



CONTEMPORARY SECURITY THREATS - BORDER CRIME - OUTLINE OF THE ISSUES

Antoni OLAK, Božena KONECKA-SZYDEŁKO, Marek WIATER

ABSTRACT

The Border Guard is a formation established to protect the state's borders on land and at sea and to control border traffic, in accordance with the interests of national security. Protection of the state border is an important tool ensuring the cohesion and territorial, social and economic integrity of the state. Currently, there is a need to unify the system responsible for ensuring security in every sphere of the state's functioning. In this context, the protection of the state border is an integral element of the state security policy, which, depending on the type of challenges and threats, can be divided into military, economic, foreign, social and ecological policy. The result of these efforts is an attempt to unify the existing legal, organizational and institutional order. An attempt to classify border protection systems created by states into one of these varieties of security policy leads to the conclusion that they belong to military, economic and social policy.

Keywords: Security policy, national security, Border Guard

INTRODUCTION

The Border Guard is a uniform, uniformed and armed formation, established to protect state borders on land and at sea and control border traffic, in accordance with national security interests (www.autobaza.pl/page/portal, 2023). Today, there is a clearly noticeable tendency to perceive state security in a holistic way, there is a need to unify the system responsible for ensuring security in every sphere of state functioning. The result is an attempt to unify the existing legal, organizational and institutional order, the aim of which is to adapt to changing environmental conditions. Protection of the state border is an important tool for ensuring territorial, social and economic cohesion and integrity.

Protection of the state border is an integral element of state security policy, which can be divided into military, economic, foreign and social policy depending on the types of challenges and threats. An attempt to classify the border protection systems created by countries as one of these varieties of security policy leads to the conclusion that they belong to military, economic and social policy (Magierek, 2011, p. 14). It should be stated here that these tasks are specific, such as protection of the state border and border traffic control.

Smuggling is inextricably linked to border crime, which takes place at the junction of state borders. Its source may be any type of abuse by people or companies crossing state borders. Smuggling involves the movement of goods between countries without paying customs duties, excise duty, VAT or other duties to the country in the territory of which the goods are imported. Smuggling also means importing goods despite the prohibition of trading in the given goods in the territory of the country to which the goods are imported. It is also often called contraband or, more colloquially, smuggling. The source of smuggling is considered to be price differences occurring in two different customs areas, for goods of the same type with a high customs/excise duty rate or other tax that must be paid when importing goods into another customs area (<https://www.socium.pl/>, 2023).

For example, the most frequently smuggled product across the Polish border is cigarettes. The ideas used in smuggling in practice vary, for example using balls of yarn. In this type of smuggling, cigarette packs are found directly in a ball of yarn. Cigarette smuggling is very profitable because a pack of cigarettes in European Union countries it costs approximately PLN 20 - and abroad PLN 7-10 (<https://www.socium.pl> /, 2023).

The traffic of people/illegal crossings on the border with Ukraine has recently increased on a large scale, and after the outbreak of the war between Russia and Ukraine, it has become unprecedented and unpredictable, and has not occurred for the past century. Crossing the state border contrary to the regulations (Article 264 of the Penal Code) is, next to the crime of smuggling, the most frequently committed crime related to crossing the state border. The structure of citizenship of perpetrators of crossing the border contrary to the provisions of the Act on individual sections of the border is noteworthy.

Forgery of documents is another crime that threatens the security not only of Poland, but also of other countries of the European community (Olak, 2013, p,147). False copies of border control stamps, driving licenses, certificates and registration certificates are an everyday occurrence at border crossings, especially at the Bieszczady Border Guard Unit.

1 BORDER CRIME - THREATS RELATED TO THE PROTECTION OF THE STATE

Events and processes taking place in the modern world, as well as the problem of terrorism, separatism, migration, wars and conflicts, poverty and the growing phenomenon of social and economic disproportions, make the issue of security of state borders become particularly important in the context of the protection of border of people and the entire infrastructure. According to M. Zajder, the sources of economic threats include: high level of unemployment, economic stratification in society, increase in external migration, weakening of social bonds, sense of marginalization of large social groups, insufficient control of access to firearms, ineffective implementation of fiscal policy, imperfection statutory law, low effectiveness of criminal law enforcement agencies and the justice system, ineffective programs related to counteracting social pathology (Zajder, 2000, p. 232).

A threat is a phenomenon that violates the sense of security by causing a state of uncertainty and fear. The term "threat" is synonymous with human concern regarding health, life, freedoms and material goods (Wiśniewski, Falecki,2009, p. 17).

In the Dictionary of National Security Terms, "threat" is defined as a situation in which there is an increased probability of a dangerous state occurring for the environment (Łepkowski, 2008, p. 173).

Threats determined by external factors include: mass migrations, armed provocations, border clashes and incidents, civil war, war between neighboring countries, armed conflict between countries from the further surroundings, directly or indirectly threatening the interests of the nation, military interventions by superpower states, interventions military states within the alliance that result from international obligations implemented as part of restoring or enforcing peace. The most important threats to border security include (Wiśniewski, Podleś, Prońko, 2006, pp. 46-51):

- illegal migration and increasing resident migration,
- smuggling of goods subject to excise duty, drugs, weapons, explosives and ammunition, organized transfer of stolen cars and introducing cars into the Polish customs territory without paying taxes and customs duties,

- constant increase in the organized transfer of people and smuggling of goods, flexibility criminal groups to create new metastatic channels and more perfect methods and means of operation (Wiśniewski, Jakubczak, 2005, pp. 52-53).

2 BORDER AND CROSS-BORDER CRIME

In order to secure the inviolability of its borders, the state establishes regulations regulating the principles of their application when crossing its borders. It defines the rules for transporting specific goods across the border and also guarantees the proper functioning of border services (Perkowska, 2013, p. 13).

J. Mikołajczyk defines borderline crimes as related crimes with the movement of entities and objects across the state border and the activities of the perpetrators of these crimes may cover the territory of the entire country (Mikołajczyk, 1999, p. 78). The effects and consequences are not always noticeable, and often there is no injured party. Nevertheless, they cause enormous damage to people smuggled across the border and to those harmed by the loss and smuggling of e.g. a car or works of art (Laskowska, 2002, p. 162).

When discussing border and cross-border crime, we cannot omit international organized crime, which is defined in Art. 3. in the United Nations Convention against Transnational Organized Crime adopted by the United Nations Assembly on 15 November 2000. It states that an offense is of an international character if there is an uninvolved organized criminal group” (Article 3, UN 2000). We talk about an international crime when it meets the following conditions:

- was committed in more than one State,
- was committed in one State but a significant part of the preparation, planning, direction or control thereof took place in another State,
- was committed in one State but involved an uninvolved organized criminal group carrying out criminal activities in more than one State,
- has been committed in one State but causes significant consequences in another (Article 3, UN, 2000).

Various forms of border and cross-border crime are associated with passenger and goods traffic. Cross-border crime can quickly adapt to local needs and fill the demand for scarce services and goods, bringing huge profits for the organizers of the crime.

Modern cross-border crime covers various fields and areas, namely:

- human trafficking, forced labor, illegal organ transplantation, sex industry,
- smuggling of drugs, psychoactive substances and parapharmaceuticals,
- smuggling of goods protected by excise stamps (i.e. cigarettes and alcohol) and copyright (i.e. CDs with films and music, branded clothing, cosmetics),
- smuggling of vehicles originating from crime,
- smuggling of works of art,
- smuggling of rare species of animals and plants protected by the Washington Convention and goods of animal origin,
- proliferation - smuggling of materials, devices and technologies used to produce weapons of mass destruction,
- VAT fraud. Each of the above-mentioned areas of activity of criminal groups causes huge losses incurred by the state treasury due to the lack of receipt of duties and taxes due to the state budget.

The activities of these criminal groups have a negative impact on the sense of security of a society threatened by cross-border crime (Kozłowski, 2000, p. 86).

3 PREVENTING AND COMBATING BORDER CRIME

As a border state, Poland focuses on the most effective management of the external border by limiting illegal migration, falsification of documents authorizing to cross the border, smuggling of goods, vehicles, drugs, export of works of art and other valuable items, and counteracting terrorism. Poland, like other EU countries, in the face of threats of border crime, undertakes a number of political and legislative initiatives in the context of operational activities and procedural procedures performed by specialized police and border services and treasury. Poland's accession to the Schengen area resulted in the development of cooperation with the border services of neighboring EU countries, expressed in intensified exchange of information between border and immigration services and the police, joint patrolling of border areas, joint analysis of the situation and investigative work (Wiśniewski, Jakubczak, 2015, p. 65-66).

By carrying out statutory activities in the field of state border protection and border traffic control, the Border Guard carries out tasks related to the recognition, prevention and detection of offenses and prosecution of perpetrators in connection with the illegal crossing of the border or the movement of goods and excise goods across the border. In the implementation of tasks related to counteraction and combating illegal migration, the Border Guard conducts migration reconnaissance, the aim of which is to prevent, reveal and counteract violations of the regulations regarding the entry and stay of foreigners in the territory of the country. Migration intelligence is the first stage of obtaining information on legal and illegal migration (Wiśniewski, Jakubczak, 2015, p. 65-66).

Cooperation is an important element in combating border crime and cooperation of the Border Guard with other state institutions. The Chief Commander of the Border Guard, as a central administration body, signs agreements with other bodies operating throughout Poland (Zalewski, 2006, s. 149). The Border Guard cooperates in combating border crime with the Police, the National Tax Administration and with military and civilian special services, the Internal Security Agency, the Intelligence Agency, the Anti-Corruption Bureau, the Military Intelligence Service and the Military Intelligence Counter Service and the Customs-Tax Service (Perkowska, 2013, p. 144).

Cooperation between law enforcement agencies has a significant impact on the level of border security and the detection of crimes of illegal border crossing, document forgery, customs and foreign exchange crimes. Due to the cross-border nature of these crimes, the Border Guard also cooperates with the Frontex Agency (<https://frontex.europa.eu/assets/Publics/General>, 2020). It fights crime through control activities at the EU's external borders and monitors and conducts observations through data and images from drones, aircraft and satellites. Frontex, together with the Member States, through joint cooperation, limits the threats that may arise at the EU's external borders (Cywoniak, 2021, pp. 2011-212).

4 CHARACTERISTICS OF BORDER CRIME - SELECTED ISSUES

Smuggling of goods threatens the economic interests of the state, which suffers financial losses as a result. The intensity of smuggling varies depending on the economic situation and the capabilities of the authorities responsible for combating it, increasing or decreasing. For years, smuggling of goods subject to excise duty has become a serious threat on the eastern border, the Schengen border, in particular cigarettes, tobacco, alcohol and cars. and car parts. Drugs, ammunition, works of art, animals and various exotic specimens are also smuggled. Smuggling is often carried out by well-organized criminal groups (Laskowska, 2002, p. 2). In Poland, for example, tobacco products are subject to high taxes, which causes a large

difference in price compared to prices in countries beyond the eastern border. This causes both individual people and organized criminal groups to start smuggling cigarettes and tobacco (Pływaczewski, Duda, 2014, p. 116).

Another border crime is the so-called *crossing the border contrary to the regulations*, i.e. in a place not intended for crossing it. The subject of this crime may be any person regardless of their citizenship, as well as a stateless person. The methods of illegal crossing can be divided into: methods used at border crossings; and on the methods used in the so-called green border. People trying to cross the border contrary to the regulations often use documents that do not authorize them to legally cross the border, e.g. knowing that their passport has expired or they also use documents that are not their own. The most common way of crossing the border is on the basis of a forged passport, i.e. a counterfeit or forged one. Another way to cross the border contrary to the regulations is to cross the border without documents authorizing you to have a passport and not submit to passport control to legally cross the border. Such a person tries to cross the border in a hiding place or tries to avoid border control. There are cases of crossing the border in specially prepared hiding places in vans, buses and trucks (Pływaczki, Duda, 2014, p. 116).

Forgery of documents is a big problem for border control services. Counterfeiting a document involves creating a completely new document similar to the previous one, but it may contain changed information that is intended to be misleading. Editing involves changing the content of documents. Forged documents enable and facilitate criminals to carry out their illegal enterprises, namely: smuggling of drugs, people, animals and the transport of stolen cars and works of art. False documents are also very often used in attempts to illegally enter the country (Cywoniuk, 2021, p. 210.).

Illegal migration is a global problem (Olak, 2018, s.371-383). The activities of organized criminal groups have a significant impact on the volume of illegal migration. Immigrants use various methods to illegally cross borders, including using forged documents; using stolen documents; trying to get to the destination country without identity documents (passport, visa); trying to cross the border in secret with other people who can cross the border legally.

The main factors influencing population migration are economic, demographic, environmental and socio-political factors (Olak, 2017, p.16-22). Migrations caused by demographic and economic factors are the most popular, as people move to countries with better living conditions and a higher standard of living. Armed conflicts and wars are a political and social factor. You should also know that due to legality, migration is divided into legal and illegal and into a transitional period, which applies to people applying for asylum, tolerated stay (Kaczmarczyk, 2006, p. 21).

CONCLUSION

State security is not given once and for all, but is constantly shaped, modified and adapted to changing external and internal conditions. It is therefore a process that aims to prevent all threats and prepare the entire society, the national economy, the country's territory and the armed forces to act in conditions of threats, mainly military threats.

Taking the areas of life and activity of the state as the basis for the classification, the following types of threats were distinguished: *political, economic, internal, ecological, psychological (psychosocial) and military*. The security policy and defense strategy of each state, in order to counteract war threats and to implement external and internal defense tasks, is conducted in times of peace and develops a defense system in times of threats and war.

The influence of the economic factor on modern defense and the nature of conflicts has taken on more expressive forms and has become more direct and comprehensive. In contemporary conditions, the dependence of the means and methods of waging war on the method of production and the level of development of the productive forces increases even more. The mutual influence of the military operations area and the hinterland is increasing.

The adopted concepts of preparing the countries' defense system result in specific economic and defense needs, setting out the basic directions as well as the main undertakings and tasks in the field of planning and organizing the defense potential. Broadly speaking, the needs discussed can be divided into three basic groups: personal (human) needs, logistic needs, needs related to immunization and adapting leadership and management structures as well as production and technical structures to the defense requirements of a specific country.

Our security increasingly depends on the effects of globalization and fragmentation processes taking place in the modern world. Security challenges are related primarily to the weakening of the regulatory capabilities of states and international organizations, the deepening polarization of the level of development and life between rich and poor countries, resulting in growing frustration and social dissatisfaction. Development backwardness, poverty, degradation of our natural environment, epidemics of dangerous diseases, uncontrolled migrations and ethnic tensions are increasingly disturbing the stability of the international system.

The essence of changes in our security environment is therefore a shift in focus from classic threats (armed invasion), whose importance is decreasing, to atypical threats, the source of which are also hard-to-identify non-state entities. These threats may concern the safety of residents, facilities and services important for the smooth functioning of the state. They require special attention on our part, and an important task remains to monitor the situation in terms of the resurgence of traditional threats.

State offices, agencies, inspections and guards play an important role in ensuring the safety of residents, fixed assets and, more broadly, state security and specialized services. These include the Border Guard and others. The Border Guard plays a special role, which results from its task of effectively protecting the state border. The high requirements that should characterize the work of the Border Guard are also a result of the provisions of the Schengen Agreement that bind us, as well as the intensity and specificity of the challenges and threats coming from the Eurasian zone.

BIBLIOGRAPHY

ARTICLE 3 point 1 of the United Nations Convention against Transnational Organized Crime adopted by the UN Assembly on November 15, 2000 (Journal of Laws 2005, No. 18, item 158).

CYWONIAK G., 2021, The Polish State in the fight against cross-border crime, Journal of the Non-State Pedagogical University, Białystok 2021, pp. 210 -212, ISSN 2353-7426. <https://www.autobaza.pl/page/portal/news/uprawnienia-strazy-granicznych-co-mogafunkcjona-riusze> -sg, (accessed: September 25, 2023).

https://frontex.europa.eu/assets/Publics/General/In_Brief_2020/Frontex_Inbrief_ . (accessed: 25/09/2023).

<https://www.socium.pl/straz-graniczna.html>, (accessed: September 25, 2023).

KACZMARCZYK P., 2006, Labor migrations of Poles in the era of changes, Publisher: University of Warsaw, Warsaw 2006, p.21, ISBN 83-235-0199-8.

- KOZŁOWSKI P., 2020, Cross-border crime in 2015-2017 as a threat to the internal security of the state in the light of statistical data of the Bieszczady Border Guard Unit in Przemyśl, *Contemporary Management Problems*, Volume 8, No. 1 (16) 2020, p.86, ISSN 2720-1627.
- LASKOWSKA K. 2002, Criminological aspects of border crime, *Archive of Criminology*, T XXVI 2001-2002, p. 162, ISSN 0066-6890.
- ŁEPKOWSKI W., 2008, (ed.), *Dictionary of terms in the field of national security*, Publisher: National Defense University, Warsaw 2008, p.173,
- MAGIEREK D., 2011, *The role of the Border Guard in ensuring Poland's security (1990-2004)*, Publisher: Adam Marszałek, Toruń 2011, p.14, ISBN: 978-83-7780-014-0.
- MIKOŁAJCZYK J., 1999, *Border Guard in combating organized border crime and corruption*, *Bulletin of the European Center of the University of Warsaw*, Warsaw 1999, p.78, ISSN 1230-316X.
- OLAK A., 2013, *European Union. Wybrane Témy. Association "EDUCATION SCIENCE DEVELOPMENT" Ostrowiec Św.* 2013. B5, p.147, ISBN 978-83-89466-57-0.
- OLAK A., 2017, *Labor market and economic migration within the European Union - selected issues. ASO.A. 9(1) /2017, Acta Scientifica Academiae Ostroviensis. Sectio a humanities, social and technical sciences no. 9(1) /2017, pp.16-22 Ostrowiec Świętokrzyski*, ISSN 2300-1739.
- OLAK A., 2018, *Postoj Europske unie a Jednotlivych vlad v4 k migrační krizi. [in:]: P. Rožniak, K. Kubečka, L.Vojaček, P. Necas, A. Olak, a kolektiv, Zeme Visegradu a migration. The phenomenon of the process of migration, integration and reintegration in the context of land insecurity V4. KEY Publishing s.r.o, Nadrazz 733/176,70200 Ostrava-Privoz., pp. 371-382, ISBN 978-80-7418-292-1.*
- PŁYWACZEWSKI W., DUDA M., 2014 (ed.) *Illegal trade in tobacco products. Tactical and technical aspects of counteracting the phenomenon*, *Police Academy in Szczytno Szczytno* 2014, p. 116, ISBN 978-83-7462-436-7.
- REGULATION (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), *OJ Device L 105, of 13/04/2006.*
- WIŚNIEWSKI B., JAKUBCZAK R., 2015 *State Border Protection System of the Republic of Poland and forecasts for the future*, *Wydawnictwo Wyższa Szkoła Police, Szczytno* 2015, pp. 65-66, ISBN 978-83-7462-501-2
- WIŚNIEWSKI B., PODLEŚ D., PRONKO J., 2006, *Threats to public security*, [in:], B. Wiśniewski, S. Zalewski (ed.), *Internal security of the Republic of Poland in a systemic Approach and tasks of public administration*, Publishing House. WSA, Bielsko-Biała 2006, pp. 46-51, ISBN 83-60430-30-6
- ZAJDER M., 2000, *Crime in the period of transformation*, [in:] (ed.) Bednarek W., Pikulski S., *Legal and administrative aspects of personal security and public order in the period of political and economic transformation*, Publishing House of the University of Warmia and Mazury Olsztyn 2000 , p. 232, ISBN, 8372990433.
- ZALEWSKI S., 2006, (ed.), *Internal security of the Republic of Poland in terms of the system and tasks of public administration*, Publishing House: Wyższa Szkoła Administracji, Bielsko-Biała 2006, p.149, ISBN 83-60430-30-6.

prof. nzw. dr hab. Antoni OLAK, MBA, State Higher School of Technology and Economics in Jarosław, University of Entrepreneurship and Administration in Lublin, Poland; ORCID ID; <https://orcid.org/0000-0003-2877-8183>
antonio130@vp.pl

Mgr. Bożena KONECKA-SZYDEŁKO, Provincial Sanitary and Epidemiological Station in Rzeszów, UMB v Banskej Bystrici, Department to International Relations, Slovak Republic, ORCID ID: <https://orcid.org/0000-0001-8018-6973>
bozena.konecka-szydelko@sanepid.gov.pl

Mgr. Marek WIATER, MBA., Commercial Director of "CEZAL" in Rzeszow. Krakow Academy. Andrzej Frycz Modrzewski in Krakow.
mwiater1@wp.pl