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Occupation: Petty Smuggler. On the Effectiveness of Carrying Out Selected Non-Custodial Penalties against Smugglers¹

Abstract: This article presents the results of a study on the effectiveness of carrying out community service (a penalty for committing a crime or misdemeanour which entails performing work for social purposes) and social work (where a fine can be converted into such work if the obligated person cannot pay it) by perpetrators of criminal acts related to the smuggling of goods. For the purposes of the current study, punishments consisting of work were defined as effective when they remained unchanged and were carried out as community service. The study found that if punishment in the form of work was applied to them, perpetrators of smuggling-related crimes or offences performed such work far more often than perpetrators of other criminal acts who were subjected to the same punishment (93.8% v. 65.1%). Moreover, it was established that criminal acts related to the smuggling of goods are committed equally often by women and by men (in this category of criminal acts, women comprised 46.2% of perpetrators, with the mean for all criminal acts and petty offences taken into account in the current study being 15%). The article concludes that the present results may suggest that perpetrators of such criminal acts or petty offences treat them as a way to gain additional income. This is evidenced, for example, by the fact that many people had more than one sentence to serve for committing a criminal act related to smuggling.

Keywords: community service, fines, national borders, non-custodial penalties, penalty effectiveness, smuggling

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Introduction

The border between two countries is not only a division of space in the administrative sense, but also an area where two regions, often with different legal, tax, social, and economic conditions, are joined. These differences are frequently so significant as to become a motivating factor for some criminal acts or punishable offences which do not occur in other regions of these countries, such as smuggling (of goods or people) or illegal border crossings. In Europe, this phenomenon mostly takes place around the external borders of the EU. In Poland, this means the borders with Russia, Belarus, and Ukraine.

Due to the above conditions, increased attention is being devoted in the literature to crimes involving national borders. Since the existence of a state border causes the occurrence of various negative phenomena, so this issue has also been addressed by criminology: primarily border criminology or criminology of mobility.² However, the border is also where petty smuggling of goods traditionally takes place. It chiefly involves goods whose price significantly differs between the two sides of the border; this makes such acts financially attractive. Thus far, the phenomenon of smuggling has been frequently discussed in the literature (e.g. its determinants, development, and consequences). However, the issue of the effectiveness of penalties against the perpetrators of criminal acts or petty offences related to the smuggling of goods has not yet been studied. Of particular interest is the question of whether differences exist between the perpetrators of these criminal acts or petty offences and those of other punishable acts. Additionally, if they exist, what are the determinants of these differences? The current article examines the outcomes of cases where the perpetrators of criminal acts or petty offences were sentenced to community service or social work (hereafter referred to by the abbreviation CSSW) in place of an unpaid fine.

2 M. Bosworth, *Border Criminology and the Changing Nature of Penal Power*, (in:) A. Liebling, S. Maruna, L. McAra (eds.), *The Oxford Handbook of Criminology*, Oxford 2017, pp. 373–390; S. Pickering, M. Bosworth, K. Franko, *The Criminology of Mobility*, (in:) S. Pickering, J. Ham (eds.), *The Routledge Handbook on Crime and International Migration*, Abingdon 2015, pp. 382–390; J.A. Brandariz, *Criminalization or Instrumentalism? New Trends in the Field of Border Criminology*, *Theoretical Criminology* 2022, vol. 26, no. 2, p. 285 (05.01.2023); V. Barker, *Penal Power at the Border: Realignment State and Nation*, *Theoretical Criminology* 2017, vol. 21, no. 4, pp. 441–457, <https://doi.org/10.1177/1362480617724827> (05.01.2023); M. Bosworth, K. Franko, S. Pickering, *Punishment, Globalization and Migration Control: 'Get Them the Hell Out of Here'*, *Punishment & Society* 2018, vol. 20, no. 1, pp. 34–53, <https://doi.org/10.1177/1462474517738984> (05.01.2023).

1. The legal and theoretical framework on smuggling petty crimes

For the purposes of the current article, Pitt's definition of smuggling as occurring when 'traded goods are misweighted, misgraded, misinvoiced or not invoiced at all with or without the cooperation of customs authorities' was adopted.³ Referring to Polish legal regulations, this is covered mainly by Chapter 7 of the Penal and Fiscal Code, which concerns criminal acts and petty offences against customs obligations and rules of foreign trade and services (particularly Articles 86 and 91).⁴ As smuggling is not always detected, the current article also took into account criminal acts and offences related to the illegal transfer of, dealing in, and improper marking of excise goods and falsifying excise stamps (Articles 63, 65, 66, and 67, contained in Chapter 6 of the Penal and Fiscal Code).⁵ These are punishable offences related to the selling of goods which were illegally brought into Poland or which were brought legally but entered economic traffic illegally (without an appropriate excise stamp).⁶

The causes and consequences of goods smuggling are complex and not always clear. Smuggling impacts the national revenue from tariffs and taxes. However, this does not imply that it must have negative consequences. In the context of societal wellbeing, smuggling was initially considered to be beneficial, as it allowed for the price of some goods on the market to be lowered.⁷ Thus it made them more widely available. Later, it was noticed that smuggling leads to numerous negative social consequences since it coexists with legal trade in the form of unfair competition.⁸ This belief changed as a result of Pitt's studies, who concluded that the social consequences of smuggling are ambiguous and have both positive and negative aspects.⁹

3 M.M. Pitt, Smuggling and Price Disparity, 'Journal of International Economics' 1981, vol. 11, no. 4, pp. 447–458, [https://doi.org/10.1016/0022-1996\(81\)90026-X](https://doi.org/10.1016/0022-1996(81)90026-X) (20.07.2022).

4 Act of 10 September 1999 on the Penal and Fiscal Code (consolidated text, Journal of Laws 2022, Item 859 as amended).

5 See also L. Valentowá, B. Mazur, Odpowiedzialność z tytułu wykroczeń i przestępstw celnych, 'Kultura Bezpieczeństwa. Nauka-Praktyka-Refleksje' 2014, no. 15, pp. 281–283.

6 This is also commonly referred to as smuggling: K. Piech, Przemysł jako czynność faktyczna, (in:) E. W. Pływaczewski, E. Kowalewska-Borys, Nielegalne wprowadzenie towarów akcyzowych na obszar Unii Europejskiej, Warsaw 2015, p. 97.

7 A. Buehn, M. R. Farzanegan, Smuggling Around the World: Evidence from a Structural Equation Model, 'Applied Economics' 2012, vol. 44, no. 23, p. 3049, <https://doi.org/10.1080/00036846.2011.570715> (05.01.2023).

8 I. N. Bhagwati, B. Hansen, A Theoretical Analysis of Smuggling, 'The Quarterly Journal of Economics' 1973, vol. 87, pp. 172–187.

9 M.M. Pitt, Smuggling..., *op. cit.*

Existing studies show that factors which increase the scale of smuggling include high tariffs and more extensive trade limitations,¹⁰ high corruption levels,¹¹ and the country's general level of development, as smuggling occurs on a greater scale in developing countries.¹² On the other hand, the scale of smuggling is limited by more effective law enforcement and the related effective functioning of institutions responsible for detecting smuggling.¹³ From the national perspective, smuggling and the related introduction of smuggled goods into the economic traffic is a negative phenomenon, as it decreases national revenue and thus limits the country's ability to finance its needs. Thus governments undertake various efforts to limit smuggling.¹⁴

2. Community service as a penalty for criminal acts or petty offences related to smuggling

Studies have shown that smuggling cases most often concern criminal acts or petty offences provided for in Article 63 (illegal import of excise goods, including both import of goods as well as their transfer within the country),¹⁵ Article 65 (dealing in excise goods),¹⁶ Article 86 (customs smuggling),¹⁷ and Article 91 (dealing in

10 R.T. Wacziarg, K. H. Welch, Trade Liberalization and Growth: New Evidence, 'The World Bank Economic Review' 2008, vol. 22, no. 2, pp. 187–231, <https://doi.org/10.1093/wber/lhn007> (05.01.2023).

11 D. Kaufmann, A. Kraay, M. Mastruzzi, Governance Matters IV: Governance Indicators for 1996–2004, World Bank Policy Research Working Paper Series no. 3630, 2005, <https://ssrn.com/abstract=718081> (05.01.2023); A. Buehn, M. R. Farzanegan, Smuggling..., *op. cit.*, p. 3053.

12 A. Buehn, M. R. Farzanegan, Smuggling..., *op. cit.*, p. 3058.

13 A. Buehn, M. R. Farzanegan, Smuggling..., *op. cit.*, p. 3052; E. Gwardzińska, Efektywność polskiej Służby Celnej a zwalczanie przemytu celnego towarów naruszających prawa własności przemysłowej, (in:) E.W. Pływaczewski, E. Kowalewska-Borys, Nielegalne..., *op. cit.*, p. 109 and note; W. Czyżowicz, Polityczno-prawne podstawy oraz struktury instytucjonalno-organizacyjne i mechanizmy zwalczania przemytu w Unii Europejskiej, (in:) E.W. Pływaczewski, E. Kowalewska-Borys, Nielegalne..., *op. cit.*, p. 27 and note.

14 D. Ćwikowski, Prawnokarne konsekwencje przemytu – wybrane zagadnienia, (in:) E.W. Pływaczewski, E. Kowalewska-Borys, Nielegalne..., *op. cit.*, p. 198 and note; D. Ćwikowski, Wpływ gospodarki nieoficjalnej na bezpieczeństwo ekonomiczne państwa, Szczytno 2014, p. 123 and note.

15 L. Wilk, J. Zagrodnik, Kodeks karny skarbowy: Komentarz, Warsaw 2021, p. 358; G. Skowronek, Kodeks karny skarbowy: Komentarz, Warsaw 2020, p. 190.

16 See also I. Zgoliński, Kodeks karny skarbowy: Komentarz, Warsaw 2021, p. 540 and note; L. Wilk, J. Zagrodnik, Kodeks karny skarbowy..., *op. cit.*, p. 365 and note; G. Skowronek, Kodeks karny skarbowy..., *op. cit.*, p. 197 and note.

17 See also T. Oczkowski, Commentary to Article 86, (in:) I. Zgoliński, Kodeks karny skarbowy..., *op. cit.*, pp. 675–676; L. Wilk, J. Zagrodnik, Kodeks karny skarbowy..., *op. cit.*, p. 478 and note; G. Skowronek, Kodeks karny skarbowy..., *op. cit.*, p. 289 and note.

goods subject to customs)¹⁸ of the Penal and Fiscal Code. Together, these four articles covered 53 out of the 65 cases studied related to smuggling (81.5%).

When analysing these criminal acts in the context of their corresponding penalties, it can be seen that fines are the dominant form of punishment (perpetrators of each of the above criminal acts or petty offences can be sentenced to a fine). Imprisonment (often together with a fine) is also possible in the case of criminal acts. However, non-custodial penalties are not possible in the case of the punishable acts enumerated above. If the court ruling involves a fine, in accordance with Article 45, Paragraph 1 of the Executive Penal Code, it is possible for it to be commuted to social work. In this case, a rule applies stating that 10 day-fine units correspond to one month of social work¹⁹. The fine can be converted into social work if it is not more than 120 day-fines. The manner in which such a ruling was enforced differed little from the enforcement of cases in which a sentence of community service was imposed.²⁰ Acts related to organizing and controlling the carrying out of CSSW are performed by court-appointed probation officers, as per Article 55, Paragraph 2 and Article 45, Paragraphs 1 and 2 of the Executive Penal Code.²¹ The probation officer's scope of responsibility in such cases is set out chiefly in Articles 53 to 66 of the Executive Penal Code and the executive acts.²²

The way in which the CSSW ends depends on a number of factors. They can be divided into two basic groups: those within the responsibility of the organs of executive proceedings (mainly the probation officer) and those within the responsibility of the perpetrator of a criminal act. The first group includes the probation officer's work

18 See also T. Oczkowski, *Commentary...*, *op. cit.*, p. 687 and note; L. Wilk, J. Zagrodnik, *Kodeks karny skarbowy...*, *op. cit.*, p. 488 and note; G. Skowronek, *Kodeks karny skarbowy...*, *op. cit.*, p. 304 and note.

19 In Poland, a fine is often imposed according to daily rates. It can be imposed between 10 and 540 daily rates. The court also sets the value of one rate at between 10 and 2,000 PLN. Sometimes, if it follows from the law, the fine is imposed by amount.

20 J. Zagórski, *Orzekanie i wykonywanie kary ograniczenia wolności oraz pracy społecznie użytecznej w Polsce w świetle analizy przepisów i wyników badań*, Warsaw 2003, p. 98 and note.

21 Act of 6 June 1997 on the Executive Penal Code (consolidated text, *Journal of Laws* 2021, Item 53 as amended).

22 Regulation of the Minister of Justice of 13 June 2016 on the mode and procedure of carrying out acts by court-appointed probation officers in executive penal cases (*Journal of Laws*, Item 969), §§ 24–32. More on the custodian's responsibilities in K. Stasiak *Kontrolno-organizacyjna funkcja kuratora w wykonywaniu kary ograniczenia wolności i prac społecznie użytecznych*, (in:) K. Stasiak (ed.), *Zarys metodyki pracy kuratora sądowego*, Warsaw 2018, p. 441 and note; K. Stasiak, *Kurator sądowy organem postępowania wykonawczego*, (in:) K. Stasiak, *Kuratela sądowa w Polsce. Analiza systemu. Księga pamiątkowa dedykowana doktorowi Tadeuszowi Jedynakowi*, Torun 2018, p. 141 and note; K. Stasiak, *Ustawa o kuratorach sądowych: Komentarz*, Warsaw 2021, pp. 121–142; R. Giętkowski, *Rola sądowego kuratora zawodowego i zakładu pracy w wykonywaniu kary ograniczenia wolności*, *'Gdańskie Studia Prawnicze'* 2017, vol. 38, pp. 69–78.

conditions, their professional competence and engagement, the opportunities available to them in the community (access to various institutions),²³ as well as the quality of legal regulations which determine how they should carry out specific acts.²⁴ Currently, due to the increasing number of foreigners in Poland, the probation officers' cross-cultural competence has an increasing impact on their effectiveness in carrying out punishments.²⁵ On the other hand, the second group of factors influencing the conclusion of the carrying out of CSSW includes the perpetrator of a criminal act's motivation, their personality (criminals and antisocial individuals score high on neuroticism, extraversion, and psychoticism),²⁶ and the intensity of conditions which impede the carrying out of the sentence, e.g. strongly dysfunctional environmental influence.

3. Methodology

The results of the study presented here concerned the effectiveness of CSSW. For the purposes of the current study, CSSW were defined as 'effective' when they remained unchanged. This means that CSSW were considered to be carried out effectively when the convicted (punished) individual carried out community service for a number of hours specified by the court, when the number of hours was lower but the perpetrator of a criminal act was conditionally released from serving the rest of the sentence (Article 83 of the Penal Code),²⁷ or when, on the basis of Article 64 of the Executive Penal Code, the punishment was considered as served due to having met its goals. Social work in place of an unpaid fine was considered as carried out

23 R. Opora, *Efektywność oddziaływań resocjalizacyjnych*, Warsaw 2015, p. 138 and note; T. Jedy-nak, *Efektywność kuratorskiej służby sądowej w Polsce a standardy dotyczące sankcji i środków alternatywnych*, (in:) *Polski system probacji, stan i kierunki rozwoju w kontekście standardów europejskich*, Warsaw 2010, pp. 445–448.

24 K. Stasiak, *Czy potrzebna jest nam reforma kurateli sądowej?* 'Gdańskie Studia Prawnicze' 2020, vol. 47, no. 3, pp. 110–111, <https://doi.org/10.26881/gsp.2020.3.07> (20.07.2022).

25 A. Babicka-Wirkus, Ł. Wirkus, *Nowe wyzwania Kuratorskiej Służby Sądowej. Przygotowanie kulturowe kuratorów sądowych do pracy z obcokrajowcami*, 'Gdańskie Studia Prawnicze' 2020, no. 3(47), pp. 154–161, <https://doi.org/10.26881/gsp.2020.3.09> (20.07.2022). Statistics do not collect data on the number of foreigners dealt with by probation officers. However, foreigners make up an increasing percentage of those serving prison sentences (in 2016 there were 609 foreigners in prisons on average, while in 2021 there are already 1440), so it should also be considered that in the case of probation officers, the number of cases in which they deal with foreigners has increased; *Ministerstwo Sprawiedliwości Centralny Zarząd Służby Więziennej Roczna Informacja Statystyczna* (for 2016 and for 2021), p. 35, <https://www.sw.gov.pl/strona/statystyka-roczna> (27.12.2022).

26 D. Cervone, L.A. Pervin, *Personality: Theory and Research*, New York 2008, 10th Edition. Polish Edition: *Osobowość. Teoria i badania*, trans. by B. Majczyna, M. Majczyna, K. Sikora, K. Krzyżewski, Kraków 2011, p. 307.

27 Act of 6 June 1997 on the Penal Code (consolidated text, *Journal of Laws* 2022, Item 1138).

effectively when the perpetrator of a criminal act carried out community service for a number of hours specified by the court or when they were released due to having paid the fine.

The study involved analysing probation officers' case files on executive proceedings. To this end, a questionnaire was designed which was filled out separately for each case. Prior to data collection, consent was obtained from the president of each law court included in the study. Access to files of 100 cases of CSSW was requested (although not every court granted access to this many case files). The study also included courts whose jurisdictions covered large border crossings with Belarus (Bruzgi-Kuźnica (district court in Sokółka) and Bierastavica-Bobrowniki (district court in Białystok)) and with Ukraine (Korczoła-Krakowiec (district court in Jarosław) and Medyka (district court in Przemyśl)).²⁸

The study comprised a total of 1,068 cases in 14 district courts in Poland. This included 707 community service and 361 social work sentences issued in place of unpaid fines. For all cases, executive proceedings were concluded in 2018. According to statistical data, proceedings of a total of 171,980 cases of this type were concluded in Poland in 2018.²⁹ Thus the current study comprised 0.62% of these cases. Such a large sample allowed for drawing generalized conclusions. After data collection, statistical analysis was carried out using the IBM SPSS Statistics 25.0 software.

4. Research and results

During the analysis of the collected data, it was examined whether a relationship exists between the type of criminal act or petty offence and the conclusion of a case. For the purposes of the analysis, criminal acts and petty offences which occurred at least 20 times in the data were distinguished as separate types. Cases below that frequency were grouped in the 'Other' category. Detailed results of the analysis are shown in Table 1.

28 Regulation of the Minister of Justice of 28 December 2018 on the establishment of seats and jurisdictions of appellate courts, district courts, and regional courts (consolidated text, Journal of Laws 2021, Item 1269 as amended).

29 Statistical data from the MS-S-40r (2018) form, 27.05.2021.

Table 1. Number of cases concluded due to the carrying out of a non-custodial penalty or community service in place of an unpaid fine.

Type of punishable act	Number of cases	Concluded due to carrying out of the sentence	% of cases carried out
Against life and health	26	19	73.1
Against safety in traffic	122	85	69.7
Against the institution of family and guardianship	85	47	55.3
Against the activities of state institutions	60	39	65.0
Against the administration of justice	24	17	70.8
Against property	162	75	46.3
Against public order (petty offence)	79	54	68.4
Against state institutions (petty offence)	25	17	68.0
Against property (petty offence)	144	92	63.9
Against public morals (petty offence)	28	13	46.4
Against the Act on Combating Alcoholism	28	20	71.4
Against the Act on Combating Drug Addiction	38	28	73.7
Smuggling and related activities (Penal and Fiscal Code)	65	61	93.8
Other	182	128	70.3
Total	1068	695	65.1

Based on the results presented above, it can be concluded that there exists a relationship between the type of criminal act or petty offence and the conclusion of carrying out CSSW. In this sense, the highest effectiveness is achieved for carrying out punishments for smuggling of goods, at 93%. On the other hand, the lowest effectiveness is achieved for punishments for criminal acts against property (Articles 278–295 of the Penal Code) and for petty offences against public morals (Articles 140–142 of

the Code of Petty Offences).³⁰ In both cases, effectiveness did not significantly exceed 46%, with a mean of around 65% for all criminal acts and petty offences. Moreover, non-custodial penalties for criminal acts against the institution of family and guardianship (Articles 206–211a of the Penal Code) also achieved lower effectiveness, at slightly above 55%.

It must be admitted that it is somewhat surprising to see such a high efficiency of carrying out of the analysed penalties for smuggling offences. Accordingly, the research hypothesis that this may be related to the treatment of smuggling goods as a form of work (occupation: smuggler) was verified. To this end, it was examined how many individuals were involved in more than one case of this type. Seven individuals fulfilled this criterion; out of those, one individual was sentenced six times, serving the sentence each time. Considering the fact that the current study only involved cases which concluded in 2018, this result is impressive. It allowed for the positive verification of the hypothesis formulated above and the conclusion that many individual perpetrators of criminal acts or petty offences related to smuggling treat it as a source of income. They consider the detection of smuggling as a kind of occupational risk. If they become punished in court (typically with a fine), they ask for it to be commuted to social work, which they reliably carry out. However, this does not change their attitude towards smuggling. The above-mentioned six-time offender was revealed to be a single mother raising two children, who was not officially employed.

It was also decided to analyse whether sex is related to the type of criminal act or petty offence committed. As the current article concerns criminal acts and petty offences related to smuggling, results in this category were compared to the mean result for all cases included in the study. The results are presented in Table 2.

Table 2. Sex distribution in the cases examined in the current study.

Type of case	Men		Women		Total
	Number	%	Number	%	
Total	908	85.0	160	15.0	1068
Smuggling and related activities (Penal and Fiscal Code)	35	53.8	30	46.2	65

The presented data shows that women comprised 46.2% of perpetrators of criminal acts or petty offences related to smuggling. This result is very surprising, as for this type of punishable act, women were the perpetrators three times as often as the mean for all criminal acts and petty offences (15%). When attempting to explain these results, it is worth noting that in the cases included in the current study, the criminal

30 Act of 20 May 1971 on the Code of Petty Offences (consolidated text, Journal of Laws 2021, Item 2008 as amended).

acts and petty offences involved small items (most frequently cigarettes and alcohol). Thus committing them did not require significant physical strength. It could also be the case that women are more 'reliable' as smugglers, and so they more frequently engage in this type of 'work'. In addition, they often treat the income they receive in this way as a supplement to the household budget. It seems that the fact that punishable acts related to smuggling are generally not harshly judged in public opinion could also be a factor. A 2011 study by the Centre for Public Opinion Research (Centrum Badania Opinii Społecznej, CBOS) showed that although 90% of the respondents considered smuggling to be unfair, only 66% agreed that smugglers should be punished. Moreover, in cases of smuggling of goods for one's own use, the percentage of respondents agreeing that smugglers should be punished fell to 30%. This means that 70% of the respondents accepted such activities while simultaneously recognizing that it is unfair (47%).³¹

Considering that social work can be commuted by paying a fine, how many cases ended this way was also examined. Out of a total of 361 cases in which fines were commuted to social work, in 64 (17.7%) the perpetrators decided to pay the fine. In cases related to smuggling, only 6.2% of the perpetrators (4 cases out of 65) decided to pay the fine. Thus, in this instance, community service was the dominant means of concluding cases.

Since the study covered two regions of Poland, the north-eastern and the south-eastern, it was therefore also analysed whether there were differences between them in terms of adjudicated penalties for smuggling goods. It turned out that there were no significant differences in this regard. In both regions, the courts mainly adjudicate fines for smuggling small goods; this is the case even when the court rules on the same person more than once. It can be assumed that this has to do with the belief that this kind of criminal act is not considered very harmful to society, which can be evidenced by the aforementioned survey research conducted by CBOS.

Conclusions

The study presented here analysed the conclusions of CSSW. Community service can be sentenced in two forms: as community service or as a deduction of wages. The latter occurred in only 29 out of 707 cases of community service included in the current study (4.1%). Thus community service was the dominant form of punishment.

Compared to other punishments (imprisonment or fines), the cases included in the current study differed in terms of how they were carried out, as they generally require more activity and regularity (attending the indicated workplace to carry out

31 Centrum Badania Opinii Społecznej, Komunikat z badań: Opinie o przemyśle, podróbkach i pracy celników, Warsaw 2011, https://www.cbos.pl/SPISKOM.POL/2011/K_136_11.PDF, p. 6 (20.07.2022).

community service). The literature points to the educational benefits of community service (education through work).³² However, these benefits are not always achieved, as they are highly dependent on the means of carrying out this punishment. Moreover, studies show that it fares worse than other non-custodial penalties in terms of repeat offending.³³

The current study concluded that punishable acts involving smuggling are perpetrated equally frequently by women and men. They differ in this respect from other types of criminal act or petty offence, which are generally more frequently perpetrated by men. This issue requires further study to more accurately examine its determinants. The current study also shows that many of the perpetrators sentenced for punishable acts involving smuggling treat it as regular work. This should encourage lawmakers to introduce appropriate changes in order to limit smuggling. In particular, they could involve the opportunity to commute fines to social work (so as to make paying the fines more attractive). It would also be pertinent to examine the causes of punishable acts involving smuggling; undoubtedly, they are significantly influenced by material concerns. Thus to limit this phenomenon, social support, for example in finding employment, should be expanded for people living in border zones.

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- 33 Powrotność do przestępstwa w latach 2009–2015. Ministry of Justice, Warsaw 2017, p. 3. On repeat offending, see also T. Szymanowski, Recydywa w Polsce. Zagadnienia prawa karnego, kryminologii i polityki karnej, Warsaw 2010.

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