis of the company and the state enterprise. As a result of an unreliable

The Orlen scandal is a great example for illustrating the pathology of the Polish transformation in terms of not only privatization, but also Poland's energy security. For the purposes of this article, it should be noted that in the course of the work initiated on May 28, 2004, by the Sejm Committee, the testimony of lobbyist Marek Dochnal, accused of corruption, that of Jan Kulczyk, the richest Polish businessman, and President Aleksander Kwaśniewski's intentions were particularly important (Piński, Sumliński, 2005).³⁹ The Commission also analyzed phenomena related to the oil trade in Poland, including the total dependence of Poland on the company J & S, established in Cyprus by two musicians originating from Ukraine (Dudek, 2013: 514).⁴⁰ The commission was able to explain the reasons for privileging this company in supplying PKN Orlen, in light of the findings of the NIK audit. It examined the circumstances of the imposition of a penalty on J & S Energy SA for failing to create and maintain stocks of liquid fuels (NIK Information NIK no. 139/2008/S08005/KGP). NIK determined that the proceedings on the punishment of the company was initiated only after almost a year from the date of the event of non-fulfillment of statutory requirements. The inspection showed that from October 2006 to September 2007, the total shortage of stocks of fuels stored in the form of finished products, i.e., motor gasolines and diesel oil, exceeded 100,000 m³. This was compensated by the purchase of additional quantities of crude oil to supply mandatory reserves from the resources of the Material Reserves Agency. According to estimated calculations, NIK spent about PLN 183 million from public funds for this purpose. As in the case of Rywin's affair, the gambling scandal, or Lex Krauze scandal, according to NIK, there were unclear legislative changes. As a result, competency disputes between the bodies that were to punish the company arose. NIK also indicated far-reaching negligence in ensuring Poland's energy security.

analysis, the negotiation range of the company's value was lowered by over PLN 4 million. As documented by NIK, the buyer of the privatized "Studia Projektowe KWWS" Sp. z o.o. unilaterally waived several of the obligations arising from the privatization contract and carried out other aspects of its provisions improperly. The company "Studia Projektowe KWWS," in accordance with the provisions of the contract, created a company in which the employees took part of the shares, but did not contribute to it in kind through the ownership of the building and the right to perpetual usufruct of the plot on which the building is located. In addition, the company did not establish a mortgage on the property in question, nor did it notify the authorities representing the State Treasury about this fact. The company did not fulfill its obligation to valorize the wages of employees, who became the victims of the situation, which was a typical result of this kind of privatization activity. During the NIK audit, the company's representatives testified that from the beginning they did not intend to contribute in any way to the newly created ownership of the building and the right to the plot. (NIK Information No. 165/2004/S03013/KGP).

³⁹ The work of the commission was presented in detail by Andrzej Józef Madera. (Madera, 2011: 206–226). The role of Jan Kulczyk was described, for example, by Robert Krasowski in the chapter "Kulczyk, Ałganow, Dochnal" books "Time of anger – The rise and fall of the SLD empire," Warsaw 2014: 245–257.

⁴⁰ The rules of logical reasoning and life experience, of course, make us doubt that the founders of J & S would be fully sovereign entrepreneurs, and that their business intentions were not the result of the activities of the Russian special services. Colonel Andrzej Kowalski assesses the offensive of Russian intelligence after the collapse of the USSR as an indisputable fact. (Kowalski, 2015: 31).

A characteristic feature of the Polish transformation is the connections between politicians, entrepreneurs, and organized crime. One example is the figure of Marek Kolasiński of Solidarity Electoral Action (AWS), who participated in joint ventures with Aleksander Gawronik, himself accused of appropriating property to the detriment of Art-B, one of the first great economic scandals in the Third Polish Republic. The MP set up the company "ItalmarCa," which was financed by the Pruszkow group, and committed multimillion VAT fraud (Gędek, 2016: 740–741).⁴¹ Accused of fraud, Jan Prochowski obtained power of attorney from Stanisław Alot, the president of the Social Insurance Institution (ZUS), on behalf of AWS to renegotiate contracts with Ryszard Krauze of Prokom, then one of the richest Poles (ibid.: 741).⁴² Jan Prochowski was also involved in a scandal, according to the analysis, involving the State Security Printing Works (ibid.). Tadeusz Kowalczyk, a member of the Non-Aligned Block for Reform Support (BBWR), vouched for Tadeusz Marc, a member of the Pruszkow group suspected of smuggling alcohol and cigarettes (ibid.). Janusz Stajszczak,⁴³ founder of Weltinex and a participant in the alcohol scandal, and Mariusz Świtalski, founder of Elektromis (see also: Onet.pl., 2016), were installed on the supervisory boards of politicians such as Janusz Zemke of SLD, Janusz Szymański of Unia Pracy, Janusz Maćkowiak of PSL, and Andrzej Gąsienica Makowski of BBWR (ibid.). There were also prosecutors, police officers, and former communist Security Service (SB) officers (ibid.).

As another example of criminal involvement involving corruption, one can cite an affair in the Silesian Voivodship Office. It was disclosed in the newspaper *Rzeczpospolita* in December 2000. Over the three years prior, an adviser to Marek Kempski, Aleksander Ćwik, and a group of lawyers from the Iurator law office dominated the

⁴¹ It is worth keeping in mind that, with proper abstinence, Jarosław Sokołowski, ps. Mass, among others in an interview for the portal wRealu24.pl published on 10 June 2017 in an interview with Wojciech Sumliński (Youtube.com., 2017).

⁴² The creation and implementation of contracts between ZUS and Prokom Software by Ryszard Krauze, who in 2008 merged with Asseco Poland SA, was the subject of several audits by the Supreme Audit Office. As indicated by post-inspection statement KPS-41000-001-04/02/2014 on page 4: "The contract for designing and the implementation of the Comprehensive Information System (ZUS) of 1997 left copyright to the discretion of the system of its contractor, which resulted in only one company having the knowledge and experience necessary for further development and maintaining KSI. The supplementary agreements of 2005, 2007 and 2008 did not change this status. It was only because of an amendment to the agreement, annex No. 8 of 7 October 2010, that Asseco Poland SA undertook to transfer its proprietary copyrights to the KSI software for ZUS on October 10, 2010." It should be added to the context of this case that the original contract was concluded by the president of the Social Security Institution, Anna Bańkowska, a politician of the PZPR, SdRP and then the SLD, in the last days of its office, just before its planned dismissal. The text also points to several other irregularities such as not only certain employees of the Social Security Office from four tender proceedings concerning the operation of KSI. (www.nik.gov.pl).

⁴³ In 2016 the Regional Prosecutor's Office in Gdańsk issued an arrest warrant for Janusz Stajszczak, a suspect in the obstruction of payment to creditors of the joint-stock company "Domar Bydgoszcz" and for money laundering. See: <http://www.gdansk.pr.gov.pl/poszukiwani>, accessed on December 4, 2017.

Silesian real estate market and public procurement by filling the key positions in the voivodship office (Ibid.: 740). This was done with the participation of the IGF Consulting company, managed by people associated with the Iurator. This entity developed analyses for Silesian companies, power plants, traded receivables of state-owned enterprises, or performed liquidator's duties and receivers.

Grzegorz Pucher, a partner at Iurator and, at the same time, the director of the Department of Ownership Transformation at the Silesian Voivodship Office, decided to award those contracts (ibid.). In 2003, the Starachowice scandal took place, in which SLD MP Andrzej Jagiełło, through another SLD deputy, Henryk Długosz, warned his party colleagues in the local government in Starachowice before proceedings began against a local criminal group (ibid.: 805). This was possible thanks to information provided by Deputy Interior Minister Zbigniew Sobotka. The latter, despite being convicted and then sentenced to full-term imprisonment, was pardoned by President Aleksander Kwaśniewski in his last days of office (Roszkowski, 2017: 540). Finally, the most significant example that communicates the scale of the involvement of the corrupt political class in Poland (ibid.: 559; see also: Pustułka, Twaróg, 2005) is undoubtedly the assassination of a former head of the Physical Culture and Sport Center Jacek Dębski in April 2001 (Gędek, 2016: 522). Dębski had contacts with Jeremiasz Barański, who went by the pseudonym "Mutton," was a member of the Pruszkow group in Vienna, and allegedly was the mastermind behind his murder (ibid.: 743, see also: WP Wiadomości, 2004).

Conclusion: Corruption as a component of Polish transformation. Causes and effects

Corruption was the essence of communist rule and its legacy; it was fundamental to the changes adopted in 1989 and after, which, from the very beginning, created a deficit in democracy. In contemporary Poland, the spheres of corruption that were prosecuted included: 1) the sphere of ownership transformation, specifically privatization and re-privatization; 2) the sphere of public procurement; 3) the sphere of law-making and the functioning of the state administration; 4) the sphere of law enforcement agencies, special services, and the judiciary; and 5) the sphere of health care. The practice of corruption was common in Poland's social life, even at the lowest level, where it was present in the everyday functioning of citizens. In a sense, it is the legacy of the communist system, in which decisions were made in accordance with the pathological extensiveness-quantitative model, leading to permanent deficiencies in the economy (Kieżun, 2013: 62–63). This, in turn, resulted in the process of obtaining missing goods on the principle of *do ut des*⁴⁴ (ibid.: 63). According to Witold Kieżun, "a cultural heritage of communism, with its entire arsenal of negative organizational fictions 'acting on what's supposed,' distant from the official version of life and public management, undoubtedly translated easily into a lifestyle in capitalism, with its socially accepted philosophy of 'having,' and as much as possible" (ibid.: 71).

⁴⁴ Translation: "I give that give."

The Polish practice of corrupt behavior also has its source in the fact that the elites ruling the country after 1989 pursued their own interests first and foremost (Jasiecki, 2005: 212). This occurred through the institution of the state and the resources of political connections (ibid.). As noted by Wojciech Roszkowski, the period of systemic transformation brought a cultural crisis to the fore in which existing social roles and authorities underwent rapid changes and in which the intellectual elite lacked vision (Roszkowski, 2017: 509). In this context, the common good that should have comprised the new Poland was determined instead by power elites who had learned to manipulate social expectations (Lewandowska-Malec, 2013: 332). It is difficult to expect citizens to identify with the new reality under such conditions.⁴⁵

Another factor determining corrupt behavior resulted from the lack of a distinction between good and evil, a flaw of the ideology of the Third Polish Republic and had its genesis in the absence of de-communization.⁴⁶ When there is no clear idea leading to the creation of a new reality, there is also no unifying identification of citizens with the state. This, in turn, contributes to the disappearance of pro-social and pro-state attitudes, as they are ousted by selfish and nihilistic attitudes. In the context of these phenomena, elites of Solidarity were naïve.⁴⁷ In today's perspective, such attitudes may be explained by the fact that in our part of Europe, the traditional differences between elites and the masses, rooted more deeply than in the West, were offset by the post-war downward equation (Wandycz, 1995: 414). The reason for this was, above all, the tragedy of the destruction of Poles during the defeat of World War II and the subsequent wave of communist repression, which included the most conscious, most patriotically oriented individuals.

It can be argued here that a large part of the intellectual elite of the Solidarity movement adopted an attitude of exaltation with its own position. It fell into the

⁴⁵ The problem was articulated by Andrzej Zoll in an interview with Krzysztof Sobczak. (Zoll, 2013: 56–61).

⁴⁶ The ideological aspect of this policy can be found in Prime Minister Tadeusz Mazowiecki's speech on July 6, 1990: "We are definitively against the policy of revenge. We have created a chance for a peaceful transition to democracy thanks to the national compromise between Poland's aspirations for independence and democracy, and the part of the nation which, because of our tragic fate, became stronger or weaker, with conviction or for convenience, with the old system." (Brzezicki, 2015: 451). An analogous voice, Adam Michnik, can be found in an interview with Jolanta Kurska (Kurska, 2014: 147–151).

⁴⁷ For example, Tadeusz Mazowiecki, in an interview with Andrzej Urbański, explained the alcohol scandal in the following words: "(...) we know that we have not sufficiently closed all regulations regarding the alcohol scandal. As it happened, we did not have such intentions, but it resulted from the workflow." Answering the question of when his government "realized that transformation is a very convenient time for all this kind of villainy," he replied: "It's hard to tell how quickly we saw this danger" (Mazowiecki, 2012: 64). It comes as no surprise that after the exposure of the FOZZ scandal, *Trybuna* published articles such as "Donosik na Polskę" that deprecated those seeking to reveal the scale of crimes. It is testimony to the era that articles similar in tone were published in *Gazeta Wyborcza*. Another example of such journalism in that period is an article by Krzysztof Teodor Toeplitz in *New Europe* under the English title "Scandalmania worse than scandals" (Dakowski, Przystawa, 1992: 63–67, 163–164).

trap of its own alleged infallibility. As a result, it did not really differ much from the *homo sovieticus* enslaved by the client system of communism, feeding on goods that communism offered him (Tischner, 2005: 140). At the moment, there was a chance of a definitive break with communism, these elites, caught up in this addiction, agreed to accept the model designed by the PRL authorities. It is not without significance that the resistance against power in post-war Poland was often a result of attitudes towards communism that were merely revisionist. Furthermore, progress in modernizing Poland could have been much greater if an efficient model had been introduced at the beginning of the transformation, allowing for the construction of a less corrupt and more efficient administrative apparatus.

We owe the successes of the most recent period mainly to international prosperity (Kamiński, 2005: 121). The Polish breakaway from communism as an economic system was possible mainly due to the entrepreneurship of Poles who, despite the weakness and corruption of the state, were able to build capitalism in the country. In my opinion, without understanding these conditions of recent history, it is impossible to understand the mechanisms determining the prevalence of corruption in our country. In particular, the appropriation by the party nomenclatura of key sectors of national wealth⁴⁸ has led to an ongoing scarcity of goods, which is the driving force of this kind of phenomenon. The economic difficulties faced by the emerging Polish middle class, which should form the social basis of a democratic state, should be emphasized. Witold Kieżun, writing from the perspective of organizational and management theory, argues that the Polish changes initiated at the turn of the 80s and 90s were the first manifestation of a transformation pathology, that is, so-called nomenclatura privatization. In this context, Jadwiga Staniszkis has coined the term “political capitalism” (Kieżun, 2013: 205–206). According to Kieżun, the key issue determining the weakness of the Polish middle class was the failure to implement Jeffrey Sachs’s demand for systematic re-privatization, which was implemented in most post-communist European countries (ibid.: 207). Instead, property appropriated by the communist authorities was not returned to owners according to a legal process.⁴⁹ Drawing on the writing of Grzegorz Osiecki, Witold Kieżun argues that this omission made it impossible to recreate a class of relatively prosperous and independent people after 1989 (ibid.:208).

The above picture of the situation should be supplemented with rationing and nepotism in access to legal professions (Janosz, 2013: 43), the collapse of the Polish judiciary, a lack of public trust in it (Chwalba, 2005: 85), and resistance of this environment to changes, especially prior to a reckoning regarding activities undertaken in the

⁴⁸ Władimir Bukowski described this phenomenon as “kleptocracy” (Bukowski, 1999: 688).

⁴⁹ This has also contributed to the practice of organized crime groups taking over property, including real estate owned by the State Treasury (see, among others: Kopicik, 2012; Świdorska, 2014; wPoliyce.pl, 2013; Wojtczuk, 2017). At the same time, signaling the return procedure by the ministerial Property Commission, appointed pursuant to art. 62 of the Act of 17 May 1989 on the State’s relation to the Catholic Church in the Polish People’s Republic (Journal of Laws of 1989, No. 29, item 154), an estate that does not correspond to the actual losses of a given applicant, i.e., the Church’s organizational unit. (see, among others: TVP Info, 2014; Rogojsz, 2013).

communist period.⁵⁰ In Polish society itself, a negative image of the justice system has been established. Finally, one cannot overemphasize an additional circumstance that has had an overwhelming influence on the scale of corruption in Poland. This is the fact that as a result of the historical legacy in our society, legalistic attitudes have not developed as an important component of cultural heritage (Kojder, 2005: 127). Along with the continuation of the change adopted at the Round Table, this trend sustains and strengthens the attitudes of legal nihilism (ibid.). As Andrzej Kojder remarks, “For the average Pole, the sources of the Third Polish Republic were not compasses of the rule of law, civic honesty, and selflessness [...] When they transformed the political system together with former communists, it turned out that they became well-resourced people [...]. They are perceived as ‘they’ who are good and are at times very well-off, albeit around poverty, insecurity, corruption, and scandals” (ibid.: 142–143). As indicated by the authors of the report “The State and Us: The Eight Main Sins of the Polish Republic,” in the context of Polish realities, one should speak about the alienation of public authority and the weakness of political elites, while at the same time dramatically disturbing the social criteria of political responsibility. The remedy for the above-mentioned situation seems to be the creation of a good state free from the sins that are borne upon it, understood as a democratic state with the rule of law whose agencies and individual representatives operate within the law, but avoid formalist legalism (Hausner, Mazur [ed.], 2015: 83–85). However, this cannot be achieved without examining the implications of exposed corruption practices and in isolation from a cold analysis of the Polish transformation.

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⁵⁰ Zbigniew Jerzy Hirszy in his *Political History of Poland 1939–1998* presented the reactions of the judiciary to the amendment of the act on common court regimes made in December 1997, which provided for the possibility of verifying the PRL’s past judges. (Hirszy, 1998: 1036–1042). As Andrzej Zoll admits in the “State of law still under construction:” “Undoubtedly, our vision that the judges’ milieu cleansed itself was a bit naïve. It did not purify itself and later there were attempts to hold some judges who had compromised the principle of independence, to disciplinary liability – attempts to settle with people who were particularly reprehensible in the period of the Polish People’s Republic. There were not many effects, however” (Zoll, 2013: 85).

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