

Compliance as a tool of corruption prevention – description for the general public

The main objective of the project is an analysis of the new normative phenomenon – compliance from the perspective of a role that compliance plays in preventing crime, particularly corruption. The project aims to analyze compliance from various angles, theoretical and legal, empirical, and also practical – an attempt will be made to formulate the guidelines for building a compliance program in accordance with Polish anti-corruption law.

Compliance programs are internal programs implemented by big economic players, aimed at ensuring compliance of their operations with applicable law, including criminal law (criminal compliance).

First research hypothesis put forth in this project states that with the advance of globalization and the expansion of multinational corporations, these internal standards adopted by economic entities as compliance programs become binding rules of conduct for a growing number of people in the world, creating a new realm of regulation, a set of complementary norms to traditional normative systems, such as statutory law. This new sphere of regulation from the point of view of comparative legal science contributes to the development of legal pluralism, and from the point of view of criminal law – is becoming an important tool for the criminal law prevention. Second research hypothesis put forward in the project refers to the effectiveness of compliance programs in crime prevention, in particular prevention of corruption

The project therefore aims to demonstrate compliance as a new normative phenomenon *in statu nascendi* and to demonstrate its role as an important tool in preventing corruption, and also to formulate guidelines for building compliance programs for Polish legal entities which would be effective and in line with the Polish anti-corruption law.

The project will have interdisciplinary character. It will include theoretical and empirical (interviews and questionnaires) research.

Literature review results indicate that the research problem formulated in this project has not yet been examined in the Polish criminal law literature (and even more broadly – legal literature as such) and thus far remains unnoticed. Instead, it arouses the interest of researchers around the world. It is advisable, therefore, to conduct its analysis from the perspective of Polish law.

The project is innovative as it embodies linking reflections on globalization processes, compliance and corruption. In particular, the planned research provides a unique opportunity to examine the regulatory processes taking place in a completely new area of regulation – compliance does not fit in the classic concept of law, but at the same time undoubtedly represents a new realm of the normative regulation.

The project will lead to an increase in knowledge in several areas (legal pluralism, relationship between globalization and criminal law, prevention of corruption). It also has very important practical dimension – the conclusion as to the compliance theory and its role in corruption prevention, drawn from theoretical and empirical research will allow us to formulate recommendations on how to build a compliance program for entities operating in Poland. The possibility of applying the results in practice cover both the private sector and the public one. The Government Program for Combating Corruption for the years 2014–2019 submits an intensification of prevention and anti-corruption education, since a properly shaped awareness of the dangers of corruption is the foundation that allows for a continuous reduction of the incidence of this pathology. In addition, one of the Program objectives is to promote anti-corruption in business and/or to review and strengthen the legal and organizational mechanisms to ensure the transparency of the private sector. Public administration tasks included in RPPK are therefore essentially consistent with the objectives of the compliance programs implemented by multinational corporations. This means that the publications elaborated as a result of this research, and more broadly – the whole project – will form part of the implementation of the Government Program for Combating Corruption for 2014–2019.