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Issue of Punishing Corruption Crime: Model of Punitiveness

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ABSTRACT

Punitiveness is one of the models for applying criminal sanctions within a state's justice system. Undoubtedly, it is not the dominant model in a democratic state. As an institutional and methodological term, punitive measures pertain to the legislation and its enforcement. In the former case, this phenomenon can be understood as a demand for raising the statutory penalties or expanding the scope of criminalization. In the latter case, the emphasis is placed on the process of law enforcement by all participants in the justice system, namely, in a simplified sense, the prosecution and the courts. Corrupt criminality, one of the most harmful manifestations of destructive actions against the state, should receive particular attention from legal theorists and practitioners. Indeed, this holds especially true in the context of the criminal law provisions. It is all the more evident considering the broad public support for the prosecution and severe punishment of corruption perpetrators. The identification of corrupt offenses and the relative severity of criminal sanctions should be reflected in the high effectiveness of prosecution and adjudication. This article presents the proportionality and reasons for the current state of affairs. Corruption is not only a crime but also, above all, a social phenomenon, which, to some extent, is socially acceptable. This demonstrates how much the social perception of this crime needs to be changed.

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1. Introduction.

The problem of corruption crime is one of the most frequently explored topics in scientific research. All aspects of such criminal acts have been subject to scholarly investigations. Corruption has been examined from cultural, societal, and, of course, legal and penal perspectives. While there is continuous progress in each studied area, certain institutions and phenomena associated with corruption crime, especially in research initiatives, still need substantial attention.

For instance, criminological studies, particularly victimology, deserve mention as a subject where significant research initiative is lacking due to the dogma that corruption crimes lack individual victims. Consequently, researchers tend to abandon this line of inquiry. However, exploring the paradigm of victimhood in corruption crimes can be undeniably intriguing, and conducting such research may lead to the formulation of surprising and innovative conclusions.

Similar conclusions can be drawn regarding the effectiveness of judicial punishment in Poland against convicted perpetrators of corruption crimes. Even a cursory analysis of data related to corruption crimes leads to the conclusion that the justice system treats those responsible for such crimes leniently despite their significant harm to the state. It is particularly intriguing, especially when confronted with the claims that characterize the Polish justice system as adopting a punitive model. Therefore, it is essential to delve into punitiveness for further discussion. Many works are connected to corruption crime (e.g., Chodak, 2019; Jasieński, 2023). The scale of literature is more than other crimes. However, the problem is more severe than other crime activity. Why corruption can be tolerated in the society?

2. The Notion of Punitiveness in Modern Criminology and Penal Law.

The term "punitiveness" denotes "punishment" and is variously interpreted by researchers. It is especially significant from the perspective of substantive criminal law, which deals with crimes and the penalties imposed on their perpetrators. In this sense, all phenomena related to criminal provisions, their application, verdicts, and analysis are considered punitive (Doroszewska-Chyrowicz, 2015, p. 188). There are, of course, more limited interpretations of

this term, such as conceiving punitiveness as a particular type of rigor (severity) perceived as above-average in a specific social environment or as a constant tendency to select the harshest penalties from the pool of available options (Melezini, 2003, p. 14). According to Jasiński (2023), "Punitiveness is the result of tendencies to use instruments provided in criminal law norms to restrict the scope of socially undesirable phenomena or to resort to more severe measures in combating crime, involving greater burdens and broader interference with civil liberties" (p. 35; cf. Klaus et al., 2013, p. 295).

Punitiveness can also be defined as any solution aimed at expanding the scope of penal repression. Undoubtedly, punitiveness can be used to shape the profile of criminal provisions, and it should be referred to as such if it criminalizes a wide range of acts or prescribes, or even allows, severe penalties (Wąsek, 1984, p. 46). Of course, the severity of the penalties is relative. However, it is assumed that within each social group and, consequently, within the state apparatus, it is a concept known and understood by that group.

Certainly, punitiveness as an institution and methodological term applies to the legislation and its enforcement. In the former case, this phenomenon can be understood as a demand for raising the statutory penalties or expanding the scope of criminalization. In the latter case, the emphasis is placed on the process of law enforcement by all participants in the justice system—in a simplified sense, by the prosecution and the courts. Mellezini (2003) presented an intriguing perspective on punitiveness. He comprehensively investigated the application of punitiveness in the administration of justice. He considered it a manifested feature of law application in the binding decision establishing legal consequences due to the tendency to choose harsher legal and penal consequences (Melezini, 2003, p. 23). This approach seems closest to the theme and argument of this article, as defined punitiveness can be examined and critically evaluated through an analysis of the punishments imposed in a given period.

To maintain the logical coherence of the argument, Gardocki (1990) formulated another theory of punitiveness. Punitiveness is to be seen as a specific model of human attitude, focusing on the instrumental understanding of criminal law's role in resolving political disputes and

social issues. The etiology of such a definition of punitiveness is linked to a sense of excessive liberalism regarding existing regulations and their enforcement methodology. Therefore, both norms and their application should be changed to a more rigorous approach. Research on punitive attitudes can be conducted in various aspects, but the most widespread is the analysis of the punitive attitudes of the general public. It should be noted that the punitive demand for increased legal rigor is based on irrational grounds, where irrational grounds refer to reasons that do not have a direct source in the functions of criminal law and are unrelated to the purpose of regulation. In contrast, rational grounds refer to reasons related to the purpose of regulation and aimed at achieving that purpose (Gardocki, 1990, p. 53).

Public opinion is a determinant of current social issues, measured through research and tools conducted by specialized entities. According to research, corruption ranks among the leading social problems. Results from measurements in 2017 indicate that a significant majority of respondents (76%) consider corruption in Poland a significant problem, with nearly one-third (31%) considering it a very significant problem. However, 15% of respondents believe that the extent of corruption in Poland is minimal. It is noteworthy that opinions about the scale of corruption are generally critical. Over the last almost four years, the percentage of respondents who view corruption as a significant social problem has decreased quite noticeably, from 87% to 76%, mainly due to a decrease in the number of those who perceive it as a very significant problem (by eight percentage points, to 31%). Due to this distribution of views on corruption, the number of people convinced that this phenomenon is not particularly significant has increased (from 8% to 15%). The perception of the intensity of corruption is at its lowest since 1991.

Interestingly, socio-demographic characteristics only marginally differentiate opinions on this topic. Therefore, the place of residence and typical characteristics of a specific social group do not have an influence. The issue of corruption being insignificant is somewhat more commonly attributed to residents of the largest cities (25%), individuals with higher education (24%), respondents with the highest per capita income (25%), and professional groups such as

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middle and top management (31%) as well as private entrepreneurs (25%). Even though currently, respondents less frequently classify corruption as a significant social problem compared to 2013, there has not been a significant reduction, according to them, in the prevalence of this phenomenon at the national level. While more respondents believe that corruption has decreased in this period (21%) rather than increased (17%), the largest group of people claims that corruption in Poland has remained at the same level for the past two years (43%).

The areas of social life most affected by corruption are primarily politics (as expressed by 48% of respondents), followed by healthcare (38%). Approximately one-third of respondents consider the courts and prosecution (32%) and local government administration offices (30%) the most corrupt institutions. Less frequently mentioned are central offices and ministries (21%), state-owned enterprises (17%), the police (16%), and private companies (12%). Respondents also believe that banks (5%) and education and science institutions (2%) are among the institutions where corruption occurs most frequently. About one-eighth of respondents (13%) cannot identify any specific sphere of social life that would be more affected by the problem of corruption than others.

Interestingly, the political will to combat corruption is perceived mainly through the prism of observed changes in this regard. Those who believe that corruption has decreased in Poland over the last two years usually do not doubt that politicians' intentions favour fighting this problem. This belief is also prevalent among those who claim that corruption has remained unchanged during the last two years. However, in this case, the political will is not perceived unequivocally. More significant doubts are expressed by those who believe that corruption has increased in our country over the past two years. This group's view that there is no political will to combat corruption is more commonly shared (CBOS report, pp. 1–8).

In the common opinion of researchers and mass media representatives, it is accepted that Polish society is highly punitive. This viewpoint does not face widespread criticism; no one questions its validity. The punitive attitude is also believed to express conservatism or social

backwardness. One cannot escape the impression that when Poles opt for the harshest punishments, they seek not justice but revenge. Moreover, surveys on punitiveness show that compared to other European Union countries, Poles are more inclined towards imposing high penalties (Klaus et al., 2013, p. 300).

The punitiveness of society arises from several premises. Hypotheses concerning the influence of various factors on social attitudes highlight society's fear of crime. This thesis is based on the assumption, derived from purely biological grounds, that a person who fears for their well-being (property, health, or life) will be more inclined to impose severe punishments as a defence. Based on empirical research conducted over the past twenty-five years, it can be observed that the sense of security among Poles has changed multiple times. In the 1980s, as many as 74% of respondents considered Poland a safe country. After the political transformation, the percentage of Poles feeling safe drastically dropped – even to 19% in 1995. In later years, it gradually increased – to 70% in 2011 and 80% in 2016 (CBOS report, p. 3). Therefore, it is justified to assert that respondents perceive their country as safe, and the fear of crime does not significantly influence their attitudes toward penal policy.

However, the fear of crime is not the only factor influencing social attitudes. It is crucial in the context of the actual level of crime in Poland. The assertion that these two values are directly related is debatable. According to crime statistics, the actual level of committed offenses has been gradually decreasing. The profile of crime in Poland is also changing. Since the beginning of the 21st century, there have been more economic crimes than criminal offenses, and most crimes are acts against property. Moreover, criminal offenses decrease yearly (Bąk, 2015, pp. 46-48). Of course, these changes are also influenced by legislative changes in substantive criminal law, criminal procedure, and even the method of statistical reporting.

Research on the sense of security among Poles compared to the actual level of crime in Poland indicates that these two values do not have a direct correlation. The fear of crime is based on abstract knowledge and individual perceptions, but it is not founded on real experiences or scientific research findings.

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Regarding the spheres or individuals threatened by corruption-related crime, conventionally (not only in social mentality), it usually concerns the following positions and individuals holding them:

– Individuals in exposed positions within state and local government institutions;

– Public officials in the healthcare sector;

– Decision-makers, examiners, and individuals with influence over granting permissions;

– Public officials connected to the decision-making process in trade (e.g., certifications, testing, customs clearance, etc.);

– Individuals directly involved in public procurement proceedings;

– State and local government officials involved in real estate transactions (especially regarding the allocation of rights to residential and commercial premises and changes in property ownership structure and use, including agricultural land);

– Public officials in the broad field of education participating in examination procedures;

– Public officials in the broader tax sector (Mądrzejowski, 2007, p. 34).

This catalogue, as it is evident, is not exhaustive, but it has remained essentially unchanged since the beginning of democratic changes in Poland. The bureaucratic sphere's unclear regulations, arbitrariness in decision-making, and evident deficits in access to certain goods (e.g., real estate availability of free medical services) have remained constant. Another characteristic example is public procurement, where many ambiguous regulations and legal procedures still provide ample room for abuse today.

Therefore, the typical perpetrator of a corruption-related crime is not a dangerous criminal. This pattern applies to most crimes targeting the functioning of the state, including economic crimes. Let us take the example of bank-related crimes. It is estimated that only about 3–5% of crimes committed against banks (reported crimes) are violent crimes such as robberies and armed attacks. Most crimes against banks involve non-violent offenses related to activities like granting loans, money laundering, or computer crimes involving access to sensitive bank data and subsequent misuse to the detriment of banks and their clients (Sawicki, 2003, pp. 242–

243). Despite this correlation, in the common understanding of the term "bank crime," most people associate it with a bank robbery, and the perpetrator is seen in a highly negative light, deserving a punitive sentence. Similarly, a similar correlation can be observed in the case of corruption-related crimes.

It is intriguing to consider the societal perception of corruption. As an example of such measurement, a study conducted in 2010 on "Public Opinion on the Perception and Prevalence of Corruption in Poland" as part of the developmental project "Counteracting and Combating Organized Crime and Terrorism under Conditions of Secure, Accelerated, and Sustainable Socio-Economic Development", coordinated by the Police Academy in Szczytno (Poland), is worth mentioning (Gruszczyńska et al., 2011, pp. 13–33). In this study, among other critical social issues indicated by respondents, corruption ranked fifth, alongside alcoholism, drug addiction, pensions, and retirement. It is worth noting that it was perceived as a more significant social problem than ordinary crime. Corruption was also regarded as a widespread phenomenon. Over 70% of respondents held a strict stance toward perpetrators of corruption-related crimes, and only 5% indicated that "giving bribes is acceptable when it brings benefits" (Ibid.). More than 50% of respondents pointed out that the best way to fight corruption is to impose strict penalties on its perpetrators, while 40% emphasized the need for good legislation. Every tenth respondent stated that there are no effective methods to combat corruption. 60% of those surveyed assessed the effectiveness of the state's efforts in fighting corruption as unfavourable (Ibid.).

This societal demand for strict punishment of criminals is not limited solely to corruption-related crimes. A study on public opinion from 2018 concerning support for the tightening of criminal policy indicates that the tendency for strict punishment remains stable in society (Gruszczyńska et al., 2012, pp. 1–22). In all the surveys discussed in this analysis, most respondents favoured tightening criminal laws and imposing harsher punishments for crimes to reduce criminality and enhance citizen safety. Over half of the respondents advocated for stricter penalties only for severe crimes. The remaining respondents (approximately 30% in

each survey) believed all crimes should be subject to harsher penalties. The respondents also agreed that increasing penalties for serious crimes against life, health, and freedom is an expression of justice and enhances citizens' sense of security. Most respondents believed that criminals should be punished more severely than what is currently specified in the existing Criminal Code. However, petty theft was seen as an exception, and respondents did not see the need to increase penalties for such offenses. Regarding the age at which minors should be held criminally responsible, most respondents believed the age should not change (15 years). The most common proposal for those who held a different view was to raise the age threshold (Ibid.).

Returning to the topic of corruption-related crimes, the situation with non-punishable forms of corruption, such as political corruption, is equally harmful. The perception of this phenomenon is logically and comprehensively based on public opinion. Undoubtedly, political corruption is a phenomenon that attracts public interest, influencing the prevalence of judgments expressed by respondents. It cannot be decisively determined whether respondents consider political corruption a consequence of the corruption of political power. However, the tendency to link negative evaluations of political authorities with the need to combat corrupt practices may indicate such a connection. The party affiliations of the respondents could play a role in such perceptions.

Similarly, it would be to diagnose the respondents' preferences regarding the tools to combat political corruption. This conclusion arises from observing similar opinions about fighting various manifestations of corruption. It is likely due to the phenomenon's holistic nature, as it is perceived as a general pathology rather than having separate, autonomous parts.

From a different perspective, identifying tools for fighting corruption may require high competence from the respondents. Corruption, both in identification and analysis, is a multifaceted phenomenon, and less competent respondents may simplify judgments, negating the expectation of high cognitive value. This conclusion may indicate the necessity of focusing on developing citizens' political competencies as a fundamental tool to counteract political corruption. Although corruption is viewed negatively, citizens lack the knowledge that serves

as a basis for prevention. While one cannot expect the complete eradication of corruption, limiting its impact can be the basis for positive changes in the social and economic spheres (Wojtasik, 2017, pp. 127–128).

The legislator has defined most corruption-related offenses in the Polish Criminal Code in Chapter XXIX, entitled "Crimes against the Activities of State and Local Government Institutions". Criminal codification is a fundamental legal act that penalizes corruption-related crimes. According to Article 228 of the Criminal Code, "Anyone who, in connection with performing a public function, accepts a financial or personal benefit or the promise thereof shall be subject to imprisonment for six months and eight years. In cases of lesser significance, the perpetrator shall be subject to a fine, restriction of liberty, or imprisonment for up to 2 years. Anyone who, in connection with performing a public function, accepts a financial or personal benefit or the promise thereof for an act that constitutes a breach of the law shall be subject to imprisonment for between 1 and 10 years. The penalty specified in §3 shall also apply to anyone who, in connection with performing a public function, makes the performance of official duties dependent on receiving a financial or personal benefit or its promise or demands such a benefit. Anyone who, in connection with performing a public function, accepts a financial benefit of significant value or the promise thereof shall be subject to imprisonment for between 2 and 12 years. The penalties specified in §1-5 shall also apply to anyone who, in connection with performing a public function in a foreign state or international organization, accepts a financial or personal benefit or the promise thereof or demands such a benefit. The perpetrator of an offense specified in §1-5 shall not be subject to penalty if the financial or personal benefit or its promise has been accepted by the person performing a public function, and the perpetrator reported this fact to the authority responsible for prosecuting offenses and disclosed all essential circumstances of the offense before this authority learned of it".

The primary type of offense is accepting a financial or personal benefit or the promise thereof in connection with performing a public function. The object of protection is the impartial and proper actions of persons holding public offices. For one to be considered corrupt,

the person occupying a state position must accept or demand such a benefit. According to the content of the criminal norm, the perpetrator will bear greater responsibility if they accept a bribe and thereby violate the provisions of the law.

Violation of the law can also be described as taking action without a legal or factual basis and abstaining from performing a duty to which the perpetrator was obligated. An overt type of passive corruption makes an official's performance dependent on receiving a financial benefit. In this case, the suspect implies that they will fulfil the demands regarding official duties only after receiving the benefit. The severity of the criminal penalty is differentiated based on the gravity of the offense. Concerning the primary type of offense under Article 228, the perpetrator can be imprisoned for six months or eight years. In a specific cause-and-effect connection to Article 228 of the Criminal Code, Article 229 stipulates: "Anyone who gives or promises to give a financial or personal benefit to a person performing a public function in connection with the performance of that function shall be subject to imprisonment for between six months and eight years. In cases of lesser significance, the perpetrator shall be subject to a fine, restriction of liberty, or imprisonment for up to 2 years. Suppose the perpetrator commits an act specified in §1 to induce a person performing a public function to breach the provisions of the law or gives or promises to give such a person a financial or personal benefit for the breach of the provisions of the law. In that case, the perpetrator shall be subject to imprisonment for between 1 and 10 years. Anyone who gives or promises to give a financial benefit of substantial value to a person performing a public function shall be subject to imprisonment for between 2 and 12 years. The penalties specified in §1–4 shall also apply accordingly to anyone who gives or promises to give a financial or personal benefit to a person performing a public function in a foreign state or international organization in connection with the performance of that function. The perpetrator of an offense specified in §1–5 shall not be subject to penalty if the financial or personal benefit or its promise has been accepted by the person performing a public function, and the perpetrator reported this fact to the authority responsible for prosecuting offenses and disclosed all essential circumstances of the offense before this authority learned of it". This

norm penalizes active forms of bribery. It refers to giving or promising to give a benefit to a person holding a public office.

The provision in Article 229 significantly differs from the previous legal norm due to the responsibility borne by the person giving the material or personal benefit. In this case, the benefit provision can be deemed as any direct or indirect delivery to the person holding a public office. The recipient may be a person who holds public office, and they have the power to influence the outcome of proceedings. The offense specified in Article 229 has a universal character, so the perpetrator can be any person capable of being held criminally responsible. As with Article 228, the perpetrator can be imprisoned for six months and eight years. By introducing the above provision, the legislator aimed to obtain information from law enforcement agencies regarding giving bribes. In exchange for reporting to law enforcement authorities about giving financial or personal benefits, the perpetrator is granted immunity from punishment for the act. Another legal norm related to corruption-related crimes is Article 230 of the Criminal Code: "Anyone who, referring to their influence in a state, local government, international, or national organization, or in a foreign organizational unit possessing public funds or by convincing another person or reinforcing their conviction about the existence of such influence, undertakes to mediate in handling a matter in exchange for a financial or personal benefit or the promise thereof shall be subject to imprisonment for between 6 months and eight years". This norm deals with the crime of paid protection. It applies to situations where someone refers to their connections in institutions or offices or offers mediation in handling a matter in exchange for receiving a financial or personal benefit. This provision was intended to ensure the proper and impartial functioning of state institutions and prevent the corruption of officials.

The offense can be committed when the perpetrator invokes their acquaintances and ties to a particular institution. Like in previous cases, this offense is classified as a universal offense, so public officials and ordinary citizens can be perpetrators. The issue of obtaining financial benefits is also regulated by Article 231 of the Criminal Code. Its content is as follows: "A public

servant who, by exceeding their powers or failing to perform their duties, acts to the detriment of public or private interests, shall be subject to imprisonment for up to 3 years. If the perpetrator commits an act specified in §1 to achieve a financial or personal benefit, the perpetrator shall be subject to imprisonment for between 1 and 10 years. If the perpetrator acts negligently and causes significant damage, the perpetrator shall be subject to a fine, restriction of liberty, or imprisonment for up to 2 years. The provision of §2 shall not apply if the act fulfils the elements of an offense prohibited under Article 228". This article penalizes the offense, which consists of exceeding one's powers or neglecting one's duties by a public servant. The more severe responsibility of the perpetrator depends on the purpose of obtaining a financial or personal benefit. The violation of the law related to exceeding one's powers occurs when the perpetrator engages in practices beyond their competence. At the same time, the perpetrator may fail to fulfil their duties or execute them inadequately. The perpetrator of the above offense can only be a person who is a public servant, so the offense has an individual, specific character (Crime Code, 1997).

Electoral corruption threatens the state's efficient functioning, as defined in Article 250a of the Criminal Code. According to its content: "Anyone entitled to vote who accepts a financial or personal benefit or demands such a benefit in exchange for voting in a specific manner shall be subject to imprisonment for three months and five years. The same penalty shall apply to anyone who gives a financial or personal benefit to a person entitled to vote to induce them to vote in a specific manner or for voting in a specific manner"(Crime Code, 1997). The provisions in the article mentioned above were intended to ensure the proper exercise of voting rights. The priority becomes the citizens' right to vote freely and impartially. The essence of the prohibited act is the acceptance by a person entitled to vote for a financial or personal benefit in exchange for voting in a predetermined manner, as agreed with the person providing the benefit. Bribery becomes a means to influence the decision to change voting outcomes. According to the criminal provisions, this act should be classified as a formal offense because electoral selling

can be committed by action or omission. In contrast, electoral bribery can be committed only through omission.

Attention should also be drawn to Article 296a: "Anyone holding a managerial position in an organizational unit engaged in economic activity or having an employment, contract for services, or contract for a working relationship with such an organization, which demands or accepts a benefit or the promise thereof in exchange for abusing the powers granted to them or failing to fulfil the obligations that may cause financial damage to that unit or constitute an act of unfair competition or an unacceptable preferential treatment for the purchaser or recipient of goods, services, or benefits, shall be subject to imprisonment for between 3 months and five years" (Crime Code, 1997). The penalization of this act aims to protect the integrity and honesty of economic transactions. Economic corruption can be characterized as the acceptance of financial or personal benefits by a person holding a managerial position in an entity engaged in economic activity in exchange for unfair competition or preferential treatment for the purchaser or recipient of goods or services. An example could be granting a loan to an insolvent debtor or disclosing a company's trade secret. The form of economic selling specified in the above article requires intentional conduct in the form of direct intent. It is impossible to commit the offense with conditional intent. The perpetrator must be fully aware of what they received the benefit for and be willing to accept it. The commission of the act above is punishable by imprisonment for between three months and five years.

Another provision penalizing corruption in Poland is Article 305 of the Criminal Code, included in Chapter XXXVI, titled "Crimes against Economic Transactions." It states: "Anyone, in order to gain a financial benefit, obstructs or hinders a public tender or enters into an agreement with another person to the detriment of the property owner or the person or institution for which the tender is being conducted, shall be subject to imprisonment for up to 3 years. The same penalty shall apply to anyone who, in connection with a public tender, disseminates information or withholds essential circumstances relevant to the conclusion of the contract subject to the tender or enters into an agreement with another person to the detriment

of the property owner or the person or institution for which the tender is being conducted" (Crime Code, 1997). The quoted article formulates two offenses aimed at obstructing the proper course of public tenders. The violation of the law may result from both actions and omissions. In this offense, we are dealing with two modes of prosecution. The primary mode is public prosecution, ex officio, if the State Treasury is the injured party and upon the injured party's request if other injured parties are involved. The regulations adopted by the legislator were intended to combat corruption through the use of criminal sanctions effectively. These regulations are also intended to serve a preventive function. They were introduced to break the apparent solidarity between the benefit recipient and the person providing it.

Therefore, from a simple and somewhat superficial analysis of the criminal provisions in the Polish criminal code, it is evident that the legislature has equipped the justice system with relatively complementary legal regulations that provide a basis for prosecuting corruption offenses. So, how does the justice system respond?

In 2018, a total of 2,046 individuals were convicted of corruption offenses. Most of the issued judgments (871) concerned offenses under Article 229 of the Criminal Code as in the previous year. The most frequently imposed sentence for corruption offenses in 2018 was imprisonment with a suspended execution. An unconditional term of imprisonment was applied to over 15% of the convictions.

As an additional penalty, the court, based on Article 33 §1 of the Criminal Code, imposed a fine alongside the imprisonment. In 2018, there were 1,136 such cases. These types of judgments decreased by about 3% compared to 2017.

In 2018, similar to 2017, the highest number of individuals were lawfully convicted for committing offenses in the Silesian Voivodeship – 342 and the Masovian Voivodeship – 336. These values decreased compared to 2017. The fewest individuals were lawfully convicted in 2018 for offenses committed in the Opole Voivodeship – 34 and Podlaskie Voivodeship – 39. The highest number of convictions per 1 million inhabitants in 2018 occurred in the Lublin Voivodeship – 101, and the lowest – in the Warmian-Masurian Voivodeship – 31. The vast

majority of those convicted for corruption offenses were men. This also confirms the previously known criminological theses that women commit crimes significantly less often, even in this type of criminal activity.

In 2018, women convicted of corruption offenses accounted for 1.1% of all convicted women, while in the group of all convicted men, it was 0.7%. Most convictions for corruption offenses that year were against individuals aged 30–39, comprising 28.8% of those convicted. The second-highest group regarding the number of convictions was the age group of 40–49 years (22.8%).

In 2018, 246 individuals were admitted to correctional facilities to serve sentences for corruption offenses, including 23 women and 223 men. The most common sentence imposed ranged up to 1 year of imprisonment, with 108 men and eight women receiving such sentences, followed by sentences ranging from 1 to 2 years of imprisonment, with 69 men and seven women. The highest sentence, exceeding five years of imprisonment, was applied to 2 men.

While serving their sentences, 88 individuals were granted conditional early release, and nine were granted temporary suspension of their sentences (Statistics from the Ministry of Justice, 2021).

3. Concluding Remarks.

The state's criminal policy combines interconnected legal norms, institutions, state bodies, and specific behaviour algorithms. However, at the same time, it is determined by societal expectations and political influence. This latter factor is an active and robust component of this policy, especially since the parliament representing the political establishment creates laws. Public opinion is equally influential in shaping the state's actions in criminal policy. Like in other spheres of public life, it undergoes constant changes and fluctuations, though certain constant tendencies persist. One such undeniable tendency is the punitive nature of public expectations towards perpetrators of certain crimes. This logic is straightforward: simply desiring to hold the offender accountable for the harm caused to the community (or an individual) through their crime. The principle of just retribution (not revenge) forms the core

of how the public perceives justice. From this perspective, Polish criminal laws are undoubtedly punitive, and this punitiveness marks the entire system of criminal policy. This tendency also applies to corruption offenses. According to unanimous claims from public opinion and political forces, corruption is seen as a highly dangerous crime in terms of the state's interests and its citizens. It is worth noting that such a perception of corruption reflects the maturity of both the political class and their voters. This is particularly noteworthy because corruption appears to be a crime lacking an important victimological element – the absence of individual victims. Of course, from a societal point of view, everyone is a victim – both individuals and the state.

Hence, the aspiration for maximum punitiveness from the justice system is understandable. Additionally, the justice system has been equipped with legal norms that align with societal and political expectations, enabling a rather broad and severe penalization of corrupt behaviour. From this standpoint, punitiveness characterizes the legislator's approach to corruption offenses. However, a significant dissonance arises with the practices of judicial sentencing, which are surprisingly lenient towards perpetrators of this category of crimes. Compared to the normative severity of the penalties prescribed for individual corrupt acts, the imposed sentences hover around the lower statutory range of penalties. From this perspective, the state's criminal policy cannot be wholly labelled as punitive concerning these offenses. It is a mixed system in which certain elements are emphasized more strongly at a particular time.

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