

INTERDISCIPLINARY THEORIES REGARDING THE MANIFESTATIONS AND THREATS OF TRANSNATIONAL ORGANIZED CRIME

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Appeared from the necessity to identify and explain the etiological mechanisms of crimes and crimes and to provide solutions for preventing the antisocial manifestations, the criminology and sociology of crime have old and rich tradition in our country. From historical perspective, the various orientations with a criminal, statistical, psychological and sociological colour, issued in Romania at the beginning of the XXth century have been sensitive influenced by a series of etiological paradigms and theories manifested in various countries European and North America, and which led to the foundation of an etiologic and predictive system typical for criminology and sociology of crime.

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Various aspects and manifestations of organized crime, as destabilizing consequences that this has on individuals, groups and social institutions have attracted the attention not only to specialized organs of social control, but also sociologists and criminologists, psychologists and psychiatrists, historians, political scientists and philosophers have pointed out the rationalization, specialization, organization and professionalism of certain acts and facts with a highly dangerous and social violence.

We consider it necessary to define the concepts of criminality, "organized crime", "mafia", "terrorism"¹ and more recently "strategic crime" to understand better the phenomenon or phenomena that surround us and

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¹ Jean Servier, *Le terrorisme*, Presse Universitaires de France, 1979, translation by Bogdan Geangalău. Studiu introductiv de Nicu Gavriluță, European Institut Publishing, Iași, 2002, p. 31.

affect us equally, all of us, the organized crime can be associated with: "That organization (large or small group) which using and perpetuating criminal conspiracy, has an organized structure, it is builds the existence on fear and terror, corruption and illegal manipulations and attempt to secure of financial benefits and further advantages"².

Sociologists have considered that certain areas or environments encourage the delinquency, becoming grounds propitious organized crime structures. The success and welfare of drug traffickers and of other criminals involved in criminal activities are good models for youth in the places in which there are no alternatives for social progress³. The source of organized crime such finds its place in disintegration and malfunctioning of the system (meaning the whole system), which meant that, after the changes in the former totalitarian states, the organized crime will grow very quickly, surpassing the structures of law, dispelling the banking circuits, grabbing the politicians, succeeding to intimidate or to overpower repressive system⁴.

The development of communication ways and transport resources, the development of commercial exchanges and tourism on a global scale has allowed a more and fast movement of criminals in different countries to committing crimes, to escape from legal responsibility or to hide or capitalize the product of crimes. This tendency mainly has led to the disappearance of boundaries between national, regional and international to interplay of political, economic and social problems. During this tendency the globalization has expanded in the crime area also.

The organized crime manifestation forms has been varied from day to day, passing from traditional areas such as gambling, usury and prostitution, to trafficking in works of art and stolen archaeological objects, credit card frauds, the trade in animals and rare birds, etc., leading to the organization of criminal activity after the legal business model (reception sectors, production, transport, recovery, protection)⁵.

Psycho-sociological political and criminological theories regarding the transnational organized crime - manifestations and threats

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² National Security Council, International Crime Threat Assessment, web site: www.terrorism.com/documents/2006

³ F. Alder at al., *Criminology*, Second Edition, Ed MacGrew NJAll., USA, 1995, p. 304.

⁴ Miclea Damian, *Knowledge of organized crime*, Pygmalion Publishing House, Ploiești, 2001, p. 13.

⁵ Ibid. p. 17.

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Earliest theoretical concepts and practical researches has been focused primarily on identifying and explaining the genesis "external" and "domestic" crime, trends in various types of crime and criminals, and the prevention and treatment of crime in general, and of the murderer, in particular.

"United Nations Framework Convention organized crime" in article 1 specifies that "organized crime" means: The activities of a group of three or more people with foreign and hierarchical connections, which manifests itself through violence, intimidation or corruption both to support the criminal activities as well as to infiltrate into the legitimate economy, particularly by:⁶

- illicit trafficking of drugs and psychotropic substances and money laundering, as have been defined by United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 1988;

- human trafficking, as defined by the Convention for the suppression human trafficking and prostitution exploitation, from December 2, 1949;

- counterfeiting of currency, as defined by the International Convention for the suppression of counterfeit currency, from April 20, 1929;

- illicit traffic or robbery of cultural objects, as defined by UNESCO Convention on the means of prohibiting and preventing the illicit import, the export and of the rights transfer on cultural property, November 14, 1970 and UNIDROIT Convention on stolen cultural objects and illegally exported, from June 24, 1995;

- robbery of nuclear materials, their improper use or threatening to use them against people, as were defined by Convention on the Physical Protection of Nuclear Material of 3 March 1980;

- terrorist attacks;

- traffic or motor vehicle robbery;

- corrupting public officials.

In this submitted sense, the corruption represents the abuse of power for personal interests.

⁶ Cristina Vasile Mardale, *Criminalitatea organizată transfrontalieră – O amenințare în expansiune / Transnational organized crime - a growing threat*, Strategic Unvers Review no. 2/2010, Bucharest, Christian University Press D. Cantemir, online: <http://iss.ucdc.ro/revista-pdf/us2.pdf>

The cross border crime is an adaptation of the criminality phenomenon, with his all components and dimensions to the new conditions. These new conditions are:

- Significant reduction of domestic political authority in the benefit of international regulation;
- The information internationalization, creation of companies and corporations with international dimensions, implying significant expansion, change or transformation of economic borders and often their entry into conflict with the political (such a conflict, creates many vulnerabilities which are extremely benefit for cross-border crime);
- Speeding up of information exchange, economic and other relations between state entities, economic, informational, international, etc., leading to the creation and modernization of transport, communications, production, storage infrastructure, etc., the emergence of new vulnerabilities and thus new opportunities for terrorism and organized crime;
- Creation of databases, of real and virtual networks that can be used by organized crime to expand its operations for their own protection and hinder the actions of state authorities against mafia organizations, shadow economy, networks of smugglers, etc⁷.

From political point of view, the phenomenon is characterized as a non-traditional threat to national and regional security involving corruption, physical violence and intimidation of the population, undermining political welfare, economic, social state.

In the view of political scientists⁸, transnational organized crime take place when an organization perform similar to an international businesses, practice a very advanced division of tasks, structure has tightly compartmented which are methodically and sustainable designed and struggling to make excessive profits, committing crimes and participating in the formal economy. This strong hierarchical structure has effective mechanisms to enforce internal rules and calls to violence, intimidation to influence political and economic life.

⁷ Viorel Zburătură, *Criminalitatea transfrontalieră ca sursă de insecuritate națională în condițiile globalizării și integrării României în UE*, Teză de doctorat / Cross-border crime as a source of national insecurity under globalization and Romania's EU integration, PhD Thesis, 2007. pp. 38-39.

⁸ Sabrina Adamoli, Andreea Di Nicolo, Ernesto U. Sevona, Paola Zoffi., *Organized crime around the world*, European Institute for Crime Prevention and Control, affiliated with the United Nations – Helsinki, 1998, p. 1, cited by Elena Cherciu, *Corupția: Caracteristici și particularități în România / Corruption. The characteristics and special in Romania*, Bucharest Lumina Lex Publishing House, 2004, p. 108

Sociologists define the organized crime term closely related to the definition of criminal organization. According to this concept, the "organized crime" consists in specific criminal organizations behaviors which are often structured and strictly professional, may take different forms, has a high level of internal structure and use intimidation, violence, terror and corruption.

Currently, according to the Interpol, around the world survive four types of criminal organizations:

- The mafia type;
- Those of professionals of crime,
- Those ethnic structure;
- The terrorist.

Returning to the Edwin Sutherland characterization on the subject of the organized crime - recognized as a crime of "white collar"- this phenomenon is not confined solely to the crime of "white collar" because this is only a part from a whole. Appearance was noticed by Donald Cressey⁹, who believe that the concept of "group", "gang", "unions" "cartel", "confederation", etc. aimed at crime and corruption which designated the criminal organizations and organized crime.

Louise Shelley believes that the twentieth century marked the emergence of a new phenomenon - globalization of the simultaneous crime, terror and corruption which are a true trinity of evil that manifests itself throughout the world¹⁰. It can be encountered not only in the poorest countries from Latin America or Africa, but also in America or in the most prosperous countries from Europe. International mob, *pax mafiosi*, the dark side of globalization, global illicit economy are the most recent terms that define the appearance of transnational organized crime.

In another sense, organized crime represents a specific illegal segment to which it relates the illegal activities in order with the purpose of seriously endangering certain sectors of economic, social and political activities, carried out constantly through methods and means which are planned and plotted by associations of individuals with well-defined internal hierarchy, in the specialized structures and mechanisms of self-defense, to obtain illicit profits at very high rates¹¹.

⁹ Donald Cressey, Criminal organization, cited Dan Banciu in: *Sociologie juridică / Juridical Sociology*, Hyperion XXI Publishing House, Bucharest, 1995, pp. 153-154.

¹⁰ Ion Suceavă, *Interpol la început de mileniu / Interpol to beginning of the millennium*, Meronia Publishing, Bucharest 2007, p. 26. cited by Georgeta Ungureanu.- Criminologie generală: Note de curs / General Criminology: Course Notes online: <http://www.scribd.com/doc/50436810/Criminologie-Generală>

¹¹ Sorin Rădulescu, Dan Banciu, *Sociologia crimei și criminalității / Sociology of crime and criminality*, Ed Sansa, Bucharest, 1996, p. 68.

According to H. Abadinsky¹², professor at the St. Xavier University, the organized crime represents a non-ideological association, involving a number of persons in adjacent social interaction, hierarchy organized with consist in at least three levels in order to secure own profit and power as a result of illegal activities. The hierarchy rank and levels of a certain importance role can be attributed to degrees of affinity and friendship relations or rational, depending on each individual specialization.

Organized crime, deliberate and conceived up to detail, regarding to the role and mode of action of those who carry it out, differs fundamentally from criminal actions of individuals who occasionally are associated with the intention of commit crimes¹³.

The concrete forms of the organized crime vary from country to country, but there are criminal groups whose actions affect several countries simultaneously.

Although the definition and types of organized crime are worldwide controversial, many experts considering them too general, the conclusion that emerges is clear: in order to have an efficient schedule to fight against organized crime, criminal behavior must be understood as a whole.

Conclusions and recommendations

Looking ahead, it is evident that the Wider Black Sea region has considerable potential for future development. Regional cooperation shall be in the advantage of most states in this part of Europe and the whole continent. European Union, through member countries of the region - Bulgaria, Greece and Romania - and through his own initiatives on the Black Sea may also contribute in a significant extent to list all states in this space on the path of European political, economic, democratic and security values.

The Organization for Security and Cooperation in Europe (OSCE) and Council of Europe (CoE) have a significant contribution to stability and security of the region, particularly at the consolidation of democratic reforms and to the efforts of peaceful settlement of conflicts and disputes in this part of Europe. In their role as member states of this two organizations, all nations of the Black Sea region have subscribed to the OSCE and the EC principles and values and, therefore to the precise compliance and enforcement. In a similar vein, through its Black Sea members - Bulgaria, Greece, Romania and Turkey - and through promoted partnerships by the Alliance with the Russian Federation, Ukraine and other countries in the region, NATO is in the position to make a significant contribution to the stability and security of this area, for the mutual benefit of all regional countries, of the entire Europe, of the U.S. in order to ensure the peace in the world.

¹² Paolo Pezini, *Mafiale / The Mafia*, BIC-ALL Publishing, Bucharest, 2003, pp. 8-9.

¹³ Șerb Stancu, Constantin Drăghici, Adrian Iacob, Andrei Ignat, *Drept polițienesc*, Tritonic Publishing House, București, 2003, p. 202.

Given that this part of Europe's problems can be solved only through political and diplomatic resources, with broad cooperation, taking into account the interests of all parties concerned would be appropriate to create at the level of specialized institutions a special mechanism for conciliation and mediation to encourage settlement of disputes and conflicts in the Wider Black Sea¹⁴. For the success of Romanian initiatives into this area, is certainly crucial that their substance to be determined in closely collaboration with Turkey, Greece, Russian Federation, Ukraine and other countries in the area.

This approach would contribute effectively to strengthening Romania's position in the region, increasing at the same time, its influence in the debates within European Union regarding European construction and the increased EU moderator role in world politics.

Brussels specialized authorities may consider the establishment of a cooperation regional platform in the Black Sea region which would re-unite the riparian EU member states with interests in the area, EU agencies, the relevant third countries belonging to the region, the Organization of Black Sea Economic Cooperation (BSEC), Regional Center for Combating Transborder Crime (SECI Center) from Bucharest, Information and Coordination Center of Black Sea Border from Burgas - Bulgaria and the Center virtual GUAM.

EU contributions to the regional platform could include training activities conducted through twinning programs and practices for the EUROPOL and FRONTEX.

Black Sea's Partner countries of the European Neighborhoods Policy (ENP) must conclude and implement the cooperation agreements with the EUROPOL and FRONTEX.

Is necessary a better coordination of Romania, Moldova and Ukraine's efforts to combat various forms of organized crime, which could be achieved within the BSEC, based on supplementary protocol of cooperation which is signed by all Foreign Ministers of the BSEC's states.

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¹⁴ Nicolae Micu, *România și spațiul Mării Negre. Evoluții și perspective / Romania and the Black Sea area. Developments and prospects.* Article appeared in *Infosfera Review* no. 4/2009, Bucharest p. 51, online: <http://www.mapn.gov.ro/publicatii/2011/infosfera4.pdf>, accessed in 19 01.2012

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