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Poland's internal security as exemplified by the tasks and activities of the Internal Security Agency in the period 2007–2015

Abstract: The text analyses Poland's internal security illustrated with the example of the tasks and activities of one of the Polish special services, the Internal Security Agency (pol. *Agencja Bezpieczeństwa Wewnętrznego* – ABW). Although the Internal Security Agency was established as a counter-intelligence service, the scope of its tasks and activities places it among the criminal intelligence services, which is poorly effective in terms of the eradication of crime targeted at the state's internal security.

The analysis of the issues of state security in the context of the ISA's activity has been elaborated in the present text with the following research questions: (1) *To what extent does the statutory scope of the ISA's tasks lower the effectiveness of the actions aimed at combating crime threatening state security?* (2) *To what extent does the structural pathology inside the ISA lower the effectiveness of the actions aimed at combating crime threatening state security?*

The text features an extensive analysis of three major issues: (1) the ISA's statutory tasks (with particular consideration of *de lege lata* and *de lege ferenda* regulations), (2) the dysfunctional character of the ISA's activity in relation to the scope of its statutory tasks, and (3) the structural pathology resulting from the 'politicisation' of the Internal Security Agency.

Key words: Internal Security Agency, intelligence agency, state security, internal security

Introduction

The following text analyses Poland's internal security illustrated with the example of the tasks and activities of one of the Polish special services, the Internal Security Agency (Polish: *Agencja Bezpieczeństwa Wewnętrznego* – ABW). The scope of the analysis encompasses a description of the ISA's statutory tasks as well as their comparison with day-to-day practice as regards crime elimination and prevention. The timeframe of the analysis covers the period 2007–2015, which is dictated by the actual influence exerted on the ISA's activities by the executive and legislative authorities, namely one parliamentary coalition (Civic Platform and Polish People's Party) as well as two consecutive Prime Ministers originating from the same political party, i.e. Civic Platform (Donald Tusk and Ewa Kopacz). As regards the Head of the Internal Security Agency, the period under discussion saw two executive officers: Krzysztof Bondaryk and Dariusz Łuczak. This fact is of great significance for our analysis, in particular with regard to setting the priorities of action in the services in question.

The aim of the text is to demonstrate that the multitasking and 'politicisation' of the Internal Security Agency exerts a negative impact on the effectiveness of the actions undertaken to combat crime threatening state security. In order to further specify the subject matter of the research, we should pose the following questions: (1) *To what extent does the scope of the ISA's statutory tasks lower the effectiveness of the actions aimed*

at combating crime threatening state security? (2) To what extent does the structural pathology inside the ISA lower the effectiveness of the actions aimed at combating crime threatening state security?

The research methodology constitutes a crucial issue here, as due to the restricted availability of information establishing facts must be based on the analysis and critique of indirect sources of information – which, most often, are materials drawing on the findings of the mass media or statements articulated by experts in a given field (Apanowicz, 2002, p. 72–73). As far as the analysis of the ISA's statutory tasks is concerned, of the utmost importance here is their legal, teleological and functional interpretation. It should also be noted that the text relatively freely uses terms and categories created by R. Merton within the framework of structural functionalism (Baert, 1998, p. 54–59; Baert, da Silva, 2010, p. 71–78; Merton, 2002, p. 93–152, 197–265).

Two major issues tackled by Robert Merton were social structure and social anomy. We are dealing with the phenomenon of social anomy when there emerges a conflict between objectives (which have been culturally adopted) and the institutionalised means of their realisation (Merton, 1936, p. 894–904; Merton, 2002, p. 197–224). In the case of the realisation of culturally adopted objectives the socially defined and accepted means are omitted only to be freely replaced by some others. In this approach, one should search for the determinant of the dysfunctional behaviour in social and cultural sources. In the case of the assumption made in this text, the displays of organisational anomy of the Internal Security Agency can be illustrated through the analysis of the cases of organisational dysfunction and various instances of pathology which are in turn reflected in the structure of the Agency's work.

The text consists of three major parts elaborating on the research topic, which are as follows: (1) an analysis of the ISA's statutory tasks (with particular consideration of *de lege lata* and *de lege ferenda* regulations), (2) an analysis of the dysfunctional activity of the ISA in relation to the scope of its statutory tasks, and (3) an analysis of structural pathology resulting from the 'politicisation' of the Internal Security Agency.

Statutory objectives and tasks

The objectives assigned to the special services can be analysed either in the light of the material scope of the goals and activities specified by the legislator in the relevant legal acts, or in a broader context, that is of a normative aspect, which follows from the axiology of modern democracies and the activities of the public administration. The above assumption arises from the fact that public officials are required to act in an appropriate manner, that is such as would be lawful and ethical at the same time. Therefore, drawing on Robert Merton's concept, it should be pointed out that the culturally sanctioned objectives which form the system of values ascribed to the public sphere constitute a frame of reference in our analysis (Merton, 2002, p. 198–204).

Given the statutory scope of the ISA's activity, it is interesting to note the legislative process that took place during the period under discussion, namely 2007–2015, when the project proceedings were realised first by the Council of Ministers (2013–2014), and then by the Parliament (2014–2015). However, it should be noted that discussions over

any amendments to the regulations governing the activity of special services in Poland are usually raised by a new government following parliamentary elections. A similar situation will certainly take place following the coming into power of the Law and Justice Party (PiS) at the end of 2015 (Cf. Kowalewski, 2015, p. 16–18).

The initiation of works and proceedings concerning new regulations on the Polish intelligence and counter-intelligence services resulted from the need to change the management of, and to increase the control over these services through establishing additional state institutions, which was reflected in consecutive draft laws. Moreover, a great number of solutions employed hitherto, for instance concerning operational control and telecommunications data access, were somewhat controversial, which was reflected in the judgments of the Constitutional Tribunal (*Judgment of the Constitutional Tribunal of 30 July 2014*).

It is impossible to conduct a comprehensive analysis of the range of all the changes, however, for the sake of the problem outlined in the introduction, it is only the issues related to the ISA's statutory tasks defined by the legislator that are of relevance here. The first proposals for the scope of changes in the tasks and activities of the Polish counter-intelligence services constituted merely a response to the alleged lack of a precise definition of the tasks in the *Act of 2002*, which was of some significance, *inter alia*, since the provisions constituted a justification for executing operational control by the services in question. Not only did the *Draft Act on ISA* of 1 August 2013 not limit its rights, but it also introduced the ISA's own classification of crimes (i.e. crimes of a terrorist and extremist nature), which was alien to the existing penal code in Poland. Furthermore, the *Draft Act* maintained the wide range of tasks at the level of identification, prevention and elimination of threats that pose a risk to the state's internal security and the constitutional order, as well as at the level of identification, prevention and detection of crime (Rosicki, 2013; Rosicki, 2014, p. 107–118).

In comparison with the *Act on the Internal Security Agency and the Foreign Intelligence Agency* of 2002, subsequent drafts pursued the former direction of more precise specification of tasks in terms of identifying, preventing and detecting crimes, with the aid of a catalogue of specific articles contained in the Polish Penal Code, with the attendant division of tasks in relation to infringed interests. In the case of fiscal offences and crimes against property and to the detriment of the Treasury, the legislator introduced clearly defined values to narrow down the scope of the service's activities regarding serious crimes and offences. On the other hand, in the case of identifying, preventing and eliminating threats aimed at the state's internal security and the constitutional order, the legislator diminished the importance of related problems, for example drug-related offences.

On the grounds of the comparative analysis of *Draft Acts of 2013*, the *Draft* submitted to the Sejm by the government (Sejm Document no. 2295) and the *Act of 2002*, the following conclusions can be drawn: (1) the capability to execute operational control in relation to the practice approved by the *Act of 2002* still has not been decreased, (2) maintaining the wide scope of the ISA's tasks places this service within the spectrum of criminal intelligence, (3) maintaining a wide scope of activities related to the eradication of economic crime results in the necessity of the numerical and qualitative improvement of staff in a given area of expertise.

The scope of tasks and activities of the Internal Security Agency as specified in Article 5 of the *Act of 2002* and in Article 3 of the *Draft Acts on ISA (2013–2014)* aims to clearly define the legal framework for the functioning of the Polish counter-intelligence services in a manner that would help find the balance between the standards of a democratic state and the specific nature of the special services' operation. The provisions in this respect are very often dictated by various lobby groups, such as representatives of the special services, politicians or representatives of organisations monitoring human rights. The scope of the special services' activities thus constitutes a trouble spot between the state's interests and the interests of individuals. The state, through various legal solutions, which are more often than not based on too general and/or unspecific terms and definitions, as well as through applying more specific solutions to lower level acts, endows itself with greater freedom of action, which results in weaker control in the hands of its citizens over the activities of the special services.

The introduction of amendments to the existing acts concerned with the ISA's tasks is fuelled by the need to avoid any allegations to the effect that the ISA's activities lack a transparent basis. Thus, the above-mentioned provisions should be treated as a starting point in relation to the ISA's competence with respect to the protection of internal security and the constitutional order of the Republic of Poland. On the one hand, these regulations specify the scope of competence of the government institution, and on the other, define the scope of legal protection guaranteed to citizens. Hence, in this case, we are dealing with legal modality, namely, powers, competences, and freedoms under legal protection, which can be specified in terms of the relations between state agencies and citizens (Wronkowska, Ziemiński, 2007, p. 100–121).

Dysfunctionality

The multitasking of the ISA is a grave functioning-related problem, which is reflected in the inadequate use of means and forces in the process of the eradication of crime threatening the state's internal security. Despite the proclaimed amendments to the provisions on the scope of the ISA's tasks and activities, as a matter of fact not much has changed; however, it should be stressed that the invariably dual nature of the service's tasks in terms of crime prosecution and prevention is permanently in effect. This duality follows from the realisation of tasks which in the theory of special services research are ascribed to both the internal intelligence and criminal intelligence services (Minkina, 2014, p. 37–42). Such a task orientation gives rise to prosecuting both offences that are strictly criminal in their nature, but are still related to damage and losses of exorbitant value, as well as crimes against the state's internal security. As regards the statutory provisions pertaining to the rationale behind the appointment of this service, it is usually their competence in the area of internal security and constitutional order that is pointed out; however, these provisions are far from the reality in the ISA's day-to-day activities (*Act on ISA, 2002, Art. 1*).

The result of this task orientation is a lack of stability in the practice of prosecuting and preventing crime, as well as in the organisational practice of the Internal Security Agency. For instance, in the interim period when Krzysztof Bondaryk was leaving office

and Dariusz Łuczak was taking over, a structural reform was introduced at the central level, which was then implemented onto lower levels, i.e. in local branch offices. The crucial point of the reform was to combine the Counter-Intelligence Department with the Department of Terrorism Prevention and the Department of Economic and Organised Crime. This consolidation was copied at the level of individual local branch offices, which resulted in the establishment of a single Counter-Intelligence Department (Department II). Due to the above consolidation, there emerged a need to appoint a single leader, which meant that the scope of Department II activity was determined by the origin and prior organisational identification of its head (terrorism, economic and organised crime, counter-intelligence, etc.). This results in a total lack of a coherent activity strategy in individual branch offices and at the central level as well.

The relations between the statutory tasks and the tasks prioritised by the management board of this special service may serve as the most blatant example of dysfunctionality in the Internal Security Agency. Among the priority tasks in the period at issue here was the fight against so-called VAT crimes, which can hardly be regarded as a major threat to the state's internal security. Moreover, it can be easily observed that a considerable part of means and resources is dedicated to eradicating crime which should be tackled by other services, such as Fiscal Intelligence, the Central Anti-Corruption Bureau or the Central Prosecution Bureau.

Another example of dysfunctional character in the area of the effectiveness of eliminating crime against the state's internal security is the mechanism of the "anti-corruption shield," which was proclaimed by Prime Minister Donald Tusk in 2008. The above figurative expression refers to "activities counter-acting any possible inadequacies in the most important processes of privatisation and public procurement" (*Detailed Information...*, 2015). However, it soon transpired that the "anti-corruption shield" was yet another 'media event,' a part of the political rhetoric of the then government. The fact that the "anti-corruption shield" is non-existent is reflected in the strenuous attempts at protecting the document concerned with the establishment of the above tool, classifying its contents as "top secret" – the document was finally made public after two lost cases in the Provincial Administrative Court and one lost case in the Supreme Administrative Court. The Polish government made every effort and engaged the courts to keep confidential the words uttered by the Head of ISA, Krzysztof Bondaryk, which read as follows: "ISA is particularly focused on eliminating such phenomena as political lobbying and illegal business lobbying as well as on preventing the activity of foreign special services and organised crime" (*Anti-Corruption Shield...*, 2015). It is hard to find a more detailed analysis of the activities aimed at the eradication of corruption in the above mentioned document. This means that the political security of the government has taken precedence over the state's internal security and the activities of the Polish special services. In consequence, actual anti-corruption operations at the highest government level are undertaken by other special services, that is the Central Anti-Corruption Bureau, nevertheless, it remains within the remit of this service.

As regards the protection extended over the State Treasury-owned companies and other strategic companies, it is a matter of dispute whether ISA 'sleepers' should operate within their structures. Although there is nothing extraordinary about the mere fact of delegating special agents to such companies, regarding the way state interests

are secured, still, the very formula of executing control- and information-related tasks remains highly disputable. A problematic issue appears here in the form of the remuneration of these 'sleeper agents' received from the companies in which they have been placed with a view to securing the state's economic interests. The longer the special services' representatives serve in these companies, the greater is the risk they will display disloyalty towards the intelligence services and selectively pick information to be passed on their Agency (Cf. *Decision of 16 February 2004*).

It must be admitted that an inappropriate allocation of means and a dysfunctional definition of the objectives for the ISA's operations, both in the statutory context, but above all in the practical area of crime eradication, serves to diminish the effectiveness of the whole security system, which combines the activities of particular special services in Poland. Another example of the negative impact of the aforementioned dual organisational form of the Internal Security Agency is the necessity to co-operate with other special services in the area of economic crime eradication. In consequence, in the majority of cases the ISA does not perform its actions on its own, but in co-operation with, for example, the Central Bureau of Investigation, the Fiscal Intelligence Service or the Polish Border Guard. In terms of operational activities and legal proceedings, the status of the Internal Security Agency in comparison to that of the Central Bureau of Investigation appears much weaker in the following areas: (1) the number of staff members in the operational and investigation-prosecution departments; (2) the education of staff members in the field of investigation (which comprises training procedures in the broad sense); (3) the professional background of the staff members in the investigation-prosecution departments; (4) the level of centralisation of regional structures.

Pathology

One of the major pathologies in the functioning of the Internal Security Agency is the 'politicisation' of this special service (Cf. Grochowski, 2013, p. 195–207; Rosicki, 2013). However, special care should be taken here over the understanding of the term 'politicisation,' because special services, as state agencies, are by definition political in character, since they deal with the realisation of tasks set by politicians. Even more crucial though is the differentiation between the term 'politicisation' as used in this text and 'party-dependency.' In the latter case, particular services are treated as an area of political exploitation in the context of a 'spoils system.' In Poland, a take-over of the special services is usually initiated by the appointment of new directors, only then the lower managerial positions are staffed, which is typically based on the actual possibilities of obtaining 'informal' support, rather than on individual skills and qualifications. It seems that the destabilisation related to the take-over by a new government and a parliamentary majority in the period under discussion was much slighter than in the first case after the year 1989, when the coalition of the same political parties maintained power. However, in the above mentioned period, various internal factors played a significant role, such as conflicts between different political factions inside the incumbent Civic Platform, which intended to exert influence on the management and staff appointment in the Internal Security Agency (Cf. *Why...*, 2013; *Interview...*, 2013).

As an example of politically dictated and thus inadequate personnel selection may serve the appointment of Krzysztof Bondaryk, which raised doubts in connection with his involvement with private entities (one of the telecommunications companies) and some legal problems faced by some members of his immediate family (*Head of ISA...*, 2008; Gmyz, 2008; *A Bug Detector*, 2008). It is most telling that the author of texts concerning instances of dubious behaviour of the former head of the ISA was himself acquitted both in criminal matters and in cases liable to civil action (Małuch, 2013). Moreover, it should be emphasised that certain journalists credited Krzysztof Bondaryk with being the moving spirit behind unwarranted wiretapping which was allegedly applied to conduct covert surveillance of the President of the Republic of Poland, his staff, as well as journalist circles critical of Donald Tusk's government – for the sake of which the know-how and the infrastructure of a private telecommunications company were allegedly employed (*The ISA is Probably Eavesdropping on Journalists*, 2011; *The Government Is Eavesdropping on You*, 2011; Ścios, 2011; *The Story of the ISA's Head...*, 2009; *Interview...*, 2013; Miter, 2015b). While in the case of the abuse of state institutions in the above mentioned surveillance, the mass media pointed to reliable sources, in the case of the telecommunications companies they indicated only the hypothetical use of so-called “technical connections.”

It is an open question then why such a controversial candidate was considered as the Head of the Internal Security Agency in the first place. In an interview Andrzej Zybortowicz, one of the Polish special services analysts, offered an explanation for the appointment of Krzysztof Bondaryk as head of the ISA: “To my mind, Donald Tusk ‘inherited’ Krzysztof Bondaryk from one of the oligarchs, and so he was forced to accept this dowry in return for the support in his run for power. The ‘heritage’ came in handy in the period of stability” (*Interview...*, 2013). It is noteworthy here that this “oligarch” was the owner of one of the biggest media companies and co-owner of the telecommunications company in which Krzysztof Bondaryk was employed.

The manner in which Internal Security Agency staff are selected and the shape of the training system in specific areas of activity in individual departments may also be termed structural pathology. Deeply rooted processes in this respect (including the accompanying phenomena already mentioned in the text) result in the organisational dysfunctionality of this special service as far as the eradication of crimes against the state's internal security are concerned. The high staff turnover related to the negative effects of the existing ‘spoils system,’ as well as the lack of stability of employment, force the properly qualified employees to quit working for the Agency (Latkowski, Majewski, 2015, p. 16–17). Such a state of affairs causes a discontinuance in pursuing organisational objectives both at the central and regional levels. Moreover, it should be pointed out that the ISA's personnel is mostly composed of young people, which can be viewed both as an advantage and a disadvantage, as counter-intelligence protection and investigation-prosecution activities chiefly depend on experience, and young individuals are not able to learn the intricacies of this profession at such short notice. Therefore, the Internal Security Agency does not necessarily appear as a structure proficient in completing its tasks, acquiring and sharing reliable knowledge, modifying and adapting to new experiences (Cf. Garvin, 1993, p. 78–91; Kirwan, 2013, p. 69–81). However, it is relatively flexible regarding the ongoing changes in the executive and the legislature.

The managerial problems pertain to staff selection and management both at the central and lower levels. Consequently, the ISA lacks the discipline and ethos which should be a hallmark of services ensuring the state's internal security. As an example here may serve: (1) the death of the Head of the Counter-Intelligence Department in Warsaw in 2014; (2) the death of a civil service officer in the ISA's headquarters in Magdalenka in 2015; (3) the suicide of an ISA officer in 2013; (4) the case of assault and battery of Jacek Mąka, the vice-president of the ISA in 2012. In the first case, the officer died on the premises of the Department, and only later on did it turn out that he had not undergone the obligatory medical tests for the previous three years in a row. In the second case, the body of the officer was found after an evening drinking party. In the third case, according to reports in the mass media, the alleged reason behind the suicide was that the officer had fallen victim to mobbing by his immediate superior. The last case stirred quite a controversy, as it involved a person in one of the uppermost echelons of the ISA. According to the information in the mass media, Jacek Mąka was allegedly assaulted by one of his subordinates due to improper behaviour, i.e. maintaining relations highly inappropriate for a uniformed officer (*Has Jacek Mąka, the vice-president of ISA, been beaten up?*, 2012; Latkowski, Majewski, 2015, p. 16–17). In 2012, J. Mąka left the ranks of the ISA, and in the same year 400–500 ISA staff members followed suit, due to the working conditions in this institution (*The ISA vice-president has resigned from his post...*, 2012).

The lack of control on the part of the superiors resulted in an incident with a missing computer at the Wrocław branch office; the computer contained special data on all operatives – this information could be classified as “top secret” (*ISA in the depths of pathology!*, 2015). A similar example of the lack of professionalism on the part of the managerial staff in this particular branch consists in the inadequate protection of the building designed for the operational officers, as in the period in question there was no problem with recording their images and identities (Miter, 2015a, p. 23). However, the greatest shortcoming the managerial staff are to be blamed for was the poor supervision over the work of moles whose task was to provide operational information. It was the Wrocław branch office whose officers co-operated with Marek Falenta, who was accused of commissioning the interception of telephone calls of public officials, including the Prime Minister – Donald Tusk, the Deputy Prime Minister – Elżbieta Bienkowska, the Minister of the Interior – Bartłomiej Sienkiewicz, the Minister of Foreign Affairs – Radosław Sikorski, the Minister of Transport, Construction and Maritime Economy – Sławomir Nowak, the President of the National Bank of Poland – Marek Belka, and the Head of the Central Anti-Corruption Bureau – Paweł Wojtunik. Some of the mass media pointed to the fact that all the people recorded were either current or former officers of the Polish special services (Miter, 2015b; *Reading Room at Uncle's*, 2015, p. 12–16; *Marek Falenta...*, 2015, p. 17; *Much Ado About Nothing?*, 2015; *The Hunt for the Richest Poles...*, 2015). Hence, a conclusion may be drawn that the lack of control exercised by the managerial staff at the central and regional levels poses a direct threat to the state's internal security and its constitutional order. The more so, as in the accounts of some of the mass media there are recordings of conversations featuring Prime Minister Donald Tusk, not only in public places such as restaurants, but also on government premises (Gmyz, 2015, p. 18–21). It follows that the special service responsible for the security of information and counter-intelligence protection is failing to carry out its statutory tasks. Probably, the

most discreditable recordings are the ones of Prime Minister Donald Tusk's ministers, above all Bartłomiej Sienkiewicz, the Minister of the Interior, who used to work for the Office for State Protection (*Urząd Ochrony Państwa*, the Polish intelligence agency in the period 1990–2002, later replaced by the Internal Security Agency and the Foreign Intelligence Agency) as an officer and a chief advisor to the management board of the intelligence department in this special service, whereas at the time of the recordings he was responsible for the supervision of the operations of the ISA itself.

Conclusion

The subject of the analysis here is Poland's internal security, as exemplified by the tasks and activities of the Internal Security Agency. The material scope and the time-frame of the analysis are clearly specified, and hence the text does not address all the issues related to the operation of the Polish counter-intelligence services. The above limitation primarily follows from the fact that the source materials on the issues in question are either restricted, inaccessible, or scarce. The restricted scope of this analysis is closely related to the fact that it aimed at answering the research questions arriving at the following conclusions:

(1) *To what extent does the statutory scope of the ISA's tasks lower the effectiveness of preventive actions against crime threatening state security?*

The analysis of the tasks defined in the *de lege lata* and *de lege ferenda* regulations pertaining to the ISA's activities indicates that, due to such provisions, these special services are ineffective as regards the eradication of crime typically targeted at the state's internal security. The invariable multitasking orientation of these special services as specified in the *de lege lata* and *de lege ferenda* regulations places the ISA among the criminal intelligence services, which is a negative element. The proposals for amendments presented in the period 2013–2015 failed to boost the effectiveness of the ISA's activities. What is more, the proposed amendments do not ensure that the ISA will become an entity acting independently in the area of economic, fiscal, and drug-related crimes. It is necessary to introduce changes that will place the ISA high on the ladder of counter-intelligence services dealing with the issues of crimes against the state and information. In effect, the structures of one of the special services dealing with economic crimes, that is either the Central Anti-Corruption Bureau and/or Fiscal Intelligence Service (reporting to the General Inspector of Fiscal Control), should be reinforced.

(2) *To what extent does the structural pathology inside the ISA lower the effectiveness of preventive actions against crimes threatening state security?*

The lack of effective supervision on the part of the executive and the legislature, as well as the lack of control on the part of managerial staff over the actions of particular officers, has resulted in the rise of structural pathologies inside the Internal Security Agency. Additionally, it should be pointed out that one of the major problems is the inappropriate selection of personnel, who as a result lack the necessary qualifications and fail to meet the ethical requirements, namely they lack the ethos which is intrinsi-

cally related to the operation of the special services. The problem of adequate personnel is intertwined with the lack of sound, transparent rules and instruments for promotion inside the structures of the ISA. The training system is ineffective and thus cannot solve the above problems. It is most intriguing why there exists no training system that would be based on at least two long-term stages of training – for non-commissioned officers and for commissioned ones.

Summing up, it is the ‘politicisation’ of the special services, the inadequate selection of personnel, the lack of an appropriate training system and the lack of the necessary supervision that account for the abuse of the services’ potential, originally intended to prevent crimes threatening state security. In order to eliminate the ISA’s dysfunctional character and its organisational inaccuracies, better human resources management inside the ISA should be developed.

The following, general conclusion may be drawn from this analysis: the special services sector in Poland needs to undergo thorough reform; a reform that would provide for the greater specialisation of particular departments in the Polish special services. In the case of the services dealing with economic and fiscal crime, there is an urgent need for quantitative and qualitative reinforcement of these formations. Moreover, it seems crucial to develop a new formula for exerting control over the services at executive and legislative level, including supervision of the relations between superiors and their subordinates inside the special services.

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Bezpieczeństwo wewnętrzne Polski na przykładzie zadań i działalności Agencji Bezpieczeństwa Wewnętrznego w latach 2007–2015

Streszczenie

Przedmiotem analizy w tekście jest bezpieczeństwo wewnętrzne Polski, które prezentowane jest przez pryzmat zadań i działań Agencji Bezpieczeństwa Wewnętrznego (ABW), tj. jednej z polskich służb specjalnych. Agencja Bezpieczeństwa Wewnętrznego powstała jako służba kontrwywiadowcza, jednakowoż zakres jej zadań sytuuje ją w ramach wywiadu kryminalnego, co należy uznać za mało efektywne w związku ze zwalczaniem przestępstw skierowanych przeciwko państwu.

Analiza problematyki bezpieczeństwa państwa w kontekście działalności Agencji Bezpieczeństwa Wewnętrznego została uściślona w tekście przez następujące pytania badawcze: (1) *W jakim zakresie ustawyowy zakres zadań Agencji Bezpieczeństwa Wewnętrznego wpływa na niską efektywność zwalczania przestępstw skierowanych przeciwko bezpieczeństwu państwa?* (2) *W jakim zakresie patologie strukturalne w ramach Agencji Bezpieczeństwa Wewnętrznego wpływają na niską efektywność zwalczania przestępstw skierowanych przeciwko bezpieczeństwu państwa?*

W pracy dokonano szerszej analizy trzech głównych zagadnień: (1) zadań ustawowych Agencji Bezpieczeństwa Wewnętrznego ujętych w regulacjach *de lege lata* i *de lege ferenda*, (2) dysfunkcyjności działalności Agencji Bezpieczeństwa Wewnętrznego w związku z zakresem zadań ustawowych i (3) patologii strukturalnej w związku z upolitycznieniem Agencji Bezpieczeństwa Wewnętrznego.

Słowa kluczowe: Agencja Bezpieczeństwa Wewnętrznego, służby specjalne, bezpieczeństwo państwa, bezpieczeństwo wewnętrzne