



Basic determinants of special services efficiency

Základné determinanty efektívnosti špeciálnych služieb

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Abstract:

Special services in each country are its specific nervous system. They recognize, identify, inform and react to potential and real threats. For this reason, it is important whether they work efficiently or not. This article presents considerations on the basic determinants of the efficiency of special services. In the research process, the dogmatic method, the method of literature studies, as well as the historical method were used.

Keywords: *special services, efficiency, state, security*

Abstract:

Špeciálnymi službami v každej krajine je ich špecifický nervový systém. Rozpoznávajú, identifikujú, informujú a reagujú na potenciálne a skutočné hrozby. Z tohto dôvodu je dôležité, či pracujú efektívne alebo nie. Tento článok predstavuje úvahy o základných determinantoch efektívnosti špeciálnych služieb. V procese výskumu bola použitá metóda dogmatická, metóda štúdia literatúry, ako aj metóda historická.

Keywords: *špeciálne služby, efektívnosť, štát, bezpečnosť*



Introduction

Special services in each country are part of the public administration, constituting its specific subsystem. [1] Their activity is aimed at satisfying one of the basic human needs, namely the need for security. [2] It is the state's responsibility to create conditions for its citizens to live and develop in a state free from threats. Dysfunctions in this area lead to social unrest, and in extreme cases to the disintegration of the state as an organization that unifies and resolves social conflicts. [3] The resulting void is often filled by other entities of international law, as well as self-proclaimed organizations in the style of people's militias. For this reason, the issue of the efficiency of the state's administrative apparatus, including of course the secret services, is of particular importance. It is the special services that anticipate, recognize and remove the most important sources of threats to public security, thus contributing to the safety of the individual. [4] After all, every community, including a nation, consists of a series of separate human beings.

The aim of this article is to indicate the basic determinants of the efficiency of special services, and thus contribute to the development of an optimal model of their functioning. The implementation of this goal can directly affect the state and sense of security of the individual. In the research process, the dogmatic method, the method of literature studies, as well as the historical method were used.

1. Structure flexibility

Each country organizes its special services taking into account a number of various factors, ranging from the political regime, through social and cultural conditions, to geographical conditions. So there is no single universalistic pattern of their organization. [5] Solutions can be found to create one special service covering both intelligence and counterintelligence activities. However, there are also such schemes of organization of special services, within which the counter-intelligence service and the intelligence service are distinguished. Under this solution, military special services and civilian special services can be further distinguished, and these can be further divided into civilian intelligence and civilian counterintelligence, as well as military intelligence and military counterintelligence. [6]

It is difficult to unequivocally assess which organizational model is optimal. According to the author, however, it is worth observing the principle of a competence and task monopoly of a given service. Rivalry between services in such a sensitive area as public security may bring more harm than good. The desire to prove oneself before the political decision maker, the so-called tower, as part of a specific race between the services, generates conflicts and creates an atmosphere of distrust, which makes it difficult, and sometimes even impossible, for their cooperation.

It should also be noted that the constantly taking place changes affect reality and sometimes force the state and its special services to act in a certain way. New threats require new structures and forms of operation from special services. Therefore, it is wrong to stick to the current structures rigidly, regardless of the circumstances and the ongoing process of transformation of socio-economic life and the international situation. Such a petrification of the structure ultimately reduces the efficiency of the special services, and thus the security of the state and the individual. Lack of

flexibility may therefore cause dissatisfaction of administered entities and a decrease in their confidence in the broadly understood state. [7] The changes in question should be evolutionary, although it should be noted that in extreme conditions they may take a revolutionary form.

Summing up, the organizational structure of special services should be flexible to ensure their greatest effectiveness and efficiency in the implementation of the tasks set before them, in relation to the resources placed at their disposal.

2. Adaptability to new threats – new tasks

The development of civilization, on the one hand, gives new opportunities for development, and on the other, brings new threats. While espionage and counteracting it are basically as old as the first civilizations, e.g. the emergence of weapons of mass destruction, new technical means by which a terrorist attack can be carried out, e.g. drones, the use of Artificial Intelligence to act in cyberspace to destroy critical infrastructure are the threats of the 21st century.

The changes that we can observe with our own eyes relate to hybrid warfare, information warfare, artificially generated migration crises - all of them are in the sphere of interest of secret services. Due to the fact that they carry new threats to public safety, they should be reflected in the tasks performed by secret services. The lack of adaptability, and thus the inability to meet new challenges and threats, may make it highly difficult or even impossible to fulfill one of the leading functions of special services, which is ensuring public safety. It should also be remembered that the number of tasks assigned to special services cannot be so great that it will overwhelm them and thus reduce the effectiveness of their implementation.

In order to achieve proper efficiency of special services, it is necessary for special services to maintain a certain degree of flexibility and openness to new threats and tasks related to counteracting them.

3. Qualified and patriotic staff

One of the factors determining the success of any organization is the staff. It is no different in the case of special services. " Special services personnel are one of its most valuable resources, which should be cared for and taken care of". [8] The selection of patriotic, qualified personnel is a condition for their success. Special services obtain information in both open and secret ways, and some of it is sensitive. Their disclosure could expose people not only to legal liability, in particular criminal law, but also to disgrace and degradation of their social position.

Human resources in public administration play an extremely important role. [9] If the people who create them are competent and able to creatively approach the existing situations, then public administration bodies will be able to achieve their goals. It is on their knowledge, skills and professional ethics that the efficient functioning of the state administration apparatus depends. Behind every action of public administration is a man, and the administration itself is established to serve

him. [10] This also applies to special services, which are a component of the public administration system.

From the perspective of the protection of the state's interest, the issue of protecting classified information and keeping secrets is of particular importance in the special services. As M. Minkina aptly points out, these services ensure the protection of classified information against access by unauthorized persons, collect information about foreign special services, preventing them from accessing secrets of their own state, as well as information about hostile or potentially hostile intelligence structures of states or non-state groups in order to prevent them from disrupting or thwarting their own operations by penetrating structures, disinformation or other methods, detecting and recruiting agents of other special services in order to provide them with false information. [11]

History proves that the most destructive is the intelligence service, which may include officers of the home services. For example, D. Sheldon Boone, an analyst of the American National Security Agency, Oleg Pienkowski, an officer of the Soviet GRU military intelligence, Edward Joseph Snowden, an employee of the Central Intelligence Agency, or even Sergei Skripal, an officer of the GRU. It is difficult to precisely assess the extent of the damage they caused to the domestic special services.

Detecting and eliminating traitors from one's own ranks is necessarily related to the ethical attitude of the officers. Various types of control procedures, e.g. vetting proceedings, are also helpful in this respect. [12]

Professionalism of special services personnel is related to their possession of appropriate skills, competences and knowledge. Thanks to them, they can efficiently perform the tasks facing them using the latest technology. Remaining behind the opponents in this sphere may significantly reduce the efficiency of their operations, which may directly translate into reduced efficiency of the secret services themselves. For this reason, various types of service training centers should constantly monitor technical and other innovations in order to pass on the latest and up-to-date knowledge to their students regarding the possibility of their application in their service.

On the basis of the above remarks, there is no doubt that the professional and ethical staff of special services determine their success. It is a man who is ultimately behind every success and every failure of a given organization, including the one we consider a special service.

4. Financial resources

In every organization, the amount of material and personal resources is limited. The question remains whether it is adequate to the planned size of the activity. If it is insufficient, it will have a direct negative impact on the efficiency of special services. It is also necessary to point out that high salaries of secret services officers affect their resistance to corruption or treason. Of course, this does not mean that good salaries of special services personnel give a 100% guarantee of their loyalty and professionalism. Money is only one of the four basic motivators for recruiting an agent. According to the abbreviation MICE, M - money, I - ideology, C - coercion, E - ego.

History has provided many examples of betrayal done not for material reasons, but, for example, for ideological reasons or a wounded ego. For example, we are talking about the so-called The Cambridge Five, whose activities caused irreparable damage to the USA and Great Britain and allowed the USSR to significantly shorten the time it took for that country to obtain atomic weapons and other military technologies.

5. Openness to the new technologies

Openness to new technologies broadens the capabilities of special services and reduces operating costs. Thus, the cost-effect relationship is improved. It also gives windows of certain possibilities of action, especially when the opponent is technologically backward. A good example here is the use of Artificial Intelligence, thanks to which huge amounts of various data can be obtained and processed faster by machine. As a result, it becomes possible to determine the connections of individual persons and detect, for example, agents of hostile intelligence, carry out information operations using deepfake technology, and finally determine money transfers and identify both their addressees and recipients.

Nowadays, the issue of technical means for the digitization of information is of particular importance. It is noted, among others, According to T. Formicki, “The effect of digitization is a change in the image of intelligence and counterintelligence services. The accumulation of folders with materials (documents, reports, photographs, press clippings, etc.) has been replaced by the view of rooms with computers, where analysts work closely at the terminals, having access to various types of electronic data sets, using fast automatic search systems about comparing information, as well as special applications that strengthen the analytical abilities of officers and officers”. [13]

Openness to new technologies in the 21st century is basically one of the conditions for the efficient functioning of special services and their effective operation. Deficits in this area can cause serious dysfunctions and result in the inability to ensure security for both the state and the individual.

6. Legality of action

The legality of operation of special services is another determinant of their efficiency. This issue is particularly important in countries with a democratic system, less importance is attached to it in autocratic or totalitarian countries. In the case of the latter, the key is their efficiency, not legality. For this reason, the activities of special services of non-democratic countries are often carried out with the omission, and sometimes even in violation of human rights. However, in relation to democratic countries, if the activities of their special services are carried out in violation of the principle of legality, then not only does this result in the impossibility of taking evidence in court proceedings, but also exposes their officers to criminal liability. Obviously, such a form of activity of special services in countries with a democratic regime would call into question the effectiveness of their functioning.

It should therefore be recognized that the efficiency and legality of the activities of public administration bodies, whose competence includes the creation and protection of public order and security, should go hand in hand, which is reflected, for example, in the systemic principle of legalism. [14] A convergent position is held by S. Zalewski, according to whom the functioning of special services in a democratic country requires reconciling the requirements of efficiency and the need to respect civil rights and freedoms. [15]

Thus, the legality of operations directly affects the efficiency of special services in a democratic state.

7. Activity creativity initiative

The competences and tasks performed by special services require commitment, creativity and activity. One of their biggest mistakes affecting the efficiency of their operation is self-satisfaction and recognition of their perfection. Similarly, "killing" creativity and rigidly sticking to old "proven" patterns. Searching for loopholes in your own and your opponent's defence systems excludes thinking in clichés. The activities of the services should take place not only in the cybersphere, but above all in the field, as most of human life takes place there. These services must therefore show initiative.

Being offensive is, as A. Kowalski points out, the key to the success of special services, in particular those dealing with counterintelligence. He states directly that "Counterintelligence, which is passive, loses. You can't hide behind a curtain and wait to see what happens. It is very costly to build borders, security, alarms and other purely defensive measures to protect our secrets. It is not the security system that is the threat to be addressed. Spies are a threat. Our counterintelligence mindset must be offensive". [16]

To achieve efficiency without showing initiative. Therefore, they should be active and creative.

8. Patience

The activities of special services often require a lot of patience. Some undertakings, whether of an intelligence or counter-intelligence nature, are stretched over time for years. A good example is operations related to illegals, i.e. intelligence workers working abroad who pretend to be nationals of the countries of residence or foreigners, and whose primary task is to recruit agents with access to classified information. [17] For example, it took the Canadian Security and Intelligence Service (CSIS) several years to unravel the marriage of Dmitri Vladimirovich and Yelena Borisovna Olshanski, illegals of the SVR (Foreign Intelligence Service of the Russian Federation) as part of Operation Stanley Cup. [18]

Achieving the set goals is often a long-term and tedious work with the risk of failure at every stage. Nevertheless, taking into account the potential benefits, it is worth taking. Thanks to this, it is possible to eliminate, for example, not only an agent of foreign intelligence, but also to determine whether he is part of an intelligence network, and if so, who else carries out activities hostile to the state. Patience can

therefore contribute to breaking down the entire intelligence network, and even to establishing communication channels or discovering the identity of the lead officer.

Effective actions of special services are sometimes conditioned by patience in the operations they carry out.

9. Resistance to political pressure

Political decision-makers sometimes demand immediate action and results so that they can present them to the public and prove themselves to it. Unfortunately, this sometimes destroys the long-term process of operational investigation of a given person or persons, which is why it is necessary for the heads of services and the services themselves to be resistant to political pressure. A certain kind of assertiveness on the part of special services is therefore necessary towards those who exercise political power, despite the fact that these services are themselves part of the state's administrative apparatus, which is a component of the political system. An example of such political obedience is the support by S. Naryshkin - the Head of Foreign Intelligence of the Russian Federation - of the decision of the Russian President to recognize the separatist so-called Donetsk and Luhansk republics for independence. [19]

Full subordination to the political factor may lead to perversions and pathologies, and to the fact that special services will transform into political police, which is unacceptable in a democratic state. [20] As P. Niemczyk points out, "The feeling of politicization, the unjustified use of operational techniques against political opponents, the factual or mythical involvement of the special services in private interests and settling accounts, mining arrests, all this causes that citizens, instead of respecting and trusting the special services, avoid them, how they can and distrust them". [21] The effectiveness of special services depends directly on the resistance to the expectations of politicians and their pressure.

10. Creating an information community - cooperation and not competition

Different countries adopt different organizational models of special services. However, regardless of what form they take, it is important that they create an information community within which information and data will flow between individual elements of the security and public order administration subsystem. Thus, we are talking here about the need for cooperation between special services and other public administration bodies in order to achieve and maintain the state of public security, and not about competition. Thanks to cooperation, it is often possible to achieve a synergy effect. [22]

Competition between the services forces more aggressive actions, which may have a positive impact on their efficiency, but also leads to a crisis of trust. The result of this may be, for example, black marketing and the internal struggle of the services for the favor of a political decision maker, and this is a straight way to their pathology. Therefore, this issue should be carefully considered and adapted to national conditions, as it is difficult to develop a uniform standard or pattern in this matter.

11. International cooperation

A number of threats transcend national borders. For example, terrorist organizations have their cells in different countries, which with a decentralized structure makes it difficult to eliminate them, even if the head is cut off, i.e. the leadership of a given terrorist organization is removed.

Another example indicating the legitimacy of international cooperation is the issue of identifying the so-called illegals. Often their path to the destination country leads through a number of other countries, thanks to which the illegal acquires a credible legend. International cooperation between special services of friendly countries allows you to review the legend being built and expel or recruit an illegal.

Thanks to international cooperation, it becomes possible to identify threats to security and public order more fully and quickly, and, consequently, to take action to prevent them or eliminate their negative effects. This cooperation requires the conclusion of an appropriate agreement between individual countries. The contract should clearly define the terms of cooperation, leaving no room for free presumptions.

International cooperation of special services allows for faster and more complete identification of threats to security and public order, taking actions to counteract them and building trust between cooperating countries, and thus increasing the efficiency of cooperating services. A good example of such cooperation is the *community of five eyes*.

12. Strict protection of personal sources of information and their families

One of the key sources of obtaining information is the agency. These personal sources of information often provide key data to solve a given situation. Obtaining them is often associated with a great risk of the person who provides them.

Disclosure of information reveals the weakness of a given service and undermines trust in it, the negative consequences of which cannot be overestimated. No one who risks not only his freedom but often even his own and his family's life will not trust a service that does not protect its sources of information. This protection is often expensive, but it is necessary to effectively encourage potential informants to cooperate.

As can be seen, the protection of personal sources of information is an important factor affecting the efficiency of special services.

13. Parliamentary control and supervision competences

Due to the specificity of operation of special services and the possibility of obtaining compromising materials by them, e.g. politicians, there may be a temptation to use them for short-term benefits of the services and their officers. Of course, such a state would be pathological and would have a negative impact on the efficiency of special services operating in the realities of a democratic state ruled by law. Therefore,

in order to counteract this, these services should be subject to parliamentary control, and direct activities related to this should be performed not by all members of parliament (due to the risk of disclosure of classified information), but by those of them who have appropriate security clearances, in relation to given types of classified information (proprietary, confidential, secret, top secret). What's more, this control cannot be equated with the ability to issue commands, which means the lack of an element of authority, because this is a feature of management, and supervision, not control.

Parliamentary control over special services should be supplemented by competent supervision. Supervision exercised over special services assumes the use of authoritative elements in the form of supervision measures. For this reason, the governing body should have competencies, material resources, and, above all, qualified and ethical staff, adequate to the purpose of its operation.

“The purpose of supervision is to ensure the effective and lawful functioning of the services. There is always a risk of abuse of competences to achieve private benefits, hence the supervision is to eliminate the occurrence of pathological phenomena within the special services. Both effective supervision and control of special services is necessary to avoid their autonomy from the state and the related potential perversions. Therefore, in a democratic state ruled by law, subjecting special services to supervision and control should be considered a standard of exercising public authority and one of the factors guaranteeing their proper functioning”. [23]

Therefore, the existence of parliamentary control is justified in order to counteract the aberrations and alienation of special services and various pathologies within the services, as well as competent supervision.

14. Control by the judicial authority of the application of operational-exploration methods and judgment of unlawful activities of the services

Montesquieu's principle of separation of powers in the state should also be reflected in the functioning of special services. Hence, the judiciary in a democratic state actually controls the use of operational and reconnaissance methods by the special services. In the event of abuses by the services, they bear legal responsibility, therefore they are not above the law, and independent courts and tribunals ensure that the services and their staff act on the basis of the law and within its limits, realizing not only the formal rule of law but the substantive rule of law. Therefore, the end does not justify the means – in a state ruled by law, both the end and the means of achieving it should be legal.

Unlawful activity of special services must be subject to the judgment of the judiciary, which should investigate the case in an impartial and independent manner and adjudicate on guilt and punishment. In this way, courts and tribunals can also contribute to increasing the efficiency of special services operating in a democratic state ruled by law.

15. Reliable information speed of information transmission - decision loop

An important issue from the perspective of the efficiency of special services is to provide decision-makers with reliable information on time. The concept of the interview cycle, usually includes five stages, namely: planning and determining the directions of action in the context of obtaining information, collecting information, processing information, analyzing information and preparing reports and reports, transferring the developed information to decision makers. [24]

The most valuable information delivered too late is useless. For this reason, maintaining the momentum of the decision loop is crucial to maintaining the ability to respond to threats and crisis situations. The concept of the OODA cycle was developed by J. Boyd at the turn of 1970-1980. It is a model of the adaptive decision-making cycle, according to which the following takes place: Observation-Oriented-Decision-Action. It is therefore about collecting, analyzing and providing decision-makers with information about activities that threaten the security of the state, taking place both in the country and abroad, as well as about the political, social, economic and military situation in the world. [25]

Maintaining safe and open communication channels, ensuring a smooth and uninterrupted flow of information, determines the effectiveness of the special services. It should be remembered, however, that many times in history it happened that the services provided timely, verified information, but the political factor ignored it, as a result of which there were a number of negative phenomena as a result of which there were defeats, either at the diplomatic or military level.

As can be seen, the undisturbed operation of a properly organized decision-making loop directly translates into the effectiveness of special services and has a large impact on the final outcome of the struggle with both state and non-state opponents.

16. Identity building

Special services often have their roots dating back many decades. [26] This enables them to build their own identity and a kind of *esprit de corps*. A common goal, a vision of how to achieve it, which unites the members of a given service, generate the desired patterns of ethical attitudes, which translates into greater efficiency of their operation. Therefore, the view of M. Słoń and S. Wójcik should be shared that "The lack of a spirit of camaraderie, a sense of solidarity and community (*esprit de corps*) can have a negative impact on the functioning of any institution, especially special services, because it deprives soldiers and officers of pride, a sense of separateness, awareness of something of one's own, of one's little homeland, of a community. [27]

This identity also increases the resistance of special services personnel to potential pathological phenomena, including treason, and thus translates into greater efficiency of secret services.

17. A culture of secret

Due to the goals set for them, the activities of special services are often secret. This naturally generates a culture of secrecy that fosters the efficiency of the services concerned. One of the elements defining the essence of special services is the secrecy of their operation [28]

According to M. Minkina, "The cult of secrecy is shaped from the first moment of recruitment to the service. Compliance with it and the ability to keep secrets is one of the criteria determining suitability for further work. Keeping secrecy is important for your own safety, but also for the security and protection of intelligence sources and working methods. [29] In a similar vein, N. West argues that it is not surprising that the intelligence organization prefers to operate away from the glare of publicity, and in some countries has gone to great lengths to avoid official recognition. [30]

Of course, exaggerating the issue of secrecy, bringing it to caricature proportions, contradicts the sense of conducting classified activities. What's more, such an erroneous understanding of secrecy can lead to distortions and make it impossible not only to control but also to supervise the activities of special services. From here, there is a simple way to build a state in which various trivial issues will be covered with secrecy as well as important ones. Naturally, such a state of affairs will have a negative impact on the efficiency of the special services, as material and personal resources are finite by nature.

18. The legal status of the special services should be public law

Due to the specificity of operation of special services, the possibility of using administrative authority, and in some cases physical coercion, the legal status of secret services should be public law in order for their functioning to be effective. Leaving such a sensitive sphere of functioning of the state in the hands of private law entities could make the special services constructed in this way more willing to pursue their private interest, even at the expense of the public interest. This in turn would distort their sense of existence and would negatively affect the effectiveness of their functioning.

Conclusion

Special services in each country are its specific nervous system. They recognize, identify, inform and react to potential and real threats. For this reason, it is important whether they work efficiently or not.

These considerations were aimed at showing that from the perspective of the functioning of special services, the key determinants of their efficiency include: flexibility of the organizational structure; adaptability to new threats - new tasks; having qualified, patriotic staff; having adequate financial resources; openness to new technologies; legality of action; activity, creativity, initiative; patience; resistance to political pressure; creating an information community; international cooperation; absolute protection of Personal Information Sources and their families; parliamentary scrutiny and competent oversight; judicial review; effective decision loop; own identity; a culture of secrecy; public law status of special services.

Basic determinants of special services efficiency

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With regard to each of them, it should be stated that:

- the organizational structure of special services should be flexible to ensure their greatest effectiveness and efficiency in the implementation of the tasks assigned to them, in relation to the resources placed at their disposal;
- in order to achieve proper efficiency of special services, it is necessary for special services to maintain a certain degree of flexibility and openness to new threats and tasks related to counteracting them;
- professional and ethical staff of special services determine their success. It is a man who is ultimately behind every success and every failure of a given organization, including the one we consider a special service;
- history has provided many examples of betrayal for material reasons;
- in the 21st century, openness to new technologies is basically one of the conditions for the efficient functioning of special services and their effective operation. Deficits in this area can cause serious dysfunctions and result in the inability to ensure security for both the state and, finally, the individual;
- the legality of operation directly affects the efficiency of special services in a democratic state;
- it is impossible for special services to achieve efficiency without showing initiative. Therefore, they should be active and creative;
- effective actions of special services are sometimes conditioned by patience in their operations;
- the effectiveness of special services directly depends on resistance to the expectations of politicians and their pressure;
- competition between the services forces more aggressive actions, which may have a positive impact on their efficiency, but also leads to a crisis of trust;
- international cooperation of special services allows for faster and more complete identification of threats to security and public order, taking actions to counteract them and building trust between cooperating states, and thus increasing the efficiency of cooperating services;
- protection of personal sources of information is an important factor affecting the efficiency of special services;
- the existence of parliamentary control is justified in order to counteract the aberrations and alienation of special services as well as various types of pathologies within the services, as well as competent supervision;
- the unlawful activity of special services must be subject to the judgment of the judiciary, which should investigate the case in an impartial and independent manner and adjudicate on guilt and punishment. In this way, courts and tribunals may also contribute to increasing the efficiency of special services operating in a democratic state ruled by law;
- the undisturbed operation of a properly organized decision-making loop directly translates into the effectiveness of special services and has a large impact on the final outcome of the struggle with both state and non-state opponents;
- this identity also increases the resistance of special services personnel to potential pathological phenomena, including treason, and therefore translates into greater efficiency of special services;
- exaggerating the issue of secrecy, bringing it to caricature proportions, contradicts the sense of conducting classified activities. What's more, such an

erroneous understanding of secrecy can lead to distortions and make it impossible not only to control but also to supervise the activities of special services. From here, there is a simple way to build a state in which various trivial issues will be covered with secrecy as well as important ones. Naturally, such a state of affairs will have a negative impact on the efficiency of special services, as material and personal resources are finite by nature;

- leaving public security of the state in the hands of private law entities may cause that special services constructed in this way would be more willing to pursue their private interest, even at the expense of the public interest. This in turn would distort their sense of existence and would negatively affect the effectiveness of their functioning.

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