
THE FUNCTIONING OF THE BORDER GUARD IN COUNTERACTING
CRIME IN TERMS OF STATE SECURITY

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Abstract. Crime has been a common phenomenon for a long time, but its scope and operation are changing, and this is largely dependent on technological progress. We dealt with the development of crime and its negative effects in Poland during the political transformation process that took place after 1989. At that time, law enforcement agencies were not fully able to cope with this practice, and society painfully felt its effects. Many times, innocent people have faced several types of criminal acts. The main reasons that could have influenced the development of crime were social disorganization, lowering of the standard of living, unemployment, as well as visible and constantly deepening social differentiation. The most important task of law enforcement agencies protecting state borders is to provide citizens with basic forms of security so that they feel peaceful in their area of residence. The services should cooperate with each other at every level of securing state borders and protect citizens against any threats. The aim of the article is to analyze the impact of crimes on state security and the role of the Border Guard in securing the state border. The Border Guard plays a key role in this respect, therefore it should have the widest possible range of instruments enabling it to fulfill its duties in this area. This service proves every day that it has an enormous impact on the sense of security of citizens, and counteracting various threats, including crime, is a key element of the security of our country.

Keywords: crime; border crime; Border Guard; security; state security

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1. Introduction

Security is a multifaceted term (see Beňuška & Nečas, 2021; Jurgilewicz 2017; Kopencova et al., 2022; Korauš et al., 2023; Mizura, Mitkow, Kozicki, 2023). Large fluctuations in one type cause a change in the level of other security variants (Kozicki, 2022, p. 24). One of the threats affecting state security is migration (Mitkow, Tomaszewski, Kozicki, 2021, pp. 31-32) and related crimes.

Crime is a social phenomenon and we deal with it in various forms of action. The scale of its occurrence and the nature depend on many factors. Initially, it may take the form of minor thefts and evolve into advanced property crimes. The catalysts for its development are fields such as economics, education and social conditions in a given area. A criminal may in any country be motivated by diverse types of factors including lack of efficient response to criminal activities (Haurovi & Chilunjika, 2023; Tsheola et al., 2023).

Law enforcement authorities should create appropriate forms of protection against criminal activities. They should be as effective as possible to protect society against their occurrence. It is worth adding that newer forms

of crime prevention should be created, because currently it is also transferred to the virtual world, using modern technologies. Therefore, children, teenagers and adults should be able to deal with the phenomenon of online crime. The multidimensionality of crime also depends on the character of applicable law or the society in which the rules are broken (Jurgilewicz, 2019; Ranaweera, 2022).

The role of the Border Guard in protecting the state border is a key element and it is due to the commitment of its officers that we can feel safe in our country on a daily basis. The recent increase in border threats has shown the great commitment of Border Service officers to their work. Thanks to them, war refugees from Ukraine moved efficiently across the border. Border Service officers often prove how important a role they play in the security of the country. The ranks of the Border Service must be constantly supplemented with new officers, because the challenges in terms of cross-border security are increasing.

The article outlines a research problem as a question: How do crimes affect state security and what is the role of the Border Guard in securing the borders?

The aim of this article is to analyze the impact of crimes on state security and the role of the Border Guard in securing the state border.

The research was based on the analysis of literature and normative acts.

2. Characteristics of crime

The crime involves violating the law through various forms of criminal activity. They may differ from each other because the scope of their activities can be very wide and range from minor thefts to crimes affecting the health and life of citizens (e.g., Kriviņš et al., 2021; Agbaje, 2022).

Crime is a phenomenon that has always accompanied communities (Jurgilewicz, 2017). The first cases were recorded in ancient times. At that time, there was a belief that people were capable of committing such acts because they had the ability to do so (Czekaj, 1998, p. 129). The concept of crime in Poland appeared already during the fight for independence. It was then that the first actions that could have a major impact on society were observed. These include: unemployment, poverty and illiteracy. At that time, society began to struggle with many problems that could lead to a lack of social stability, and as a result, crime increased among selected communities and it depended on many factors. Then, the state also had to take action to limit criminal activities because it had to protect its citizens and not lead to internal destabilization. In Poland, the increase in crime was very noticeable during the period of socio-economic changes that took place after 1989 (Wnuk-Lipiński, 2011, p. 94-95). This resulted in a lower level of security. This unfavorable state of affairs was often influenced by changes that took place in the uniformed services (Bałtowski, Miszewski, 2007, p. 23-32). This transformation also had a significant impact on society, as social inequalities deepened. Such wealth stratification contributed to the intensification of criminal activities (Ruszkowski, 2004, p. 151-160).

Crime is a very dynamic phenomenon and it changes as the community develops. Behaviours that are a deviation from the norm are often called social pathologies in a given culture. Some people, through their actions, cross the boundaries of other individuals (Kuć, 2015, p. 110-117). B. Hołyst believes that crime is nothing more than a series of behaviours that are described and indicated by law, and the consequence of prohibited acts is a criminal sanction. He claims that a prohibited act is behaviour that is inconsistent with the law in force in a given territory. The Penal Code emphasizes that what is important in terms of punishment is its harmfulness to society (Hołyst, 2016, p. 88).

Crime develops along with technological progress, which is why law enforcement agencies must constantly monitor how dynamic and fast this process is. The authorities responsible for security in this area must learn to respond very quickly to non-standard behaviour and acts in order to be able to counteract them as quickly as possible (Grzyb, Hebda-Siwiek, 2013, p. 97; Tvaronavičienė et al., 2022).

There is a wide range of factors that can influence crime, including:

1. Socio-economic factors such as
 - Poverty is a condition in which a society does not have the appropriate material resources it needs to meet its basic needs. Most often, these are needs in the field of education, living conditions (housing), health care or food. This phenomenon depends on many factors, because the causes are multidimensional and related to aspects of life in a given society (Makarewicz-Marcinkiewicz, 2015, p. 25);
 - Unemployment often results in living problems in a given society, which is why it is one of the elements contributing to the increase in crime. People who are in a difficult financial situation due to lack of work may resort to stealing to meet their basic needs (Korsztyn, 2008, p. 179-221);
 - Inequality in a given society can lead to distinct types of tensions in the society. Attempts to eliminate this inequality are not always made with legal and lawful behaviours (Fitoussi, P. Rosanvalon, 2000, p.63).
2. Educational factors such as:
 - Limited access to education may mean that people who do not have the opportunity to develop their knowledge may devote their free time to greater involvement in criminal activities (Kołakowska-Przełomie, 1997, p. 182-190);
 - Low quality of education means that the knowledge acquired is not adequate to market requirements. As a consequence, this may lead to criminal activities that will compensate for difficulties in finding one's place in the labor market (Lipka, 1971, p. 34-36).
3. Environmental factors such as:
 - The urban environment is more exposed to criminal activities than the rural environment (Rybicki, 1960, p. 7-40);
 - Lack of infrastructure and poorly developed public space do not meet the needs of the population. Poor lighting and neglected areas encourage criminal activities, because adequate time and lack of security allow for free violation of the law.
4. Family factors such as (Kowalska, 2024):
 - Family dysfunctions are often defined as family instability, domestic violence, and neglect towards closest family members. Such attitudes of guardians may lead to the emergence of criminal activities among children and adolescents.
 - Lack of parental supervision causes young people to be under the influence of peer or hooligan groups, which may be involved in criminal activities. Under the influence of persuasion, they do things for which they may suffer consequences that they often do not know about. Typically, such acts can end very badly because they may be classified as a crime.
5. Cultural factors such as:
 - Cultural norms most often result from living in a given environment. In a criminal environment, violence and crime are widely accepted, which is why there is consent for this type of activities.
 - Gang culture is the activities that allow criminal groups to appear in given areas. The environment in which such situations occur usually consents to their activities because they are afraid to intervene.
6. Technological factors such as (Jakubki. 1997, p. 31-32):
 - Internet crime is a dynamically developing activity of criminals on the Internet. There, they often feel unpunished and think that their activities cannot be detected. The development of technology allows them to look for new criminal alternatives, and online fraud and cybercrime are becoming the norm in the world around us.

Border crime, as indicated by the name, occurs in the border area between at least two countries. This phenomenon can most often be discussed in terms of the geographical location or the specificity of border areas. Law enforcement agencies that deal with this type of crime most often encounter many difficulties in maintaining and controlling security at the border of a given country.

Border crimes most often include:

- customs fraud,
- illegal smuggling,
- people smuggling,
- drug smuggling,
- organized crime,
- terrorism.

This type of crime is committed by foreigners in our country. M. Perkowska quotes a definition heard from a lecturer at the Border Guard Training Center, who believes that the phenomenon of border crime is nothing more than illegal crossing of the border, as well as customs and foreign currency crimes related to falsifying documentation (Perkowska, 2013, p. 22).

This problem will exist, which is why we need to act in a multifaceted manner through cooperation and coordination of the activities of various law enforcement agencies in respected countries. Uniformed services focusing on reducing border crimes must create appropriate strategies that will allow for more efficient border security. Currently, states have many tools at their disposal to act in this area, but appropriate prevention and full exchange of information on threats will allow for success in the field of international security. Cooperation between countries will only enable joint action if each country has appropriate provisions for punishing criminals who break the law. In Poland, the service responsible for counteracting crime at the border is the Border Guard which monitors the level of security in our country.

3. The role of the border guard in preventing crime

Border protection was and is the most crucial element of securing the Polish state. The changes that took place in Poland in 1989 also influenced the security of the state border. The Border Guard was established in 1990, but began its operation on May 16, 1991. Its basic tasks include guarding the state border, as well as (Fakieta, 2016):

- protection of the state border at sea and land,
- organizing and conducting inspections at sea and on land,
- counteracting illegal migration by complying with the regulations regarding entry into and stay in the territory of the Republic of Poland,
- combating illegal migration activities (Journal of Laws 2013, item 1650),
- cooperation with entities regarding stay and permitting foreigners to enter the Republic of Poland, which are specified in separate regulations,
- issuing visas and residence permits in the territory of the Republic of Poland,
- preventing threats related to crimes within the competence of the Border Guard:
 - + crimes concerning foreigners, specified in the Act on Foreigners (Journal of Laws 2013, item 1650) and granting protection (Journal of Laws 2003, No. 128, item 1175) to foreigners in the territory of the Republic of Poland,
 - + crimes against public security,
 - + crimes against security in air transport,
 - + crimes committed by Border Service employees in the scope of official duties,
 - + crimes committed by people who are not officers or employees of the Border Service,
 - + crimes committed against Border Service officers during or in connection with the official duties,
- ensuring security in international communication or the border zone subordinated to a given Border Service unit,
- conducting security inspections in transport (road, rail, sea, river),
- conducting inspections at airports regarding civil aviation security,

- ensuring security on board aircraft,
- cooperation with law enforcement authorities and conducting counteracting activities in the field of terrorist threats,
- activities related to maintaining border signs on land,
- maintaining, updating and storing geodetic and cartographic documentation,
- activities related to the inviolability of signs and devices used to protect the state border,
- collecting and processing information related to the protection of the state border,
- preventing and counteracting illegal migration and communicating with the relevant state authorities in this regard,
- activities related to the exploitation of Polish maritime areas,
- protection of the airspace of the Republic of Poland in terms of observation of aircraft and flying objects,
- preventing the unauthorized transportation of waste, harmful chemicals, nuclear and radioactive materials across the state border, as well as the pollution of border waters,
- preventing the unauthorized movement of narcotic drugs and psychotropic substances, weapons, ammunition, explosives, explosives precursors subject to movement restrictions across the state border.

The Border Guard was established to protect the border and organize all border traffic control activities. Above one can see how extensive the range of tasks of this formation is. Therefore, counteraction and protection in this area is a significant challenge for Border Service officers. The leading role of this formation is to conduct activities such as (Kamuda. Trybus, 2013, p. 67):

- patrols,
- observations of the border area using appropriate technical means,
- chases,
- ambushes,
- inspections of vehicles travelling on roads in the border zone.

In addition, the Border Guard conducts activities in the field of illegal migration control, which may also contribute to distinct types of criminal activities that may even lead to internal destabilization of our country (Celiński, 2018, p. 34-35).

4. Concluding remarks

Currently, crime is taking on newer forms, which pose new challenges for the uniformed services, and especially the Border Guard, in securing the state border. Increased population mobility also has a major impact on national border protection, as we are increasingly faced with new activities by criminal groups and the spread of new types of crime that target multiple countries.

The purpose of the article has been achieved. Criminal activities are noticeably a part of the border area and people living there may feel more threatened. Crime within the state border is a challenge for many uniformed services because it may cause internal economic and technological destabilization, or even a political, social or budgetary crisis. The Border Guard must constantly cope with crime challenges. This is only possible when it has the appropriate strength and means to act. That is why the State Border Guard College was established which will train specialists in counteracting crime at the state border.

To sum up, the Border Guard plays a key role in securing state borders and has repeatedly shown that the commitment and actions of its officers allow crime to occur organically in its initial phase. The Border Service not only monitors the level of the security of Poland, but also the security of the European Union.

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