

CORRUPTION AS A THREAT TO THE RULE OF LAW IN A DEMOCRATIC LAW-OBSERVING STATE

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ABSTRACT

This paper shows that corruption constitutes a threat to the rule of law in a democratic law-observing state, destroying it from within and ridiculing it outside. It destabilises social relations in such a state, which adversely affects the political system as well as the development of legislation and economy. The paper also reminds that corruption erodes social relations, causing demoralisation and slackening of morals in society. Corruption may also be a threat to the life, health and property of citizens. The author tracks views about corruption using the method of theoretical analysis of the notions (critical analysis of secondary sources); the statistical method, mainly analysing the latest Corruption Perceptions Index (2019); and the dogmatic-legal method. He concludes that corruption destabilises multiple areas of the functioning of a democratic law-observing state, disrupting the political space, spoiling the law, and causing destructive phenomena in

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the economic as well as in the moral sphere. It ultimately destabilises state structures, rendering them dysfunctional and perverting the principles of democracy. Corruption interacts with legality acting as a feedback loop, as it destroys the rule of law and democracy, which in turn deepens corruptive phenomena.

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CORRUPTION AND ITS MANIFESTATIONS

The Ancient Romans were saying *corruptio optimi pessima*, which may be understood as ‘corrupting the best is the worst’. It is true, as more is expected from the most important and the strongest ones, including the state.

Corruption (Latin *corruptio*) means a demand or acceptance of financial (material) or personal benefits for violating the law, for performing certain official actions, or for refraining from performing them. Corruption is also referred to as *venality* or *bribery*. Corruption is a social phenomenon that harms mechanisms of the law-observing state, which is manifested e.g. in spoiling the law, impeding the economic growth, shaking the principles of democracy, destabilising social relations, or eroding the state’s political position on the international arena.

Moreover, it contributes significantly to the demoralisation of society, creating abnormal cultural phenomena, and affects not only the citizens’ sense of security, but also the state’s internal security¹, whereas security is an important value, which relevance is proven by the fact that it protects other values, while being a value itself.² Security is a concept related to human hopes, on the basis of which humans build their individual and family’s

¹ More: W.M. Hrynicky, *Corruption as a threat to internal security of a state*, “Security Dimensions”, 2019, no. 31, pp. 48–73, DOI 10.5604/01.3001.0014.0272.

² W.M. Hrynicky, *Znaczenie kontroli dla bezpieczeństwa wewnętrznego w państwie prawa* [The Meaning of Control for Internal Security in the Law-Observing State], “Security, Economy & Law”, 2018, no. 20, pp. 18–39, DOI 10.24356/SEL/20/1.

futures.³ Both security and corruption are assessed by the society to some extent intuitively, through sensing the existence of these phenomena, in which the media play a key role. They both affect the way of perceiving reality by the public, despite repeatedly changed, encrypted or distorted facts.⁴

In addition, corruption has also far-reaching economic consequences, constituting the source of money laundering and reducing the gross domestic product.⁵ It causes the reduction of business activity, in particular when this issue is considered from the point of view of entire society, instead of an individual entrepreneur.⁶ Corruption would not be possible if not for social acceptance and the opacity of the economic environment.⁷

Corruption is a phenomenon known for thousand years. The first document proving corruption originated from ancient Assyria and was written in 3400 BC.⁸ Another example appears in an Indian textbook *Arthashastra* written over two thousand years ago by Chanakya, which is considered the first book mentioning corruption. It shows that already then that phenomenon was deemed a serious issue for society, and that corruption was perceived as affecting not only economy, but also public good and all citizens.⁹

The then established legal regulations, often strict, produce proof of the negative perception of corruption in ancient times, as a phenomenon eroding the rule of law in a state. Already the Sumerian legislation introduced the principles of response to corruption crimes committed by representatives

³ W.M. Hrynicky, *The need to create a common European census system in order to prevent terrorism*, "Visuomenės Saugumas ir Viešoji Tvarka / Public Security and Public Order", 2018, no. 20, pp. 65–76.

⁴ J. Wąs-Gubała, *Ślad kryminalistyczny jako przesłanka dla zwalczania zagrożeń związanych z działalnością przestępczą* [Trace Evidence as a Premise to Deal with Threats Related to Criminal Activities], "Kultura Bezpieczeństwa", 2019, no. 35, pp. 96–110, DOI 10.5604/01.3001.0014.0253.

⁵ R.D. Putnam, *Demokracja w działaniu – tradycje obywatelskie we współczesnych Włoszech* [Democracy in Action – Civil Traditions in Modern Italy], Kraków 1995, *passim*.

⁶ J. Bojarski, *Korupcja gospodarcza. Studium z dziedziny polityki kryminalnej* [Economic Corruption. A Study in Criminal Policy], Toruń 2015, p. 27.

⁷ M. Brol, *Ekonomiczne, instytucjonalne i kulturowe uwarunkowania korupcji* [Economic, Institutional and Cultural Conditions of Corruption], Wrocław 2015, p. 29.

⁸ G. Makowski, *Korupcja jako problem społeczny* [Corruption as the Social Issue], Warszawa 2008, p. 107.

⁹ *Ibidem*, p. 108.

of authorities and officers.¹⁰ In the Babylonian Code of Hammurabi dated 1772 BC, misuses of power were severely punished – by removal of a judge from their post, and even by capital punishment for army officers.¹¹ The ancient Egyptian Edict of Horemheb dated 1319 BC foresaw severe punishments for the falsification of documents by judges done so as to receive benefits. Bribing of an official and other forms of corruption entailed the punishment of nose cutting and being sent to the desert.¹²

In the ancient Greece, sometimes Olympic players were bribed and let other players win, to the regret of their own supporters. Such was the case of Sotades of Crete, winner of the marathon during the 99th Olympic Games, who sold his victory to Ephesus in the following games. Enraged, the crowd refused to allow their former hero to return to Crete.¹³

One of the first documented instances of corruption among those in power was the impeachment of 1376, when the English Parliament dismissed Lord William Latimer (close confidant of King Edward III) and the merchant Richard Lyons – both accused of intercepting goods imported into England, arbitrarily setting their prices and taking all the resulting profits for themselves; as well as of accepting a bribe for surrendering Becherel and St. Sauveur castles to the French, and accepting bribes from captured enemy ships.¹⁴ History is replete with many other interesting cases, as for example an almost massive sales of sinecures by Pope Sixtus IV, who transferred all but 650 offices in that way during his pontificate.¹⁵

Theoreticians and scholars of corruption draw attention to many manifestations of this phenomenon. For example, Weber presents corruption basing on subjective intentions intrinsic to or expected of individuals, such as possessing power and influence, economic and business success, gaining

¹⁰ J. Bil, *Zjawisko korupcji* [The Phenomenon of Corruption], Warszawa 2018 (Bezpieczeństwo dziś i jutro), p. 10.

¹¹ *Kodeks Hammurabiego* [The Code of Hammurabi], <https://www.pistis.pl/biblioteka/Hammurabiego%20kodeks.pdf> (accessed: 31.03.2020).

¹² *Starożytny Egipt* [The Ancient Egypt], “Antykorupcja”, n.d., <https://antykorupcja.gov.pl/ak/czy-wiesz-ze/3800,Starozytny-Egipt.html> (accessed: 31.03.2020).

¹³ *Korupcja stara jak igrzyska* [Corruption Is As Old As the Olympics], “Antykorupcja”, <http://www.antykorupcja.gov.pl/ak/czy-wiesz-ze/3922,Korupcja-stara-jak-igrzyska.html> (accessed: 31.03.2020).

¹⁴ *Korupcja na przestrzeni wieków* [Corruption Over the Centuries], Warszawa 2012, p. 7.

¹⁵ R.A. Haasler, *Tajne sprawy papieży* [Secret Affairs of Popes], Kraków 1999, <http://publicdisorder.wordpress.com/2010/09/22/tajne-sprawy-papiezy-robert-a-haasler-e-book/> (accessed: 31.03.2020).

wealth in itself, social motivations, and opportunism. He assumes that corruption reflects the improper functioning of rationalised bureaucracy compliant with the rules and with the public interest of society reflected in a given state's political system.¹⁶ Kowalczyk emphasises that the size of corruption in a given country depends on social permission for unethical corruptive behaviours, with an assumption that the notion *unethical* is referred to the values shared by a given social group. He notes that the shape of corruption, its perception and social dimension is different in different world regions, countries, and even in smaller social groups, which results from the general culture of a given country, its traditions and customs, wealthiness of its citizens, social awareness, and even beliefs and religious practices, especially in countries with a lower level of civilisation progress.¹⁷ Ukraine and its legislation may constitute an example here, as it is only now, year by year, implementing international obligations regarding pursuing and punishing corruption.¹⁸

In turn, research conducted by Chodak has proven that complicated and convoluted procedures of law are the reason that society does not believe in a positive consideration of the majority of matters, which automatically creates the people's need for "preparation", i.e. offering a bribe.¹⁹ Research conducted in 2010 demonstrated that corruption was considered then to be the fifth most important issue in Polish society (22% of respondents), placed higher than petty crime (16%).²⁰ Hengsen is going even further in

¹⁶ M. Weber, *Die drei reinen Typen der legitimen Herrschaft*, "Zeno.org", n.d., <http://www.zeno.org/Soziologie/M/Weber,+Max/Schriften+zur+Wissenschaftslehre/Die+drei+reinen+Typen+der+legitimen+Herrschaft> (accessed: 31.03.2020) (Article published posthumously by Marianne Weber with the title „Eine soziologische Studie“ in: "Preußischen Jahrbüchern", 1922, Bd. CLXXXVII, pp. 1–12).

¹⁷ J. Kowalczyk, *Eliminowanie zagrożeń korupcyjnych w systemie zarządzania organizacją medyczną* [Elimination of Corruptive Threats in the Medical Organisation Management System], Warszawa 2018, p. 18–19.

¹⁸ A.V. Borovyk, *Corruption crimes in Ukraine: special types of dismissal*, Lutsk 2018, p. 13 ff.

¹⁹ P. Chodak, *Czy korupcja zagraża jednostce? Wpływ i ocena przestępczości korupcyjnej na prawidłowe funkcjonowanie i rozwój Polski i jej obywateli* [Does Corruption Threaten an Individual? Influence and Assessment of Corruption Offences on the Proper Functioning and Development of Poland and its Citizens], [in:] *Korupcja a bezpieczeństwo narodowe Rzeczypospolitej Polskiej*, P. Chodak (ed.), Józefów 2013, p. 117.

²⁰ B. Gruszczynska, M. Marczewski, P. Ostaszewski, A. Siemaszko, *Spoleczna percepcja zagrożeń korupcyjnych w Polsce* [Social Perception of Corruptive Threats in Poland], [in:] *Korupcja i antykorupcja – wybrane zagadnienia*, J. Kosiński, K. Krak (eds), Szczytno 2011, pp. 13–42.

his considerations, stating that corruption is not only a breakdown of the state's law, but also the violation of human rights.²¹

Finally, according to other scholars, prevention of corruption constitutes an indispensable element and task of the internal control of administrative bodies.²² It is also correct to claim that the transparency of actions and the involvement of the public, as additional elements controlling the actions of those in power, can serve as a deterrent against those who would abuse their positions. Diligent control, targeted verification and public access, or a combination thereof, render it possible to detect abuse.²³

The World Bank focuses a great deal on corruption and concentrates on its two fundamental varieties: administrative corruption and state capture.²⁴ The former is a deliberate attempt by a public person to circumvent existing provisions, laws, and regulations to provide others with benefits, in return for covert and illegal private gain; the latter refers to actions by individuals, businesses, business owners, or advocacy groups (both public and private) aimed at influencing laws, resolutions, strategic programmes and other policy elements so as to better suit their needs.²⁵ While the first one is a classic form of venality which an average citizen can encounter when interfacing with e.g. officials, police officers, or medical professionals, the latter involves the state, its management, or the justice system, with certain individuals and groups driving solutions or actions which are beneficial only to them. The former type is referred to as soft (or petty) corruption, and the latter type, political corruption, is referred to as hard (or grand) corruption. According to the World Bank, corruption is the use of a public office or position for private gain. In December 2013, the then President

²¹ L. Hensgen, *Korruption: ein ungerechtfertigter Eingriff in internationale Menschenrechte. Chancen und Grenzen einer opferbezogenen Korruptionsperspektive*, Frankfurt am Main 2017, p. 23 ff.

²² I. Sorgatz, *Korruptionsprävention in öffentlichen Institutionen. Vorbeugemaßnahmen und „Erste Hilfe“ für Personalverantwortliche*, Heidelberg 2012, p. 15 ff.

²³ L. Franková, *Regulacja konfliktu interesów – najlepsze praktyki europejskie* [Regulation of the Conflict of Interest – the Best European Practices], [in:] *Jak skutecznie zapobiegać korupcji? Przegląd rozwiązań europejskich dotyczących konfliktu interesów, finansowania polityki i dostępu do informacji publicznej*, A. Kobylińska, L. Petrakova, F. Pazderski (eds), Warszawa 2015, p. 29.

²⁴ *Anticorruption in transition*, Washington 2001.

²⁵ G. Kisunko, S. Knack, *The Many Faces of Corruption in The Russian Federation*, “World Bank Blogs”, 22 April 2013, <https://blogs.worldbank.org/voices/the-many-faces-of-corruption-in-the-russian-federation> (accessed: 31.03.2020).

of the World Bank, Jim Yong Kim, referred to corruption as public enemy number one in many developing countries, claiming that every dollar of foreign aid stolen by a corrupt official or business is a dollar taken away from a pregnant woman in need or children born to poor families. One of the proposals on how to counteract this pathological behaviour which was raised during an anti-corruption conference was to improve the monitoring of the flow of support funds. This was referred to as a “passport” for funds, which renders it possible to monitor the route along which the money flows and verify if it indeed reaches its destination.²⁶ It is to be agreed, in particular having in regard that inequalities facilitate corruption, while corruption leads to greater inequality.²⁷

As it was mentioned above, it is important how average citizens perceive corruption, not only businessmen and experts, whose opinions are considered in global research. For example, Heidenheimer lists three attitudes towards corruption present in societies:

- 1) *white corruption* – a tolerant view of corrupt behaviours; typical of systems based traditionally on the family, as well as systems based on the relationship between a caretaker and charge;
- 2) *grey corruption* – a view of corruption as something disgraceful and worthy of condemnation from the perspective of morality, combined with a view that involved persons should not be punished for it; typical of modern state systems and those states which are on the way towards a democratic political culture;
- 3) *black corruption* – corruption is perceived as an extreme violation of social, moral and legal norms; a view typical of modern democratic societies.²⁸

However, regardless of the manifestations describing corruption, it must be emphasised that this phenomenon strikes the rule of law in a democratic law-observing state, destabilising it internally and weakening it interna-

²⁶ *Corruption is “Public Enemy Number One” in Developing Countries, says World Bank Group President Kim*, “The World Bank”, 19 December 2013, <https://www.world-bank.org/en/news/press-release/2013/12/19/corruption-developing-countries-world-bank-group-president-kim> (accessed: 31.03.2020).

²⁷ E.M. Uslaner, *Inequality and corruption*, [in:] *Debates of Corruption and Integrity. Perspectives from Europe and the USA*, P. Hardi, P. M. Heywood, D. Torsello (eds), New York 2015, p. 120.

²⁸ A.J. Heidenheimer, *Perspectives on the Perception of Corruption*, [in:] *Political corruption. A Handbook*, A.J. Heidenheimer, M. Johnston, V.T. Le Vine (eds), New Brunswick 1989, pp. 855–869; W.M. Hrynicky, *Corruption as a threat to internal security of a state, “Security Dimensions”*, 2019, no. 31, pp. 48–73, DOI 10.5604/01.3001.0014.0272.

tionally. This is visible in the results of an annual survey by Transparency International named Corruption Perceptions Index (CPI), gathering 180 countries of the world. It has transpired that active operations of particular countries involved in activities of organisations condemning corruption, such as GRECO or OECD, help with combatting this anti-social phenomenon. However, as Jarosz rightly points out, the term *corruption* is customarily applied to a wider range of phenomena than in legal definitions.²⁹

CORRUPTION AS A THREAT TO THE RULE OF LAW IN A DEMOCRATIC LAW-OBSERVING STATE

Corruption has also been closely monitored by the Organisation for Economic Cooperation and Development (OECD, initially OEEC³⁰), in particular since 1989, when a special group of experts was appointed to draw up and present the first Recommendation on Combating Bribery in International Business Transactions. The crowning achievement in the Organisation's anti-corruption efforts was the adoption on 17 December 1997 of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions³¹, which drew the attention of the public as the first global tool for counteracting corruption in that type of transactions.³² According to the document, corruption involves the intentional offering, promising, or giving of any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of international business (Article 1).³³

²⁹ M. Jarosz, *Władza, przywileje, korupcja* [Power, Privileges, Corruption], Warszawa 2004, p. 200.

³⁰ The Organisation for European Economic Cooperation was established in 1948 and transformed into OECD in 1961.

³¹ *Konwencja o zwalczaniu przekupstwa zagranicznych funkcjonariuszy publicznych w międzynarodowych transakcjach handlowych, sporządzona w Paryżu dnia 17 grudnia 1997 r.*, Journal of Laws of 2001, no. 23, item 264.

³² OECD, "Antykorupcja", n.d., <http://www.antykorupcja.gov.pl/ak/institucje-antykorupcy/organizacje-pozarzadow/na-swiecie/1819,OECD.html> (accessed: 31.03.2020).

³³ W.M. Hrynicky, *Corruption as a threat to internal security of a state*, "Security Dimensions", 2019, no. 31, pp. 48–73, DOI 10.5604/01.3001.0014.0272.

The Council of Europe also presents a multidisciplinary approach to the fight with corruption. It is composed of three interrelated elements:

- 1) establishment of European norms and standards,
- 2) monitoring of compliance with these standards,
- 3) help with building potential to counteract corruption, thanks to technical cooperation programmes.

For the fight with corruption, the Resolution of the Council of Europe no. 5(99) on the establishment of GRECO³⁴ is of particular importance, as its main task is to control whether actions of member states are compliant with anti-corruption standards of the Council of Europe, and to improve its members' capacity to counteract corruption. To this end, GRECO emphasises e.g. the access of society to public documents, making parties' annual statements public, access of society to results of inspections in political parties, making principles of accepting gifts public, easy access of society to public figures' declarations of assets, and the provision that mass media may easily receive and communicate information on corruption-related issues. All this is to ensure the reinforcement of the rule of law and the struggle with corruption.

Transparency International is also an important actor in the field of combating corruption. According to its definition, corruption is the abuse of entrusted power for private gain. Corruption can be classified as grand, petty, or political, depending on the amounts of money lost and on the sector where it occurs.³⁵ An important initiative of Transparency International is the annual assessment of how corruption is perceived in multiple countries by business representatives and experts.³⁶ The aforementioned annual Corruption Perceptions Index (CPI)³⁷ is acknowledged as a reliable source by

³⁴ Resolution no. 5(99) of the Committee of Ministers of the Council of Europe appointing the Group of States against Corruption (GRECO) adopted on 1 May 1998, on the 103rd session.

³⁵ *What is corruption?*, "Transparency International", n.d., <https://www.transparency.org/what-is-corruption> (accessed: 31.03.2020).

³⁶ J. Ruszewski, P. Sitniewski, *Korupcja. Przewodnik metodyczny* [Corruption. Methodical Guide], Suwałki 2007, p. 13.

³⁷ Since 1995 Transparency International (TI) has been annually publishing the Corruption Perceptions Index – the survey that has become a leading global corruption index in the public sector. The Index provides an annual review of a relative level of corruption according to the ranking of countries and territories from all over the world. In 2012, Transparency International reconsidered its methodology applied to develop

countries that intend to combat corruption, including Poland.³⁸ Oft-times the justification of placing a specific country in the ranking results from its compliance with the rule of law valid in a democratic law-observing state, which has been particularly emphasised in recent years in the context of reforms in Central and Eastern Europe.

As many as 17 from among 20 OECD founding states belong to 33 least corrupt countries in the world, according to this year's Corruption Perceptions Index (CPI) by Transparency International (2019).³⁹ Of them, 7 are placed in the first tenth of the least corrupt states in the world. Another 4 states that acceded to OECD before 1990 are placed in the top 20 least corrupt states in the world. Therefore, 21 countries from among the founders and the oldest members of OECD are on the list of 33 least corrupt countries in the world. Taking into account other OECD members, i.e. countries acceding to this organisation after the Autumn of Nations (1989–1990), it must be noticed that 23 of 33 least corrupt states in the world in 2019 were active OECD members. Going further in these calculations, as many as 30 of 50 least corrupt countries in the world are OECD members. Therefore, a strong relation between anticorruption activities of states gathered in OECD and their achievements in this field, noticed by Transparency International, can be observed.

OECD operations in the area of anticorruption became particularly intensive after the adoption of the *Convention on combating bribery of foreign public officials in international business transactions* (1997–1999). This Convention does not have official sanctioning mechanisms, but instead the OECD working group meets periodically to conduct national assessments.⁴⁰ The table below presents the least corrupt countries in the world according to the Corruption Perceptions Index in the years 2014–2019.

the Index, in order to allow for the comparison of results year by year, assigning to every studied country (territory) points from zero (highly corrupt) to 100 (very clean).

³⁸ W.M. Hrynicki, *Corruption as a threat to internal security of a state*, "Security Dimensions", 2019, no. 31, pp. 48–73, DOI 10.5604/01.3001.0014.0272.

³⁹ In CPI 2019 published on 23 January 2020, 180 countries and independent territories were considered to draw up a survey based on 13 questionnaires and expert assessments in order to measure corruption in the public sector. *Corruption Perceptions Index 2019*, "Transparency International", <https://www.transparency.org/cpi2019> (accessed: 31.03.2020).

⁴⁰ S. Rose-Ackerman, S. Hunt, *International Anti-Corruption Policies and the United States National Interest*, [in:] *Debates of Corruption and Integrity. Perspectives from Europe and the USA*, P. Hardi, P. M. Heywood, D. Torsello (eds), New York 2015, p. 40.

**TABLE 1. THE LEAST CORRUPT COUNTRIES IN THE WORLD
ACCORDING TO CPI 2014–2019**

No.	State	2019	2018	2017	2016	2015	2014
1.	Denmark	87	88	88	90	91	92
	New Zealand	87	87	89	90	91	91
3.	Finland	86	85	85	89	90	89
4.	Singapore	85	85	84	84	85	84
	Sweden	85	85	84	88	89	87
	Switzerland	85	85	85	86	86	86
7.	Norway	84	84	85	85	88	86
8.	Netherlands	82	82	82	83	84	83
9.	Germany	80	80	81	81	81	79
	Luxembourg	80	81	82	81	85	82
11.	Iceland	78	76	77	78	79	79
12.	Australia	77	77	77	79	79	80
	Austria	77	76	75	75	76	72
	Canada	77	81	82	82	83	81
	United Kingdom	77	80	82	81	81	78
16.	Hong Kong	76	76	77	77	75	74
17.	Belgium	75	75	75	77	77	76
18.	Estonia	74	73	71	70	70	69
	Ireland	74	73	74	73	75	74
20.	Japan	73	73	73	72	75	76

Source: Own elaboration on the basis of: *The 2014 Corruption Perceptions Index Measures The Perceived Levels Of Public Sector Corruption In 175 Countries And Territories*, “Transparency International”, n.d., <https://www.transparency.org/en/cpi/2014> (accessed: 31.03.2020); *Corruption Perceptions Index 2015*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2015> (accessed: 31.03.2020); *Corruption Perceptions Index 2016*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2016> (accessed: 31.03.2020); *Corruption Perceptions Index 2017*, “Transparency International”, 21 February 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed: 28.02.2020); *Corruption Perceptions Index 2018*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2018> (accessed: 31.03.2020); *Corruption Perceptions Index 2019*, “Transparency International”, n.d., <https://www.transparency.org/cpi2019> (accessed: 31.03.2020).

The Nordic countries (in the geographical and structural sense⁴¹) occupy a special place among the least corrupt states in the world according to the annual CPI ranking. For many years Denmark, Sweden, Norway, Iceland and Finland have been on the top of the least corrupt countries in the world according to the Corruption Perceptions Index. It should be mentioned that the first four countries are OECD founding states, while Finland joined that organisation already in 1969, i.e. eight years after the establishment of OECD. As CPI 2019 indicates, Denmark and New Zealand are the least corrupt countries in the world. In CPI 2018, New Zealand, the OECD member since 1973, ranked second after Denmark. In turn, in CPI 2017, the situation was opposite: New Zealand came first, followed by Denmark. According to CPI 2019, Finland is the third least corrupt country in the world, Sweden the fifth, and Norway the seventh. The situation was similar in CPI 2018. In turn, Iceland moved up in that time from the 14th place to the 11th.

The above situation results from a particularly well-developed civic society in the Nordic countries, which has its serious historical connotations. Numerous social movements emerging in the 19th century were protest movements based on the idea of grassroots social change; they had a civic character and allowed for a smooth, non-violent democratisation of the Nordic countries (except for Finland, where a bloody civil war broke out in 1918).⁴² A unique feature of these social movements was the close cooperation with the state based on the idea of mutual trust, while that cooperation did not weaken their autonomy.⁴³ Strong civic society and women's participation in public life constitute obstacles for corruption.⁴⁴

Well-developed civic societies produce good achievements in the fight against corruption in OECD states which are culturally similar to the Nordic countries. In CPI 2019, the top 10 least corrupt states in the world included Switzerland, Netherlands, Germany, and Luxembourg, while Austria and United Kingdom were *ex aequo* on the 12th place. In turn, Belgium ranked the 17th and Ireland the 18th. All these countries are OECD

⁴¹ In the geographical and structural sense, the Nordic countries include Denmark, Finland, Iceland, Norway and Sweden (states belonging to the Nordic Council).

⁴² B. Czepil, *Kulturowe i instytucjonalne bariery korupcji w państwach nordyckich* [Cultural and Institutional Barriers of Corruption in Nordic Countries], Opole 2015, p. 178.

⁴³ B. Rothstein, *Is the Universal State a Cause or an Effect of Social Capital?*, "QoG Working Paper Series", 2008, no. 16, pp. 4–8.

⁴⁴ B. Czepil, *Kulturowe...*, *op. cit.*, p. 191 ff.

founding states and have strongly developed civic societies. It should also be reminded that pursuant to Article 13 of the United Nations Convention against Corruption⁴⁵, an active and strong civic society constitutes an obstacle for corruption and the power improving the quality of ruling.

Estonia is also getting closer to the idea and shape of a Nordic country, as, although originating from the Soviet Bloc, it is implementing the policy of active support for the civic society and strengthening measures in the area of fight against corruption. It is appreciated in annual CPIs and in 2019 Estonia ranked 18th among the least corrupt states in the world, which constitutes the best result from among the countries of Central and Eastern Europe. It is worth pointing out that Estonia had acceded to OECD in 2010 and then it was on the 26th place in the CPI ranking. In 2015, Estonia moved up to the 23rd place and since then it has been successively increasing its scoring and position, while in CPI 2019 it ranks at the high 18th place with 74 points, getting ahead such countries as Japan, USA, Israel, South Korea, Portugal, and Spain. Estonia's success in corruption prevention is connected not only with its structural and economic successes, but also with bringing its management model closer to the Nordic standards. The Estonians do not hide the fact that they often take the cue from the Scandinavian (Nordic) countries.

It should also be emphasised that 7 of the 50 least corrupt states in the world according to Transparency International are in Central and Eastern Europe or in Eastern Europe, the territories which were in the Soviet sphere of influence before 1990. The table below presents the corruption ranking for the countries of Central and Eastern Europe and the former Soviet Bloc according to the Corruption Perceptions Index in the years 2014–2019.

TABLE 2. CORRUPTION IN FORMER SOVIET COUNTRIES IN 2014–2019

No.	State	2019	2018	2017	2016	2015	2014
18.	Estonia	74	73	71	70	70	69
35.	Slovenia	60	60	61	61	60	58
	Lithuania	60	59	59	59	59	58
41.	Poland	58	60	60	62	63	61

⁴⁵ *United Nations Convention against Corruption* adopted by the General Assembly of United Nations on 31 October 2003.

44.	Czech Republic	56	59	57	55	56	51
	Georgia	56	58	56	57	52	52
	Latvia	56	58	58	57	56	55
59.	Slovakia	50	50	50	51	51	50
63.	Croatia	47	48	49	49	51	48
66.	Belarus	45	44	44	40	32	31
	Montenegro	45	45	46	45	44	42
70.	Hungary	44	46	45	48	51	54
	Romania	44	47	47	47	47	43
74.	Bulgaria	43	42	43	41	41	43
77.	Armenia	42	35	35	33	35	37
91.	Serbia	39	39	41	42	40	41
101.	Bosnia and Herzegovina	36	38	38	39	38	39
	Kosovo	36	37	39	36	33	33
106.	Albania	35	36	38	39	36	33
	North Macedonia	35	37	35	37	42	45
120.	Moldova	32	33	31	30	33	37
126.	Azerbaijan	30	25	31	30	29	29
	Ukraine	30	32	30	29	27	26
137.	Russia	28	28	29	29	29	27

Source: Own elaboration on the basis of: *The 2014 Corruption Perceptions Index Measures The Perceived Levels Of Public Sector Corruption In 175 Countries And Territories*, “Transparency International”, n.d., <https://www.transparency.org/en/cpi/2014> (accessed: 31.03.2020); *Corruption Perceptions Index 2015*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2015> (accessed: 31.03.2020); *Corruption Perceptions Index 2016*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2016> (accessed: 31.03.2020); *Corruption Perceptions Index 2017*, “Transparency International”, 21 February 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed: 28.02.2020); *Corruption Perceptions Index 2018*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2018> (accessed: 31.03.2020); *Corruption Perceptions Index 2019*, “Transparency International”, n.d., <https://www.transparency.org/cpi2019> (accessed: 31.03.2020).

It should be noticed that six states of Central and Eastern Europe are OECD members (Czech Republic, Poland, Slovenia, Estonia, Latvia,

Lithuania⁴⁶). The best performer from among them in CPI 2019 is the above-mentioned Estonia, then, on the 35th position, Slovenia and Lithuania can be found *ex aequo*. These are particularly good positions, as these countries are new OECD members, just like Estonia. This is in contrast to the position of Poland, Czech Republic and Hungary⁴⁷ in this ranking, which have belonged to OECD since the mid-nineties. Taking into account an increasing number of states covered by CPI, Slovenia has been between the 34th and 37th position since 2015, with 60–61 points. In CPI 2018, Slovenia ranked 36th *ex aequo* with Poland, while in the latest ranking CPI 2019, it moved up to the 35th place *ex aequo* with Lithuania and Israel, with 60 points. The above-mentioned Lithuania deserves praise in a group of former Soviet countries, as it has belonged to OECD only since 2018 and in the CPI 2019 ranking it has once again improved its position among the least corrupt states in the world. So far, since 2015, Lithuania has ranked 38th, with 59 points.

However, CPI 2019 disappoints as regards the ranks of Visegrad Group countries. As mentioned above, three of these countries have been the OECD members since 1990s, while Slovakia joined OECD in 2000. Poland has been successively losing points since 2015, but until CPI 2018, included, it was invariably ranking 36th. CPI 2019 brought an unpleasant surprise for Poland in the form of fall to the 41st position, *ex aequo* with Cyprus and Cape Verde. As long as in recent years Poland has been losing points, Czech Republic has been successively increasing its number of points and in CPI 2018 ranked 38th (with 59 points), although in CPI 2014 Czech Republic had ranked the distant 53rd, with 51 points. However, in the latest CPI 2019 survey, Czech Republic has dived to the 44th position (with 56 points) *ex aequo* with Georgia, Latvia, and Costa Rica. Two other members of the Visegrad Group, Slovakia and Hungary, are doing even worse. In CPI 2018 Slovakia ranked 57th, with 50 points, among the least corrupt states in the world, while in CPI 2019 it dived to the 59th place, although it kept its number of points from the year before. Admittedly, Slovakia maintained the same number of points with regard to CPI 2014, but fell from the 54th place. Hungary's fall is spectacular, as it dived from the 48th place with 54 points in 2014 to the 64th position with 46 points

⁴⁶ In the order of accession – Czech Republic (1995), Poland (1996), Slovenia (2010), Estonia, (2010), Latvia (2016), Lithuania (2018).

⁴⁷ Hungary has been an OECD member since 1996.

in CPI 2018, and finally to the 70th position with only 44 points in CPI 2019, *ex aequo* with Romania, Republic of South Africa, and Suriname, and as a result landing in a lower position than Belarus and Montenegro, which do not belong to OECD.

Objectively speaking, among 180 world countries the positions of the Visegrad Group countries (V4) are quite good, but there is no denying that the progressive fall of this group of states in the CPI rankings of Transparency International, and of Romania that is diving from the 59th position in 2017 to the 61st position in 2018 and the 70th position in CPI 2019, has a wider political context. It should also be noted that Romania is not an OECD member and does not candidate there, but has the same issues as V4. Results of the Visegrad Group and Romania require some commentary.

It must be reminded that while discussing the CPI 2017 results, Transparency International president Delia Ferreira Rubio stated: “The CPI results correlate not only with attacks on the freedom of the press and limitation of the space for organisation of civic society. In fact, it is about the very essence of democracy and freedom”.⁴⁸ As Carl Dolan, head of Transparency International EU, noticed, also against the CPI 2017 results: “If the rule of law was seriously violated in Hungary and in other member states, it caused the flood of corruption sponsored by the state. Poland and Romania may soon be swept away in the same direction, with disturbing operations aiming at the limitation of independence of the judiciary, space for civic society, and freedom of the press. The last six years have shown how few cards the EU must play so that the member states would undermine the basic EU values. Specific measures promoting the rule of law and corruption prevention must be in the centre of the new generation of EU funds and policies”.⁴⁹ Two years later, the latest CPI 2019 ranking has made these fears evident, with a decrease especially of Poland, Hungary and Romania. The fight for reforms of justice in Poland and Romania and imposition of limitations on non-governmental organisations promoting

⁴⁸ *Corruption Perceptions Index 2017*, “Transparency International”, 21 February 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed: 28.02.2020).

⁴⁹ km, *Polska spada w rankingu korupcji (wideo)*, 23 February 2018, <https://www.wirtualnemedia.pl/artykul/ranking-korupcji-transparency-international-2018-miejsce-polski> (accessed: 28.02.2020); *Hungary's decline in the Corruption Perceptions Index is a dire warning to the EU*, “Transparency International EU”, <https://transparency.eu/cpi17/> (accessed: 28.02.2020).

democracy and human rights in Hungary have certainly their share in falls in the CPI ranking. It is worth pointing out that in a regional group of the CPI states, “Western Europe & EU”, Hungary and Romania, plus Bulgaria, have the worst results. The last one, after all, moved up regarding the CPI 2018 from the 77th place to the 74th place (CPI 2019).

However, as Transparency International president Delia Ferreira Rubio said in relation to the latest CPI 2019 survey, “Governments must urgently deal with a corruptive role of big money in financing political parties and an excessive impact on our political systems”.⁵⁰ As Reuters noted in 2019: “The majority of postcommunist member states of the EU tries to effectively prevent corruption. Several countries, including Hungary, Poland and Romania, have taken some steps to undermine the independence of courts, which weakens their ability to pursue corruption at a high level”.⁵¹ In turn, as for Czech Republic, Transparency International noticed: “In Czech Republic, the recent scandals, which involved the Prime Minister and his efforts to obtain public funds from the EU subsidies for his company have indicated a surprising lack of political honesty”⁵², and: “Scandals indicate also an insufficient level of transparency of funding political campaigns”.⁵³ Of course it is possible to argue with that, but CPI results will not improve in this way.

Although the Transparency International CPI 2019 report does not mention this, one may only guess that the resignation of the Slovakian Prime Minister Robert Fico following the murder of journalist Jan Kuciak and his fiancée Martina Kušnírova, who had been describing corruption

⁵⁰ *Corruption Perceptions Index 2019*, *op. cit.*, (accessed: 31.03.2020).

⁵¹ J. Strupczewski, *EU targets Poland, Romania with defense of judicial independence*, “Reuters”, 3 April 2019, <https://www.reuters.com/article/us-eu-poland-judiciary/eu-targets-poland-romania-with-defense-of-judicial-independence-idUSKCN1RF14V> (accessed: 31.03.2020).

⁵² *European commission confirms Czech Prime Minister Andrej Babiš has conflict of interest*, “Transparency International”, June 2019, https://www.transparency.org/news/pressrelease/european_commission_confirms_czech_prime_minister_andrej_babish_has_conflict (accessed: 31.03.2020).

⁵³ *Corruption Perceptions Index 2019*, “Transparency International”, n.d., https://www.transparency.org/files/content/pages/2019_CPI_Report_EN.pdf (accessed: 31.03.2020).

scandals and relations of the then prime minister and the Italian mafia from Calabria, did not help the image of this country.⁵⁴

It should be emphasised that the declines of the aforementioned Visegrad Group countries and Romania in the ranking have an evident political context, and it must be recalled that the surveys which form the basis for CPI are submitted not only by experts from a given country, but also by business environment. Transparency International reminds that corruption shows significant connotations with the rule of law in a democratic law-observing state in such a way that the more the state complies with the rule of law characteristic of a democratic law-observing state, the better it deals with the fight against corruption. It must be emphasised that from persons occupying important political posts decidedly much more is required, with regard to the transparency of their actions. After all, sometimes these figures engage in criminal acts with reduced concern about being disclosed by institutions obligated to counteract money laundering, or by the representatives of law enforcement.⁵⁵ The actions of the prime minister and ministers must leave no doubt as to their complete lack of tolerance for corruption, nepotism, and conflicts of interest in their subordinate institutions.⁵⁶

Another countries from the former Soviet Bloc from among the 50 least corrupt states in the world⁵⁷ include Latvia, which joined OECD in 2016, and Georgia, which has not been the OECD member so far. In CPI 2019, both these countries rank, together with Czech Republic, 44th, with 56 points, and, interestingly, in CPI 2018 they occupied *ex aequo* the 41st position (with 58 points). Although actually both countries fell by three positions in this year's summary, it is worth pointing out that they compare relatively well against other states of Central and Eastern Europe, in particular the Visegrad Group.

⁵⁴ kow, *Premier Słowacji Robert Fico podał się do dymisji*, "Newsweek Polska", 15 March 2018, <https://www.newsweek.pl/swiat/polityka/premier-slowacji-robert-fico-podal-sie-do-dymisji/4pc4e70> (accessed: 31.03.2020).

⁵⁵ W. Jasiński, *Osoby na eksponowanych stanowiskach politycznych. Przeciwdziałanie korupcji i praniu pieniędzy* [Politically Exposed Persons. Prevention of Corruption and Money Laundering], Warszawa 2012, p. 310.

⁵⁶ G. Czubek, G. Kopińska, A. Sawicki, A. Wojciechowska-Nowak, *Jak walczyć z korupcją? Zasady tworzenia i wdrażania strategii antykorupcyjnej dla Polski. Program Przeciw Korupcji* [How to Fight with Corruption? Principles of Creation of an Anticorruption Strategy for Poland. Anticorruption Programme], Warszawa 2010, p. 12.

⁵⁷ More: R. Karklins, *Wszystkiemu winien system, Korupcja w krajach postkomunistycznych* [System Is To Be Blamed. Corruption in the Postcommunist Countries], Warszawa 2009.

The remaining former Soviet Bloc countries tend to lower their rank among the least corrupt states in the world in CPI 2019. For example Croatia, from the 50th place in 2015, through the 55th place in 2016, 57th in 2017, and 60th in 2018, this year has ranked 63rd (with 47 points). Within five years, the position of Croatia lowered by 13 places and is worse than in 2014 (61st place in CPI 2014), which results from the country’s distinct “turn to the right” and not altogether correct relations with Serbia, as assessed by Western European experts. In turn, although in 2018 Ukraine significantly improved its position regarding previous years (promotion by ten positions), in CPI 2019 it has fallen to the 126th position. Such a distant position provokes the reflection that the level of corruption of the Ukrainian state is serious, even significant. In turn, a significant promotion in CPI 2019 regarding previous years was noted by Armenia (promotion from the 105th place to the 77th) and Azerbaijan (promotion from the 152nd place to the 126th).

However, it is worth pointing out that despite shifts in Transparency International rankings throughout years, countries of the former Soviet Bloc which are also OECD members deal much better with corruption than states in this part of Europe that do not belong to OECD. Among countries in this geopolitical area that do not belong to OECD, the above-mentioned Georgia should be distinguished, but it must be said that the fight against corruption in this country has almost a theatrical dimension, which is manifested e.g. by trained police stations. The political situation of a given country, its level of democracy and the rule of law are not without significance, which may be observed in the case of the successive downgrading of the Visegrad Group states and Romania in rankings.

Equally interesting conclusions may be drawn by analysing the most corrupt states in the world according to CPI 2019 as compared with the summaries from previous years (in the table below).

TABLE 3. THE MOST CORRUPT COUNTRIES IN THE WORLD ACCORDING TO CPI 2014–2019

No.	State	2019	2018	2017	2016	2015	2014
180.	Somalia	9	10	9	10	8	8
179.	South Sudan	12	13	12	11	15	15
178.	Syria	13	13	14	13	18	20

177.	Yemen	15	14	16	14	18	19
173.	Venezuela	16	18	18	17	17	19
	Equatorial Guinea	16	16	17	–	–	–
	Sudan	16	16	16	14	12	11
	Afghanistan	16	16	15	15	11	12
172.	North Korea	17	14	17	12	8	8
168.	Haiti	18	20	22	20	17	19
	Democratic Republic of Congo	18	20	21	21	22	22
	Libya	18	17	17	14	16	18
	Guinea Bissau	18	16	17	16	17	19
165.	Burundi	19	17	22	20	21	20
	Congo	19	19	21	20	23	23
	Turkmenistan	19	20	19	22	18	17
162.	Cambodia	20	20	21	21	21	21
	Chad	20	19	20	20	22	22
	Iraq	20	18	18	17	16	16
161.	Nicaragua	22	25	26	26	27	28
160.	Eritrea	23	24	20	18	18	18

Source: Own elaboration on the basis of: *The 2014 Corruption Perceptions Index Measures The Perceived Levels Of Public Sector Corruption In 175 Countries And Territories*, “Transparency International”, n.d., <https://www.transparency.org/en/cpi/2014> (accessed: 31.03.2020); *Corruption Perceptions Index 2015*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2015> (accessed: 31.03.2020); *Corruption Perceptions Index 2016*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2016> (accessed: 31.03.2020); *Corruption Perceptions Index 2017*, “Transparency International”, 21 February 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed: 28.02.2020); *Corruption Perceptions Index 2018*, “Transparency International”, n.d., <https://transparency.org/en/cpi/2018> (accessed: 31.03.2020); *Corruption Perceptions Index 2019*, “Transparency International”, n.d., <https://www.transparency.org/cpi2019> (accessed: 31.03.2020).

Unsurprisingly, the top 20 most corrupt countries in the world, due to CPI 2019, include the states with the largest political, economic and social issues, which only exchange their positions year by year. In Somalia, a war has been on continually since the beginning of 1990s. Recently, it has transformed into the fight of the most powerful clans. Currently, Somalia falls into the category of a failed state and its position of the most corrupt

country in the world should not be surprising. Armed conflicts, issues with democracy and poverty also in other African countries establish the basis for problems with corruption. For example, the Sudanese wars and the division of the great Sudan (2011) into Sudan and South Sudan have not ended any conflicts in this part of Africa, thus affecting the corruptive phenomena. Similarly, wars in Syria and Yemen, dictatorship in North Korea, pervasive poverty, violation of human rights and other phenomena adversely affect the rule of law in the affected states, eliminating them from among democratic states. The above, as mentioned, has a two-way relation with corruption – corruption erodes the rule of law and democracy, while destruction of the rule of law and democracy deepens corruptive phenomena.

CONCLUSIONS

In conclusion, it should be underlined that corruption is one of the largest threats to the rule of law and to a democratic law-observing state, which in turn has strong connotations with threats to a state's internal security. Corruption is a multidimensional phenomenon leaving its mark on many areas of social life. It disturbs, even destroys, complicated economic processes, destabilises economy, leads to the establishment of bad law and to spoiling the applicable law, weakens the state itself internally and its political position internationally, violates the principles of democracy, significantly destabilises social relations, and even adversely affects culture. Corruption contributes to the demoralisation of society, creating abnormal cultural phenomena and posing a serious threat to the state's internal security.

Corruption, while striking the rules of law of a law-observing state, poses a serious risk to social relations. It is a socially pathological phenomenon, i.e. such a behaviour of institutions or an element of the social system which stands in contrast to the world view and value hierarchy accepted within the system. Corruption damages the political sphere, in particular in the case of unclear party financing rules and illicit lobbying. It also results in faulty laws and provisions being introduced (or not introduced) which favour the few, resulting in an economic advantage and disregarding the interest of the many. Corruption also involves destructive economic phenomena, especially in the case of large public projects and tax-related crimes. It renders everyday operations difficult for regular businesses, violates the free market principle, disrupting regional and global economies, and results in stifled economic progress and its equal distribution.

It should be emphasised that countries exercising utmost care about the compliance with the rule of law deal much better with corruption prevention and fight against it. These countries include in particular the states actively operating in the Organisation for Economic Cooperation and Development (OECD), and especially these states that have developed a strong, stable civic society. They include in particular the Nordic countries together with Estonia which follows their example, states of Western Europe, as well as New Zealand, Australia, Singapore, Canada, and Japan. Compliance with the rule of law by particular countries builds and strengthens the democratic law-observing state, which is confirmed annually by Transparency International in its Corruption Perceptions Index. These surveys show also that for several years – year by year, despite few exceptions, the rank of the states of Central and Eastern Europe, including the Visegrad Group, has been downgrading. These countries have recently faced reforms of the justice or political scandals, including criminality, which is confirmed by Transparency International in comments to surveys.

Recapitulating, it should be emphasised that corruption is related to the demoralisation and moral slackening of society. Finally, it destabilises the state structures, striking the rule of law and making these countries dysfunctional or, in extreme cases – failed, debauching the basic principles of democracy.

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