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Re-adaptive determinants of acceptance of legal norms among Polish and Slovak penitentiary habitual offenders

Abstract

The phenomenon of recidivism gives rise to a plethora of social costs. This paper presents the results of research concerning the attitude of Polish and Slovak habitual offenders towards the legal order. This issue was presented in the context of the re-adaptation actions undertaken in both countries. The research problem was formulated as follows: "Does the social re-adaptation assistance provided to habitual offenders influence their attitude towards the legal order?" The hypotheses assumed the existence of risk factors that render it difficult for the respondents to comply with the law and the positive influence of preparation for release within the framework of appropriate procedures on the attitude towards complying with law. It was also assumed that the level of respect for legal norms would correlate with the amount of time spent in prison. Answers to these questions were sought, among other means, through the Prisoner Psychosocial Potential Questionnaire. Verification was also conducted through comparing the attitude of the respondents towards legal provisions and observing the impact of the release preparation procedures on respect for legal norms. The ultimate goal of the research was to formulate recommendations that could be applied in practice to prevent recidivism.

Keywords: *penitentiary recidivism; social re-adaptation of habitual offenders; legal order; psychosocial potential.*

Recidivism and the legal order in social and theoretical perspectives

The issue of penitentiary recidivism is widely commented on in subject literature and in the public space. People who commit repeated crimes are readily stigmatized in the media and presented as extremely demoralized individuals. In order to achieve professional success journalists and publicists at times manipulate the criteria of the value of information regarding a crime. Published press articles do not always present important

circumstances surrounding the incident, although they almost never omit the information that the perpetrator is a habitual offender. By simplifying the message and thus adding drama, such articles effectively influence readers' imagination. Nevertheless, it is worth realizing that recidivism is a much more complex phenomenon. We can discuss recidivism in the juridical meaning, when we mean the number of criminal judgements issued against a person. When using term recidivism, we may also mean not the issued judgements themselves, but the number of times a convicted person stayed in a penitentiary facility. However, not every stay in a penitentiary facility means another conflict with the law. It is possible to apply preventive isolation measures and then impose an absolute prison sentence and a fine in the same case. Such a person may be placed in isolation due to an unpaid fine in this particular case. Finally, a person can be released on parole and sent back to penitentiary, for example due to failure to meet one of the probation obligations. However, this in itself does not mean that the offence has been committed again, but only that the offender has been placed in the Penitentiary Institution again for the same reason. Consumers of media do not possess sufficient knowledge, and sometimes motivation, to comprehend the complexity of the case presented in the media. One of the consequences of such an information policy is the fact that the phrase "habitual offender" bears clearly negative associations and evokes in the recipient a reflexive contempt towards such a person. Thus author's intention is to draw reader's attention to the fact that not every habitual offender is a person hostile towards the social order. Author's numerous years of professional practice in working with this particular group of convicts allows the author to look at the problem more broadly. This can be achieved by accepting that outside of black and white, there are many shades of grey. Dichotomisms in social perception constitute harmful cognitive distortions and contribute to the formation of negative attributions. Individuals who come into conflict with the law do not always do so to demonstrate hostility towards the legal order. Such people are frequently plagued by personal deficits or circumstances in which they are unable to return to fulfilling full social roles. An example of such deficits would be major debts (common among habitual offenders). Such people find it difficult to engage in legal employment because most of their wages will be deducted by the bailiff. Among habitual offenders imprisoned in Polish penitentiaries, as many as two-thirds are in debt. Very similar results were obtained in a study on a Slovak sample of imprisoned habitual offenders. Over 40% of the respondents surveyed in Poland are alimony debtors (Jasiński, 2024: 71-72). It is, therefore, not surprising that such individuals engage in professional activity in the so-called "grey area". Said people also enter into relationships

that allow them to meet their needs in any way possible. First-order needs appear to rank higher in the hierarchy than the need to adhere to the penal code.

The results presented in this paper constitute a part of the author's broader research project devoted to the social reintegration of habitual offenders, which was carried out in 2021-2022. Thanks to research being carried out simultaneously in Poland and Slovakia a more comprehensive view of the problem was produced. The key premises concerned the influence of preparation for release on the attitude towards legal norms among habitual offenders. In the two countries, such preparations are carried out in a different manner, but generally they take place towards the end of the sentence duration. In the Slovak Republic, such preparations are carried out in exit wards that have been operating for several years under the "A Chance to Return" National Programme (Valentovičová & Jasiński, 2020: 135-149). The goal of this programme is to minimize the risk of social exclusion of inmates leaving penitentiary and improving their competencies on the labour market. The Slovak project is being implemented interdisciplinarily (with the local Office of Labour, Family and Social Affairs) in numerous penitentiary facilities. The purpose of stay in the exit ward is to prepare prisoners for the conditions prevailing in freedom. Inmates are given the opportunity to acquire necessary information and practical skills to help them in returning to free life after release. Inmates are sent to exit wards in the final phase of serving their sentence provided that they have been in isolation for more than 3 years. Convicts who fear the conditions awaiting them in freedom are also sent there. The Slovak provisions provide for placement in exit wards of such convicts who require special assistance in returning to independent life in freedom. However, this special assistance does not necessarily relate solely to difficulties with adaptation, but also to maintaining a positive attitude towards the social or legal order. The stay in the exit ward can last from 3 to 12 months. Convicts may also be granted additional benefits, such as unrestricted telephone contact, more frequent visits from family and kin or short visits outside the penitentiary facility. The furnishings and interior design of the local exit wards resemble the conditions in a boarding school or an apartment (Valentovičová & Jasiński, 2020: 141-143). This form of preparation for freedom also promotes proper behaviour after release from a penitentiary facility. In the Polish legal reality – although there are no similar wards in Polish penitentiaries – preparation for release is conducted on the basis of the provisions of Article 164 § 1 of the Executive Penal Code (Execution of Penal Code Act, 1997), which states that during the period of 6 months prior to the end of the sentence or the expected conditional early release, inmates are prepared for freedom,

among other things, through contact with a probation officer or other entities, e.g. non-governmental organizations. During such meetings, a release plan is also prepared jointly with the inmate to ensure that adaptation to freedom takes place in an orderly manner (Article 164, paragraph 1 of the Penal Code, Penal Code Journal of Laws 2023, item 127, consolidated text of 2023.01.17).

Estimating the influence of pre-release procedures on the attitude of the inmates towards legal norms is cognitively desirable. However, in the literature the effectiveness of post-penitentiary assistance is generally assessed solely on the grounds of returning to prison. In author's opinion, this is an incorrect approach, as returning to a penitentiary facility is not a perfect indicator of the attitude of a convict towards the legal order. Such a view would be a simplification. After all, one can respect one value while betraying another. The fact that a person experiences cognitive dissonance does not mean that he or she will not make one or another decision, especially when a number of other social, educational or personality deficits are involved. As A. Baładynowicz (2006: 93-99) writes, habitual offenders largely come from disorganized and educationally deficient environments where family structures were broken as early as in the childhood period. A. Baładynowicz estimates (Baładynowicz, 2006: 93-99) that in 56% of cases the families of the examined habitual offenders could be described as deeply demoralized and adversely influencing their future fate. Merely 8% of the surveyed habitual offenders come from families that guarantee good educational conditions. The progressive alienation of habitual offenders from society and their departure from the rules defining the social order is also determined by a number of other risk factors, including: education deficits, difficulties with taking on professional or family roles, pro-alcohol attitudes and debts (Baładynowicz, 2006: 93-99). In research on the situation of Polish and Slovak habitual offenders, it was discovered that in both cases nearly a half of the respondents were addicted (Jasiński, 2024: 68-69).

Own research methodology

The research involved analyzing a number of different variables and testing hypotheses regarding impact of said variables on the freedom situation of the respondents. One of the most important variables was the attitude towards the legal order and the anticipated, subjective difficulties in complying with legal order. Taking into consideration many different realities (prisons, re-adaptation facilities, emergency care centres) enabled us to look at the issue from a deterministic perspective. The author assumed that

receiving professional and comprehensive post-penitentiary support may have a positive impact on the attitude towards legal norms. This problem was compared in identical groups in two different countries (Poland and Slovakia). The author was therefore also interested in whether the different approaches to re-adaptation in both countries could result in specific and different consequences for the respondents. The subject of the research was therefore the phenomenon of penitentiary recidivism – returning to a prison. The attitude of the respondents towards legal norms was also analysed – this research was conducted in an identical manner in all research groups, i.e. first in a declarative manner, and subsequently through using a psychometric tool – the Prisoner Psychosocial Potential Questionnaire (PPPQ), developed by I. Niewiadomska, R. Bartczuk, J. Chwaszcz and W. Augustynowicz (2014, pp. 55-56). This tool was created to assess the possibilities for re-adaptation of people leaving prisons. The PPPQ tool consists of 51 statements that form six thematic scales and a lie key. For each statement, the respondent can select from five answers (I disagree, I rather disagree, I find it hard to decide, I rather agree, I agree) – which are assigned numerical values – from 1 to 5, respectively. The leading content in the thematic scales constitutes in beliefs about such aspects of life as: attitude towards family life, embeddedness in social life, acceptance of legal norms, attitude towards work, attitude towards others and life satisfaction (Niewiadomska et al., 2014: 55-56)

The most interesting subscale “acceptance of legal norms” measures an individual’s ability to comply with legal provisions by, among others, avoiding situations posing a risk of violating norms or by making amends for a committed crime. The low scores obtained here indicate that the respondent has low potential in the area of attitude towards compliance with the law. The respondent does not show any inclination to live in accordance with legal regulations and does not avoid situations that pose a risk of violating legal norms. Average scores indicate that the respondent has average potential in the area of attitude towards compliance with the law. The respondent experiences difficulties in pursuing his aspirations to live in accordance with legal norms, has trouble avoiding situations which present a risk of violating legal norms and in making amends for crimes committed. Respondents who achieve high scores are people with a significant capacity for obeying the law, demonstrated by the desire to live in accordance with legal norms, avoiding situations posing a risk of violating legal norms and being able to make amends for crimes already committed (Niewiadomska et al., 2014: 68-70).

The goal of the research is to understand the influence of specific factors (e.g. assistance provided after release, length of stay in isolation or

method of preparing an inmate for freedom) on the willingness to violate the legal order after the respondents regain their freedom. The research problem stated by the author is as follows: Does the social re-adaptation assistance provided to habitual offenders influence their attitude towards the legal order? The specific problems concern the type of assistance provided, i.e. whether preparation for dismissal from a penitentiary in Polish or Slovak conditions is significant for the dependent variable and whether it is influenced by the support provided post dismissal. For the purpose of comparison, questions anticipating the facts were used – inmates who had not yet been released were questioned, along with the value of psychosocial potential obtained by already discharged habitual offenders. Systemic issues (Polish or Slovak re-adaptation system) also play a role, but it is of secondary concern. These systemic issues have cognitive value, and the author's intention is not only to determine where the values of psychosocial potential are higher, but also which specific activities correlate with their value.

The adopted hypotheses assume that habitual offenders who are not provided with any re-adaptation support will find it easier to disregard the legal order. This may be so because the respondents are people with complicated life situations. They have numerous debts, addictions, broken family ties and damaged social relationships. In other words, without strong support, they may experience a subjective belief that they have nothing to lose. The second hypothesis states that preparation for release, either in the exit ward in Slovakia or under the aforementioned procedure in Poland (Article 164 § 1 of the Executive Penal Code), will have a more beneficial effect on the attitude of the respondents towards the legal order than the interim assistance itself, which is provided only after release and usually in the form of benefits. The third hypothesis assumes that the time spent in isolation is inversely proportional to the value of psychosocial potential in the "attitude towards legal norms" subscale. This means that the longer the responding inmate has been in prison, the lower his or her scores in this respect.

Variables, as M. Łobocki writes (2003: 139-141), are characteristics of the studied phenomenon or factors causing said phenomenon, which can assume variable values. We focus on these variables to learn about the nature of things, the phenomenon being studied, or the relationships between various objects. Some of the variables (independent variables) are those circumstances that are (according to the assumptions made by the researcher) supposed to influence the values that we call dependent variables (Łobocki, 2003: 139-141). The presented study adopts the following independent variables: place of research (penitentiary facility/re-adaptation

centre/interim support point, location – Poland/Slovakia and time spent in isolation) as well as the method of preparation for release (in an exit ward or a regular ward and in compliance with Article 164 of the Executive Penal Code or without it). The dependent variables adopted in the study refer to the respondents' declared attitude towards the legal order and psychosocial potential. The indicators for the dependent variables constitute in the declarative value (placed on an ordinal scale) and the STEN value of the psychosocial potential in the subscale "attitude towards legal norms – N". The indicator of the independent variable will be the answer to the question whether an appropriate procedure preparing an inmate for freedom was applied (in Poland, Article 164, paragraph 1 of the Executive Penal Code, and in Slovakia – whether the examined person is or was staying in an exit ward), as well as whether he or she received (or not) assistance after release.

The research problem justifies the adoption of a quantitative paradigm. As T. Pilch (1998: 42-50) writes, a diagnostic survey enables the exploration of important social phenomena occurring in a given population and allows for gathering knowledge about their dynamics. Adopting the diagnostic survey as the leading method and in order to perform comparative procedures, the questionnaire technique was selected. These techniques work well where a large amount of research material is being dealt with – as in this case, where the study covered a total of nearly 500 people.

The tools utilized in this research project consisted of a number of questionnaires (for habitual offenders and specialists working with them in isolation and in freedom). These tools were used in both countries in unchanged form (after prior translation).

The research sites in Poland are the following prisons: Tarnów penitentiary, Tarnów Mościce penitentiary, Nowy Wiśnicz penitentiary, Wadowice penitentiary, Nowy Sącz penitentiary, Kraków penitentiary. In the Slovak Republic, the research was conducted in penitentiary facilities in: Hrnčiarovce nad Parnou, Bratislava, Nitra Chrenova, Košice, Prešov, Ružomberok, Banská Bystrica, and Sučany. Outside of penitentiary facilities the research was conducted in the following re-adaptation centres: the Pomost Foundation in Zabrze, the ProDomo Integration Centre in Kraków, the Social House of "People to People" Help Association in Wrocław, "Barki" centre in Strzelce Opolskie and the Post-penitentiary Care Centre in Nowy Sącz – which provides only emergency assistance. The respondents do not live in the last centre, but only come for help when needed. In Slovakia, research outside of penitentiary facilities was conducted in a centre run by the "Good Shepherd" Civic Association in the Monastery under Zniev.

Analysis of the collected material

The material collected in penitentiary facilities was analyzed first as it chronologically preceded the next set of data. It should be emphasized that the research described herein is not longitudinal in nature, so the material collected in penitentiary facilities does not come from the same people as the material collected in reintegration centres.

First, to illustrate the problem, information was obtained on the criminal records of the surveyed individuals. Violation of legal norms is one of the indicators of attitude towards the legal order. It is worth noting that criminal record is also a criterion that constitutes a risk factor in social rehabilitation work. Therefore, the more final convictions, the greater the risk of returning to crime. Within the studied population, certain ranges were conventionally adopted (2-4, 4-8, 8-12, 12-20 and >20 convictions) in order to simplify the obtained data as much as possible. The largest group among Polish prisoners consisted of habitual offenders who were validly sentenced from 2 to 4 times – 36%. The second, similarly large in this respect, group of people consisted of perpetrators who have been convicted by court at least four times, but not more than 8 times – 30% of respondents. The third group consisted of people convicted by court between 8 and 12 times – 19% of respondents, while people with at least 12 but no more than 20 final judgements in their criminal record constituted 9% of respondents. These results clearly indicate that we are dealing with classic juridical recidivism.

Identical ranges (2-4, 4-8, 8-12, 12-20 and >20) were adopted in the Slovak population. As it turned out, the largest group among the Slovak respondents was people who had been legally convicted 2 to 4 times – 29% (compared to 36% in Poland). The second largest group in this respect is prisoners who have been convicted at least four times but not more than eight times – 28% (compared to 30% of respondents in Poland). The third group in this respect is people convicted between 8 and 12 times – 22% (compared to 19% of respondents in the country). People with at least 12 but no more than 20 final convictions in their criminal record, constitute 15% of recidivists (compared to 9% in Poland). The smallest group is prisoners, convicted by court more than 20 times – 5% (compared to 6% in Poland). The results obtained in both countries are similar.

Inmates in Polish prisons were also asked about their motivation to lead a life in accordance with the legal order after their release. The question was formulated as follows: “How much do you care about obeying the law after being released, where 1 means that you do not care about it at all, and 10 means that you care about it very much.” Respondents were given

free choice. Based on author's own many years of professional experience, the author assumed that the declared level of this motivation would not be high. However, as it turned out, as much as 61% of respondents declared the highest level of motivation to comply with the legal order. Nearly 20% of respondents were in the high range (8 and 9 on the scale). Only 5% of inmates stated that they did not care at all about complying with the law after their release. The research was anonymous, so the results obtained appear to be optimistic.

In view of this information, the material received from prisoners prepared for release under Article 164 of the Executive Penal Code and those who were not subject to such preparation was analyzed. In the group of people undergoing preparation for release, the percentage of people who declared the highest (10 on the scale) motivation to comply with the legal order increased from 61% (in the general population) to 69%. However, in the remaining high ranges (8-9 on the scale) there were slightly fewer respondents than previously – 11.3%, so the number of people with a generally high level of motivation to comply with the legal order is similar to the general population. The fact of being prepared for release in Poland does not have a significant impact on the declared motivation of habitual offenders. However, it is still very high.

The percentage of people staying in Slovak exit wards who declared the highest (10 on the scale) motivation to respect the legal order also turned out to be very high and amounted to 79% – in comparison to 69% in the same group in Poland. However, in both populations there was almost the same number of people declaring the high ranges (8-9 on the scale), 11% each. The number of Slovak respondents declaring a very high level of motivation to comply with the legal order was 90% (compared to 80.6% in Poland). In both countries only a low percentage of respondents declared a complete lack of motivation to respect the legal order. A slightly higher level of motivation to comply with the legal order after release was noted among the Slovak habitual offenders participating in the "A Chance to Eeturn" project than among Polish prisoners prepared for release under Article 164§ 1 of the Executive Penal Code. It is therefore possible that placement in the exit ward has a greater impact on this variable than the way in which persons to be released are prepared in Poland.

Persons not covered by the procedure referred to in Article 164 § 1 of the Executive Penal Code in Poland declared a level of motivation similar to that of persons covered by such preparation. However, their results were closer to those obtained in the general population. Only 4% of prisoners who were not subject to the release preparation procedure declared a com-

plete lack of such motivation. It therefore appears that this procedure does not have a significant impact on the variable under study.

No noticeable differences were noted among Slovak respondents who were not placed in the exit wards. Such inmates made declarations similar to those inmates who were sent to exit wards. Similarly to the previous example, only one person in a given group declared a complete lack of motivation to comply with the legal order.

The mere preparation for release – regardless of whether it is conducted under the Polish procedure or the Slovak national programme – does not significantly influence the motivation of habitual offenders to comply with the law in the future. Of course, it cannot be ruled out that these declarations are merely superficial. However, these declarations will be compared with the information received from habitual offenders who were already discharged. A more advanced psychometric tool was also used for the released habitual offenders. Nevertheless, the hypothesis that the level of motivation to comply with the law is low within the population of imprisoned habitual offenders should be considered refuted.

The author was also interested in the subjective perception of post-penitentiary assistance in the context of its impact on the primary problem. The respondents were therefore asked whether, in their opinion, the post-penitentiary assistance they received would help them with avoiding return to prison again. It was assumed that habitual offenders may perceive receiving post-penitentiary assistance as a chance to change their future fate. The re-collected material was analyzed separately in regards to the procedure under Article 164 § 1 of the Executive Penal Code applied to the surveyed persons. As it turned out, as many as 64% of respondents who were prepared for release believe that receiving assistance after release will help them comply with the law, and only 6% stated that it would not matter. The optimism of habitual offenders towards post-penitentiary assistance may be the result of manipulative inclinations consistent with the “the more I receive, the more I promise” principle. However, it should be remembered that the survey was anonymous and it is impossible for habitual offenders to connect their declarations with the amount of future benefits. The conclusion that habitual offenders covered by the procedure under Article 164 § 1 of the Executive Penal Code generally positively assess the impact of post-penitentiary assistance on their future fate seems to be justified.

Slovak respondents seem to be slightly less optimistic in this respect – 53% of respondents (11% less than in Poland) perceive post-penitentiary assistance as a chance for proper functioning in society. 6% of them – a number identical to the results obtained in Poland – believe that such assistance will have no impact on their future actions. The number of undecided

respondents is also higher on the Slovak side – 40% compared to 30% in Poland. According to the author, the collected results may be influenced by the less developed system of post-penitentiary assistance on the Slovak side.

Consistently with the research assumptions, the analysis also included material collected among habitual offenders who were released and who were receiving in-person post-penitentiary assistance at a re-adaptation centre. Their previous criminal record corresponds to social exclusion and time spent outside of society. In the case of respondents staying in re-adaptation centres the “criminal record” is equally substantial. The vast majority of respondents (57%) are people who were convicted more than 4 times, and this result does not deviate significantly from the one obtained among respondents staying in penitentiary isolation.

The criminal record of the Slovak respondents is similar, with the difference being that more people in the local population indicated that they had a maximum of 4 criminal convictions (67%), whereas in Poland this answer was given by 43% of respondents. This difference is compensated for in higher ranges, where the multitude of previous convictions is a characteristic more common among Polish respondents. However, these are not differences that could be majorly significant in the context of the adopted research problems or the variables themselves.

Residents of reintegration centres (as well as prisoners) were also asked whether they believed that the post-penitentiary assistance they received would change their fate, i.e. whether they believed that the assistance they received would have an impact on their possible return to prison. As it turned out, there is moderate optimism among this group, as 65% of respondents believe that owing to the support they receive, it will be easier for them to avoid repeated incarceration. The group of residents with a fatalistic attitude who answer: “no – I don’t think it will change much” is very small. The group of people who are not convinced about the impact of the received assistance on their further re-adaptation, but who do not express direct negative opinions (answer “hard to say”) is sizable – 31% of respondents. The same question was asked to Slovak respondents, and the results obtained suggest that they place greater hope (than Polish habitual offenders) in post-penitentiary assistance. In their opinion, it will help them to comply with the legal order better. This is a difference of 78% (SK) versus 64% (PL).

The attitude towards legal norms is an area that can be diagnosed through utilizing the Prisoner Psychosocial Potential Questionnaire. Based on the collected data, it was established that in Poland the largest group of respondents (45%) are people with average scores, i.e. those convicted who

experience difficulties in striving towards living in accordance with the provisions of law. These individuals experience difficulties with avoiding situations presenting a risk of violating the law and with making amends for crimes already committed. However, low scores were obtained by “merely” 26% of respondents. Nearly 1/4 of respondents do not show any desire to live in accordance with legal norms and to avoid situations posing a risk of violating legal norms. However, 29% of the respondents achieved high scores in this respect, which indicates that these people strive to live in accordance with legal norms by avoiding situations that pose a risk of violating legal norms and make amends for crimes already committed. In author's opinion, this is a moderately optimistic result.

Acceptance of legal norms seems to be an area that clearly differentiates Slovak respondents from domestic habitual offenders, as the analysis of the PPPQ results shows that foreign respondents generally obtained higher scores in this respect than Polish respondents. None of the respondents obtained a score indicating low acceptance of legal norms, and nearly half obtained average scores and as many as 52% obtained high scores. In Poland, people with average potential were numerically dominant group. The Slovak respondents therefore performed more favourably, although it should be kept in mind that the research material collected is relatively small.

The potential in terms of the attitude of Polish residents of penitentiary facilities towards legal norms is at a high level. None of these people achieved a low score, and scores indicating a high degree of striving to live in accordance with legal norms were achieved by 4 out of 9 people, i.e. almost a half. The remaining 5 people achieved average scores, which seems to support the application of Article 164 § 1 of the Executive Penal Code as part of recidivism prevention. However, these data are still too small in quantity to make generalizations. This is due to the fact that the release preparation procedure is used extremely rarely in Poland in case of habitual offenders.

Those respondents who were not subject to preparation for release (i.e. the majority) achieved less favourable scores from the social point of view, as 10 out of 37 people (27%) were characterized by a complete lack of striving to live in accordance with legal norms and avoiding situations posing a risk of violating legal norms. A high degree of striving to respect legal norms was characteristic of 11 people (30%), and average scores were achieved by 16 people, i.e. 43% of the respondents. People who are not being prepared for release from incarceration appear to be more prone to violating legal norms.

Among the group of respondents who stayed in the facility for less than 3 months, the potential in the area of acceptance of legal norms seems to be in the medium and low range. In this case a high degree of acceptance of legal norms was characteristic of only 7 out of 39 people.

However, this situation changes in the case of people who stay in a re-adaptation facility for longer than 3 months. High and medium scores dominate in this group. It appears that the passage of time since release or the activities carried out by re-adaptation facilities have a beneficial impact on the attitude of the respondents towards legal norms.

Nevertheless, the analysis of the attitude towards legal norms in relation to the time spent in isolation does not provide clear conclusions. A conventional limit of 4 years spent in isolation was adopted. Both groups are dominated by people who achieved average scores and the percentage of people who obtained a score indicating high respect for legal norms decreases only slightly (in relation to the time spent in prison).

An analogous analysis was carried out among the group of people receiving post-penitentiary assistance in the facility in Nowy Sącz which does not provide live-in option. However, it was not possible to compare this group with Slovakian habitual offenders, as the Slovakian re-adaptation system does not provide for this form of support. The previous criminal record in this group is not surprising, half of the respondents were convicted at least four times (or more). The other half is respondents who have 2 to 4 criminal convictions on their record. Hence, these results differ only slightly from those obtained in the group of residents of live-in centres.

As indicated in the introduction, the author omits in the further analysis the number of times the respondents have been incarcerated – for many reasons discussed earlier, these do not directly indicate attitude of respondents towards the law. Habitual offenders who do not use live-in facility services are characterized by significant optimism regarding the impact of the assistance received on their future situation. As much as 74% of respondents believe that receiving post-penitentiary support will make it easier for them to adhere to the legal order. The group of habitual offenders living in the assistance centres was less hopeful, with 65% of respondents giving such an answer. It must be admitted, however, that the recipients of assistance provided by a non-live-in centre believed that receiving such assistance would not change anything in their legal situation than the residents of the live-in re-adaptation centres.

Based on the collected data, it was also calculated that as many as 43% of the respondents have high potential in this area. This score is also noticeably higher than that obtained in live-in centres. Residents of live-in centres achieved high scores in 29% of cases. This came at the expense of the

group achieving average scores. Among the respondents not living in the centres, this group was correspondingly smaller. The group of respondents who obtained scores indicating low acceptance of legal norms is similar in size in both cases. The scores indicating a lack of respect towards legal norms was obtained by 23-26% of the respondents. It can therefore be stated that the residents of the live-in centres and those receiving assistance from non-live-in facilities do not differ significantly in terms of their acceptance of legal norms, although some differences were discovered in the structure of the achieved scores. However, the level of complete disregard for legal norms seems to be similar in both cases and concerns about 1/4 of the respondents. The group of people using interim assistance contains more respondents with a positive attitude towards the legal order. However, such people generally are in a better social situation than those who have nowhere to go after being released and are forced to live in a facility.

Nevertheless, if we take into consideration the potential of inmates being prepared for release (under Article 164 of the Executive Penal Code) in terms of their attitude towards legal norms, it turns out that none of them achieved low scores (similarly to the group of residents of the centres), and scores indicating a high degree of striving to live in accordance with legal norms were achieved by as many as 6 out of 8 respondents.

Those convicts who were not subjected to pre-release preparation achieved scores that were more proportionally distributed. It seems, therefore, that preparing habitual offenders for release may have a beneficial influence on their future attitude, but the infrequent application of appropriate procedures makes it impossible to generalize the results obtained in this study.

It also appears that the time spent in incarceration does not support developing a proper attitude towards the legal order. While taking this variable under scrutiny, it was observed that individuals who spent less than 4 years in a prison generally performed better than those who were incarcerated longer. Those who had been in penitentiary facilities for a very long time were much more likely to obtain low scores. On these grounds it is difficult to recommend imposing more lenient penalties on habitual offenders, as only the adjudicating court has the appropriate knowledge and competence in this respect. However, in the author's opinion, it would be possible to postulate considering a wider use of alternative penalties. Such penalties could be imposed, for example, in situations involving minor cases where the social harmfulness of the act is not major.

Conclusion

Penitentiary habitual offenders in both countries constitute a heterogeneous group, but they show certain similarities, especially in terms of their criminal careers. These are people who were convicted numerous times. Criminal record usually begins in early adulthood, and the number of personality and social deficits that can be observed is significant. Following media trends one can assume that the described population is a group of people who are deeply demoralized and clearly hostile towards the legal order. It turns out, however, that although the respondents commit numerous crimes, their attitude towards legal norms is very diverse. It is surprising that the majority of respondents were not characterized by low psychosocial potential in terms of attitude towards legal provisions. On the contrary, numerous habitual offenders achieved high scores in this respect, indicating acceptance of legal norms. This appears to indicate that professionally conducted re-adaptation actions can yield positive results in the form of social improvement for these people. In this manner, the hypothesis that habitual offenders are people hostile towards the legal order was refuted. As it turned out, however, the vast majority of Polish habitual offenders were not covered by the procedure of preparation for release referred to in Article 164 of the Executive Penal Code. Thus it is difficult to assess how much impact said procedure would have on the observed variable. In the case of the Slovak population of habitual offenders, such a conclusion cannot be drawn for a different reason. The author consciously obtained the material in equal parts from inmates staying in the exit wards and those outside them. The local Slovak project "A Chance to Return" was a pilot project at the time of the research, but the situation (taking into account the entire Slovak population of incarcerated habitual offenders) is probably similar to that in Poland. The results produced by the study also refute the hypothesis that in Poland being prepared for release increases the willingness to comply with the legal order. However, such a correlation was observed in Slovakia. Nevertheless, it is important to be aware that both procedures (Polish and Slovak), although having the same goal, are, in practice, implemented in different ways. Simply creating a release plan (implemented in both countries) does not mean that an inmate will cope better when released. The hypothesis that the time spent in isolation is inversely proportional to the value of psychosocial potential on the "attitude towards legal norms" scale was confirmed in the collected material. However, the time spent in the re-adaptation centre had a beneficial effect on this variable. Therefore, on these grounds, it is possible to formulate several comments of a pragmatic and applied nature.

Considering the obtained results, the definition of a habitual offender as a person who is “bad to the core by nature” should be revised. There are different paths leading to returning to life of crime, and this concept can stigmatize very different people at the same time. The attitude of convicts towards legal norms depends on many different variables and is not always a direct cause of re-imprisonment. It is a misunderstanding to automatically attribute low moral competence solely on the basis of the legal consequences of a second conviction. The Polish penitentiary system divides prisons into facilities for first-time offenders and those for repeat offenders, while the Slovak one divides them into those with reduced or increased security. It is worth considering the validity of such a stigmatizing classification. Making prison conditions similar to the conditions prevailing in the outside world (as is done, for example, in Slovak exit wards) could bring a more beneficial educational effect than segregation and assigning categories to prisoners according to the legal consequences of their actions. Widespread use of the potential of re-integration centres could also counteract the negative impact of strict isolation for people returning to prison. It is difficult to expect that changes in this direction will immediately be met with a positive social reception, but it is worth expecting from legislators to revise the current penal policy, especially towards repeat offenders who return to penitentiaries but do not pose a significant social threat. According to the author, a good target group for such changes would be, for example, re-incarcerated alimony debtors. Ensuring their return to socially acceptable roles is, after all, in the public interest. It is also worth imposing alternative sanctions where applicable. Repeat incarceration of alimony debtors or the addicted to drugs will not help them cope with their problems more effectively. Related to new social rehabilitation instruments (e.g. exit wards or re-adaptation programmes), it is worth drawing on the experience and knowledge of our southern neighbours, who are implementing their own alternative solutions. Some of their experiences in this area could be implemented in national Polish practice. It would also make sense because both countries are culturally and demographically similar. Since effective social re-adaptation is a complex process, and the attitude of habitual offenders towards legal norms is only one of numerous determinants of this process, it is worth seeking new solutions and critically reviewing the existing ones.

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Реадаптивне детерминанте прихватања правних норми међу пољским и словачким затворским повратницима

Криминални рецидивизам представља озбиљан друштвени проблем који генерише бројне трошкове и расходе повезане са функционисањем правосудног система и пенитенцијарних установа. Казне затворске изолације намењене су да остваре више функција, укључујући изолацију, превенцију, рехабилитацију и реадатацију. Ове мере би, између осталог, требало да резултирају већим поштовањем моралних и правних норми. Међутим, доказано је да затвореници и лица која су пуштена из затвора не представљају хомогену групу, а разлике за њихово друштвено неприхватаљиво понашање ипак су различите. Посматрање ове групе на динамичан начин доводи до когнитивних грешака којима су изложени новинари и њихови читаоци. У медијима, новинар се увек представља као најгора категорија учесника, без обзира на околности случаја, тежину кривичног дела или сам њихов рецидив. Ипак, не постоји довољно научних доказа који би оправдали поштовање сваког новинара или дела које чини са неприхватљивим ставом према правним нормама, иако свако кривично дело представља њихово кршење. Овај рад представља резултате социјалног истраживања о социјалном положају пољских и словачких новинара и њиховом односу према правном поретку. Животна прича сваког новинара је различита, а у светлу релевантних теорија и научних истраживања једини заједнички елементи јесу фактори ризика карактеристични за ову групу људи, као што су зависности, социјална неусклађеност, дугови или порекло из дисфункционалних окружења. То јесу важни фактори у развоју криминалног понашања, али резултати процеса социјалне рехабилитације у затворима зависе и од професионализма особља казнено-поправне установе, њихове посвећености и системске организације процеса припреме за слободу. Држава није одговорна за појединачне одлуке криминалаца. Међутим, држава јесте одговорна за ниво посвећености раду са осуђеницима у затворским установама.

Резултати ауторовог истраживања показују да истраживана група, генерално гледано, није обележена неприхватљивим ставом према правном поретку, већ је недостигањем перцепција, вештина и мотивације за живот у друштву. На први поглед контроверзни резултати истраживања могу да добију дубље и применљивије значење када се сагледају из перцептивне организације система социјалне реадатације. Овај приступ и перцептивна настојања да се успоставе унормисањем истраживачког проблема у контексту две централноевропске државе – Пољске и Словачке. Питање је представљено у контексту реадатационих мера које се спроводе у овим земљама. Време provedено у затворској изолацији, као и време provedено у специјализованом реадатационом центру, може да постоје или наруши способност поштовања закона. Због тога се припрема за живот на слободи показује као важна варијабла. Током истраживања анализирано је да ли социјална реадатациона помоћ која се пружа новинарима у обе земље утиче на њихов однос према правном поретку. Хипотезе које су претпостављале постојање фактора који отежавају способност истраживачке групе да поштује закон, као и повољан утицај припреме за пуштање на слободу, потврђене су у току истраживања. Потврђена је и претпоставка да ниво поштовања правних норми зависи од времена provedеног у затворској установи. Истражујући когнитивни став осуђеника према правним нормама, проверен је и њихов општи став према правним прописима. Уочен је и утицај постојања припреме за пуштање на слободу на поштовање правних норми. Спровођење овог истраживања омогућило је аутору да формулише препоруке за пеналну праксу.

Кључне речи: затворски рецидивизам; социјална реадатација новинара; правни поредак; психосоцијални популација.

Readaptacyjne determinanty akceptacji norm prawnych wśród polskich i słowackich recydywistów penitencjarnych

Recydywa przestępcza to duży problem społeczny, który generuje szereg kosztów i wydatków związanych z utrzymaniem wymiaru sprawiedliwości czy zakładów karnych. Kary izolacyjne mają pełnić wiele funkcji, w tym izolacyjne, prewencyjne, resocjalizacyjne i readaptacyjne. Wypadkową tych działań powinno być m.in. większe poszanowanie norm moralnych i prawnych. Dowiedzono jednak, że osadzeni i zwalniani z zakładów karnych nie stanowią grupy jednorodnej, podobnie jak różne są przyczyny ich antyspołecznych zachowań. Postrzeganie tej grupy w sposób zero-jedynkowy prowadzi do błędów poznawczych, jakim ulegają publicyści i ich czytelnicy. Recydywista w przestrzeni medialnej zawsze oznacza najgorszą kategorię sprawcy, bez względu na okoliczności sprawy, wagę czynu czy rodzaj samej recydywy. Brak jest jednak wystarczających dowodów naukowych, przemawiających za utożsamianiem każdego recydywisty czy popełnionego przez niego czynu z wrogim stosunkiem do norm prawnych, choć każde przestępstwo stanowi ich naruszenie. W tekście zaprezentowano wyniki badań własnych na temat sytuacji społecznej polskich i słowackich recydywistów oraz ich stosunku wobec porządku prawnego. Historia życiowa każdego recydywisty jest inna, a wspólny mianownik w świetle literatury i badań naukowych stanowią jedynie powszechnie występujące w tej grupie osób czynniki ryzyka, takie jak uzależnienia, niedostosowanie społeczne, długi czy pochodzenie z dysfunkcyjnych środowisk. Są to ważne faktory wykolejenia przestępczego, ale efekt procesu resocjalizacji więziennej zależy też od profesjonalizmu kadry penitencjarnej, jej zaangażowania czy systemowej organizacji procesu przygotowania do wolności. Państwo nie ponosi odpowiedzialności za indywidualne decyzje przestępców. Odpowiedzialne jest jednak za to, z jakim zaangażowaniem pracuje się z nimi w więzieniach.

Wyniki badań własnych autora dowodzą, że badana grupa nie cechuje się na ogół wrogim stosunkiem do porządku prawnego, a raczej brakiem perspektyw, motywacji i umiejętności życia w społeczeństwie. Pozornie kontrowersyjne wyniki badań autora nabrać mogą głębszego i aplikacyjnego sensu, gdy spojrzysz na nie z perspektywy organizacji systemu readaptacji społecznej. Ma temu służyć porównanie problemu badawczego w dwóch krajach środkowoeuropejskich – Polsce i Słowacji. Zagadnienie to przedstawione jest w kontekście podejmowanych w tych krajach oddziaływań readaptacyjnych. Czas spędzony w izolacji penitencjarnej podobnie jak czas pobytu w specjalistycznym ośrodku readaptacyjnym mogą sprzyjać bądź osłabiać zdolność przestrzegania prawa. Ważną zmienną zdaje się być zatem przygotowanie do życia na wolności. W trakcie prowadzonych badań analizowano, czy pomoc w readaptacji społecznej udzielana recydywistom w obu krajach wpływa na ich stosunek do porządku prawnego. Hipotezy zakładające istnienie czynników utrudniających badanym przestrzeganie prawa i korzystny wpływ przygotowania do zwolnienia zostały w toku badań potwierdzone. Przypuszczenie, że poziom szacunku do norm prawnych zależał będzie od czasu spędzonego w więzieniu też potwierdzono. Badając nim kognitywny stosunek skazanych do norm prawnych, zweryfikowano też stosunek badanych do przepisów prawa, w zależności od czasu spędzonego w izolacji. Obserwowano także wpływ procedury przygotowania do zwolnienia na szacunek do norm prawnych. Przeprowadzenie tych badań pozwoliło na sformułowanie rekomendacji dla praktyki penalnej.

Słowa kluczowe: recydywa penitencjarna; readaptacja społeczna recydywistów; porządek prawny; potencjał psychospołeczny.

Readaptivni determinanti prihvatanja pravnih normi među poljskim i slovačkim zatvorskim povratnicima

Kriminalna recidivnost predstavlja značajan društveni problem koji generira brojne troškove vezane uz funkcioniranje pravosudnog sustava i zatvorskih ustanova. Zatvorske kazne trebale bi ostvarivati više funkcija, uključujući izolaciju, prevenciju, rehabilitaciju i readaptaciju. Ove bi mjere, među ostalim, trebale rezultirati većim poštivanjem moralnih i pravnih normi. Međutim, relevantna istraživanja ukazuju da zatvorenici i osobe puštene iz zatvora ne čine homogenu skupinu, a razlozi njihova antisocijalnog ponašanja također se razlikuju. Percepcija ove skupine na binaran način dovodi do kognitivnih pogrešaka kojima su izloženi novinari i njihovi čitatelji. U medijima se recidivisti uvijek prikazuje kao najgoru kategoriju počinitelja, neovisno o okolnostima slučaja, težini kaznenog djela ili samoj vrsti recidivizma. No, nema dovoljno znanstvenih dokaza koji bi opravdali poistovjećivanje svakog recidivista ili djela koje počini s neprijateljskim stavom prema pravnim normama, iako svako kazneno djelo predstavlja njihovo kršenje. Ovaj rad predstavlja rezultate autorskog istraživanja o društvenom položaju poljskih i slovačkih recidivista te njihov odnosu prema pravnom poretku. Životna priča svakog recidivista je različita. Sukladno relevantnim istraživanjima, jedini zajednički nazivnici su rizični čimbenici karakteristični za ovu skupinu ljudi, poput ovisnosti, socijalne neprilagođenosti, dugova ili odrastanja u disfunkcionalnim okruženjima. To su važni čimbenici u razvoju kriminalnog ponašanja. Istodobno, kvaliteta resocijalizacije povezana je s profesionalnošću zatvorskog osoblja, njihovoj predanosti i sustavnoj organizaciji procesa pripreme za slobodu. Država nije odgovorna za pojedinačne odluke počinitelja kaznenih djela. No, država je odgovorna za razinu predanosti radu s recidivistima u zatvorskom sustavu.

Rezultati ovog istraživanja pokazuju da se ispitivana skupina općenito ne odlikuje neprijateljskim stavom prema pravnom poretku nego nedostatkom perspektive, vještina i motivacije za život u društvu. Naizgled kontroverzni rezultati istraživanja mogu dobiti dublje i praktičnije značenje kada se razmotre iz perspektive organizacije sustava socijalne readaptacije. Taj se uvid nastoji postići usporedbom istraživačkog problema u kontekstu dviju srednjoeuropskih država – Poljske i Slovačke. Pitanje je prikazano u kontekstu readaptacijskih mjera provedenih u tim zemljama. Vrijeme provedeno u zatvorskoj izolaciji, kao i vrijeme provedeno u specijaliziranom readaptacijskom centru, može ili pomoći ili narušiti sposobnost poštivanja zakona. Stoga se priprema za život na slobodi pokazuje važnom varijablom. Tijekom istraživanja analiziralo se utječe li socijalna readaptacijska pomoć pružena povratnicima u obje zemlje na njihov odnos prema pravnom poretku. Hipoteze o postojanju čimbenika koji otežavaju sposobnost ispitivane skupine da poštuje zakon te o pozitivnom učinku pripreme za puštanje na slobodu potvrđene su tijekom istraživanja. Također je potvrđena pretpostavka da je razina poštivanja pravnih normi povezana s vremenom provedenim u zatvorskoj ustanovi. Ispitujući kognitivni stav zatvorenika prema pravnim normama, provjeren je i njihov opći odnos prema pravnim propisima. Uočen je i utjecaj postupaka pripreme za puštanje na slobodu na poštivanje pravnih normi. Temeljem nalaza ovog istraživanja generalizirane su preporuke za praksu.

Ključne riječi: zatvorski recidivizam; socijalna readaptacija povratnika; pravni poredek; psihosocijalni potencijal.