

Creating Criminal Responsibility within Criminal Groups

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ABSTRACT: In the collective aggression, the group's supervision and leadership activity is coordinated by a single person, whom all other individuals focus on, due to the domination, prestige and influence of the person on the collectivity. The intellectual factor of the leader lies in the way of conceiving the model of leading society and dominating the social movements. The volitional factor indicates the energetic-dynamic dimension of the leader's personality, as well as the support of the intellectual element through which the meditative approach is conceived as a non-retroviral movement. The psychic identity of the leader has a unique structure, because the component elements determine the consciousness of personal identity. The behavior of the criminal leader is dynamic, his thinking and affectivity mobilizing the personality system. The criminal leader imposes on the group its own needs. In terms of association, the conduct of the members of the criminal group is different, so there are common elements of the subjective aspects specific to the offenses, an agreement of will, interests, respectively coinciding. However, committing a crime by a member of the criminal group does not automatically entail the criminal liability of all members of the criminal, aggressive group.

KEYWORDS: collective aggression, criminal liability, criminal personality, necessities, the leader of the criminal group, the volitional factor

Introduction

The human being is an entity formed by morpho-physiological and psychosocial structures, the determinants of which impose the acts and phenomena that characterize individual or group behavior. The ability of the individual to respond to external stimuli is determined by the adaptive power of the anatomic-functional apparatus (consisting of the sensory organs and the cells of the cerebral cortex), the excitement of the analyzers being transmitted to the central nervous system.

Acceptance, acceptance by the conscience of dissociation from some acts, activities, at a time or in a significant moment of individual existence, generates a novel behavioral state, imposed by some abilities and attributes, with orientations opposite to those known, defining the multiple personality (Demoque 1923, 54).

The personality of the leader

Personality is formed by reporting affirmation, within certain limits, or annihilation of responses caused by the action of the environment, so that the individual is able to detach himself from instincts, emotional motions and integrate into the system of rules and norms imposed by social existence (Tanasescu 2014a, 174).

Human conduct, subjectively speaking, is the support of the way of thinking (Daneş and Papadopol 1960, 154), deciding and executing the objective criminal act, at the basis of its actual realization, implying the adoption of an individual attitude of the offender against the deed and its dangerous result.

As far as association is concerned, the conduct of the members of the criminal group is different, so there are common elements of the subjective sides specific to the offenses (Deleanu and Mărgineanu 1981, 213), an agreement of will, interests, respectively what needs to coincide. However, committing a crime by a member of the criminal group (Dongoroz and collaborators 1970, 312) does not automatically entail the criminal liability of all members of the intricate, aggressive group.

A fundamental characteristic of the subjective side is that although the objective act of the offense (the objective side) was committed intentionally (the criminal manifesting its criminal decision) because of the lack of knowledge of the existence of circumstances (Bulai 1997, 131) that

impedes the socially dangerous result, the subjective act may still exist, although the offense does not exist (the putative deed).

The thinking of any individual has only one evolutionary consciousness that forces his behavior and evaluates the attitudes of the other individuals.

Interaction between individuals, group actions causes the propagation of conflicts by committing acts of social destabilization, even if their meaning and role are not directly perceived in the conduct of the participants (Dogaru 1986, 99).

The leader - the stimulating cell of the criminal group

In some circumstances, the origin of social conflict arises in the thought or activity of a personality or a leader, the interaction between it and the multitude of individuals of minimal or absolute value (Antoniou 1968, 87). The consensus of individuals participating, either as members of groups or as mere aggressors, will be a more or less unitary set of behaviors, aiming at correcting mistakes, acquiring rights, or building a model of collective force through which would counter the measures of an authority. A leader is the person who leads a group, a movement, with the greatest influence on the other individuals. Being endowed with special attributes, the leader exercises an administrative, political, and economic dominance over a category of individuals who obey and illustrate it (Tanasescu 2014b, 133). The leader's force as well as the affectionate appeal enjoyed by the crowd can not be explained rationally, which makes it credible that his mission is able to defend collectivity.

Interaction between individuals explains the possibility of recognizing the superior value of a person by the members of a group or of a community. The behavioral model imposed or accepted by society (Padovani 1990, 154) was adopted over time by the consent of the majority of individuals, being perceived by the leader and founding himself in his conduct and partly in the conduct of others.

The social position of the leader indicates that he is a person you can rely on, representing the interests of others, the recognition of his value belonging to the majority and not the unanimity of the group. Adept of individual sacrifice, to affirm the rights and duties of a community, the leader acquires the quality of the central person. The domination of the crowd involves inventing the need to attract individuals, to obtain alliances in order to overcome the intended events.

His ability to understand and perceive is accentuated and specializes in several social domains, so that he claims to have perceived the phenomenon, and will propose the right measures. Considering himself compelled to act in order to solve the interests of the group, the leader initiates actions of influence, his manifestations having a dominating character, but also his willingness at the disposal of all.

The will as a power to desire a result and to pursue its realization (Volition represents the psychic process that manifests itself through conscious actions directed towards the purposes pursued by the individual.) The act of will depends on the inner psychic life which is exteriorized in an appreciated concrete activity or Every act-induction is generated by neurophysiological and psychological processes (affective processes) and is coordinated by cognitive-cognitive processes (conscious processes) that define the activity of the individual as licit or illicit (Jasper 1986, 165). The conscious production of a certain result as a result The act described by the criminal norm contains the defining action elements accompanied by the psychological processes appropriate to the concrete action model) manifest externally through the conscious orientation in the exertion of some acts, actions, deeds for realizing the intent either voluntarily or voluntarily, as opposed to mere behavior that does not have a conscious actional orientation. Voluntary actions are determined by a certain motivation and are directed towards concrete goals based on a multitude of movements that are consciously led (Merle and Vitu 1967, 199).

The activity of the individual involves the participation of the effector organs (Mantovani 1988, 200), the organs of the movement both in realizing the perception and its representation, but also in the production of the action result. The realization of the individual and group behavior in the general way implies the production of persistent actions, of the action control to ensure the adaptation to the real conditions of existence.

The will of the individual will analyze and integrate processes and mental states in the volunteer activity assessed by reference to previous experience, by unifying emotional energies and by suppressing trends contrary to the intended purpose. In the decisional act are also the personality traits regarding the action temperament, the desire to carry out the act, the fear of failure. The intensity of will is found in the meaning given to the action and in the effort of accepting the main reason and in the decision to achieve the purpose of the action.

Voluntary acts are aware of the individual being accompanied by vigilance and strong emotions (Padovani 1965, 166) in the execution of his act or are consciously determined by unconscious motivations. At certain moments of action, the individual also proceeds to verify the outcome of the product in order to arrive at conclusions about how to achieve future facts at a high degree of appreciation by adopting methods and using specific means by forming new skills that will characterize the capacity of his or her voluntary effort.

By performing the various activities, the voluntary effort acquires certain qualities (Petricu and Voiculescu 1967, 188): independence (which is found in the permanent tendency to adopt decisions according to their own skill, resulting from the verification of the action circumstances, from the concrete appreciation of the consequences and from accepting the personal responsibility); the power (expressed by the intensity of the volunteer effort used in the production of the voluntary act, finding itself in the strain with which it is intended to produce a certain result); perseverance (there is a voluntary effort so as to remove the potential weakness of the will and against any adversity to pursue, even for a long time, the pursued goal).

Continuing the voluntary effort, even if it proves impossible to achieve the actional goal, explains the intervention of the stubbornness of the individual (the defect of the will) resulting from the lack of flexibility in thinking and action and prejudices; the promptness of the decision means rapidity in deliberation and the adoption of the most appropriate solution.

Conclusions

In conclusion, the aged process requires a period of psycho-physical training identified at the moment of awareness of the necessity of committing, training and finishing the violent act. The facts, whose process is more complicated, require a substantial psycho-actinal investment. When the grouping or the crowd led will appreciate that the ideas of the leader do not go beyond the character of a contradiction, the inevitable conflict will impose the subjection of the crowd through the dictatorship or the denial of activity and its isolation by the group. The leader distorts the reality of the event in order to have the motive to reproduce the association of the previous acts in the environment, according to the interests of the criminal group.

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