

Connection between Crime and Criminality – Criminological Perspective

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ABSTRACT: In the current context of globalization, we intend, in the present study to approach from a criminological perspective some specific concepts. We can find in various written articles, some coming from institutions with competences in investigating and sanctioning the criminal phenomenon, the inappropriate use of concepts such as organized crime/organized criminality, international crime/transnational crime, mondialization of crime/globalization of crime. The most commonly misused concept is that of organized crime instead of organized criminality (referring to English organized crime), which is most likely based on a translation error from English to Romanian. These findings led us to undertake a review of such concepts in order to provide clarification. A thorough conceptual delimitation primarily supports the choice of a correct methodological framework for the analysis of particular crime phenomenon or crime as a social phenomenon and can help us choose the most appropriate means of combating it.

KEYWORDS: law, criminology, crime, criminality, organized crime, transnational crime

Introduction

At first glance, the relationship between crime and criminality could be loosely exposed by the statement that crime is the sum of distinct crimes and distinct crimes cannot be seen as mere divisions of crime; thus, if the number of distinct crimes increases, then crime also increases, and if their number decreases, then crime also decreases.

On closer inspection we will find that a more accurate knowledge of the connection between the two notions implies, on the one hand, the examination of the articulations of the distinct and the collective phenomenon and how they influence each other (1), and on the other hand the clarification of aspects regarding the globalization of crime (2), so that finally we can analyze the typology of crimes, thus deciphering the concepts of organized crime, or organized criminality (3).

1. General aspects of the connection between crime and organized criminality

Starting from the criminological approach of the phenomenon, it must be pointed that, since the period of classical criminology, delimitation has been made between misdemeanor and crime, as well as between delinquent (offender) and criminal.

In the same way, the criminal phenomenon must be delimited by the concept of criminality.

The delimitation of the mentioned concepts is necessary from the perspective of their analysis, which differs in practical and methodological aspects, of the pursued results and last but not least of the identification and choice of the appropriate means of prevention. What is interesting to know is the level at which the junction between the two phenomena operates, respectively where the distinct phenomenon is articulated with the collective one.

1.1. The articulations of the distinct phenomenon and of the collective phenomenon

Examining the opinions expressed in the literature, we agree that the articulation of the two phenomena can be identified at all three etiological levels, respectively at the level of delinquent personality, at the level of pre-criminal situations and at the level of action (Gassin 2015, 657- 665).

1.1.1. Articulation and formation of the personality of delinquents

The first rule of articulation. The interdependencies in which individuals are caught participate in the formation of the inner structure of their personality. The relational networks in which they are involved (family, social group) continuously shape their sensibilities and beliefs (Elias 1991, 239-240 apud Gassin 2015, 656).

Weakening the family through divorces or single-parent families generates educational deficiencies, wars involving the absence of the father generate family weakening and educational deficiencies, or new countries where moral values are not internalized, are just a few examples that can affect personality formation. Currently, in Romania, hundreds of thousands of children grow up without one or both parents who have gone to work abroad, being left under the supervision of grandparents or other relatives.

The factors of crime in today's global society, including those mentioned, some specific to certain areas, have the effect of many and profound deviations of the personality of individuals. Criminogenic factors at the social level generally correspond to the environmental factors that form the personality. The correspondence between social and environmental factors allows us to understand why only some individuals will become delinquents and who they are. In the specialized literature has been made a statement that seems increasingly current about how society influences the personality of the individual, noting that society is itself criminogenic, as it promotes the development of the core features of the criminal personality: egocentrism, lability, aggression and affective indifference (Pinatel 1971, 113 -124).

1.1.2. Articulation and constitution of the pre-criminal situation

The second rule of articulation. The quantitative and qualitative variation of crime is explained by the influence that some global environmental factors have on pre-criminal situations, multiplying crime situations, or emphasizing the criminal nature of existing situations leading to increased crime. This explains the fact that wars and economic crises increase crime (Gassin 2015, 660-661). The direction of crime is given by the nature of the delinquent opportunities provided by the game of criminogenic factors or of the global society. Individuals who fall into delinquency are the effect of multiplying delinquent opportunities.

What needs to be emphasized, as it is important for this study, is that globalization, a term as often used as vaguely, is a factor in itself that multiplies pre-criminal situations.

1.1.3. Articulating the process of taking action

Praxiology scientifically proves to us that the criminal act is not a spontaneous result of the interaction between the personality and the pre-criminal situation. In the process or processes of interaction between personality and situation, social and environmental factors may influence in a greater or lesser way the process of taking action.

1.2. The influence of the distinct phenomenon on crime and the collective phenomenon on crime

1.2.1. The influence of the distinct phenomenon on crime

For the analysis of the influence of the individual phenomenon on the collective one, the best method seems to be the *methodological individualism*. This method considers the collective phenomena as the result of the composition of the set of individual behaviors (Boudon 1984, 39 apud Gassin 2015, 661). This composition of individual behaviors, especially criminal ones, is not a simple sum, but can take different forms, in other words, crime is not a simple sum of individual crimes, the simple summation of individual crimes can sometimes indicate the volume generically. crime, at a certain time and in a certain place, usually where the authorities are more effective.

In this regard, the renowned criminologist Raymond Gassin highlights that changing the will of crime affects its structure and vice versa. Increasing the volume of crime is not an additional amount of crimes committed, they can also represent a qualitative change in crime. The author

emphasizes that the media have an effect of multiplying the phenomenon by insisting on a crime or a type of crime.

1.2.2. The influence of the collective phenomenon on individual crime

For the analysis of the decomposition of the criminal collective phenomenon, one can resort to the methodological sociology through which the representation of the collective phenomenon being the equivalent of a certain autonomous reality whose decomposition offers the individual crimes.

However, the breakdown of crime is not a simple operation of summed up individual crimes. There are several situations. Decomposition of two types of crime with equal volume, but with different structures, or decomposition of two types of crime with different volumes, but with identical structure. These situations are often related to the influence of macro-social factors.

It is no less true that, nowadays, we find more and more often that the typology of crime is more and more widespread world wide and more and more diverse. Thorough analysis is required, especially of typologies that contain elements of foreignness, taking into account the current context of globalization.

This approach requires terminological rigor and a concerted effort by all affected states, which must reflect international cooperation.

2. Globalization and crime

Globalization is a relatively recent but very complex concept, the definition of which we propose in this paragraph in relation to its importance from a criminological perspective. Such an approach is necessary, not because this concept has not been defined so far, but from the perspective of choosing a definition that best meets the use of this concept in the analysis of crime and criminality. We will present very briefly and in general the concept of globalization and the concept of globalization of crime.

2.1. The phenomenon of globalization

Globalization refers to becoming global. It should be noted from the outset that the concept of globalization is used to define the same phenomenon in the Anglo-Saxon and American legal systems, which means practically the same thing. The term thus appears as vague as it is indefinite. Moreover, there is no definition of globalization in a universally acceptable form (Stănoie 2012, 14-28).

The renowned criminologist quoted, discusses the risks that globalization brings, especially in terms of crime and economic space. From a sociological perspective, the literature in this field, namely the sociologist Ulrich Beck, referring to globalization, shows that this is a concept as often used, as rarely defined and understood (Beck 1999, 5 apud Stănoiu 2012, 14).

On the other hand, from a criminological perspective it was mentioned that this concept must be indicated at least the scope and limits (Gassin 2015, 375-378). The fields of globalization are multiple, economic, cultural or political. However, this is a recurring phenomenon if we consider the spirit of freedom widespread in the 1960s. However, globalization is an incomplete and variable phenomenon. Criticisms of globalization have come, paradoxically, from an economic perspective as well. It has been stated in the literature that large entrepreneurs unbalance local economies, which generates crises such as that of 2008-2010 (Mathieux 2003, 256 apud Gassin 2015, 379).

2.2. Globalization of crime

The phenomenon of economic, socio-political and cultural globalization has brought with it what has been called the obscure face of globalization (Pless and Couvrat 1989, 358, apud Gassin 2015, 380), namely the globalization of crime. Conceptual clarifications related to similar notions are necessary in view of the fact that all these define, like globalized crime, acts that have in their structure one or more elements of extraneousness in relation to a certain state.

First of all, we mention that it is wrong not to distinguish between the globalization of crime and international crime, between the two terms there are essential differences of a structural nature. In this context, a clarification of the concepts is required. The term international crime designates the criminal acts included in ordinary international crime. In order to adequately qualify acts of globalized delinquency, the term global crime or the more common term transnational crime is often used, as these terms imply some difficulties of understanding, as has been pointed out in some cases (United Nations Convention against Transnational Organized Crime).

Transnational crime is distinguished from the usual international crime referred to in international criminal law, where the elements of extraneousness are occasional, while here the elements of extraneousness are of structural nature. Various types of transnational crimes can be mentioned, such as international terrorism and the violence of the protesters of the globalization phenomenon. The most important type of crime of this kind is that which pursues profit, especially drug trafficking, which will be analyzed on another occasion (Popescu 2019; see Popescu 2018, 257-263).

The role of international criminal organizations is also important in analyzing the manifestations of the globalization of crime. Unlike international crime, which can be committed by a single perpetrator, transnational crimes have a structured criminal organization in which each member at each level stops access to higher levels.

A look at the structure of transnational crime can provide interesting clues. The speed of movement of people, information and goods, or the inefficiency of the police are some of the factors that favored the phenomenon. The specialized literature (de Maillard 1997, 223) has proposed a model for structuring crime in three areas. The first area is that of production (eg of narcotics), the second is the area where production is consumed and the third, most importantly, the area where money is laundered (may be tax havens or even countries of consumption). This model is specific to profit crimes.

3. Explanation of crime in general

Some brief considerations on the explanation of crime in general come to clarify the right way in which the various types of crime should be delimited. In this sense, we propose a brief explanation of human action in general to understand the criminal action and a brief presentation of the typology of organized crime.

3.1. Explanation of crime

Renowned criminologist Raymond Gassin said that the problem of explaining crime can generally be posed in two ways. Answering the classic question, *Why do a number of people become delinquents?* Or to the more recent question, *Why do most people not become delinquent in similar situations?* (Gassin, 2015, 521). Renowned criminologist Raymond Gassin said that the problem of explaining crime can generally be analyzed in two ways. Answering the classic question, *Why do a number of people become delinquents?* Or to the basic recent question, *Why do most people not become delinquent in similar situations?* The quoted author considers that in order to answer these questions in a more satisfactory manner, we must start from the analysis of human action that forms the object of study of praxiology. *Human action is the response of the personality in the situation in which it is involved, a response that occurs as a result of a suite of interaction processes, of longer or shorter time period* (Moles and Rohmer 1977, 8 apud Gassin 2015, 521).

We thus deduce that in the explanation of human action three series of elements are involved: personality and situation factors (etiology of action), interaction processes that lead to the act (dynamics of action) and the act itself. In particular, criminal action is the response of a personality to a situation at the end of a process of interaction (the process of taking action) between personality and situation. Criminal action differs from non-criminal action by features that may affect one or more of the elements that make up the etiological-dynamic complex that is human action, namely personality, situation, interaction process and act. For these reasons, we appreciate that a complete

criminological analysis of crime includes the analysis of crime factors (etiology), the process of interaction of the act (dynamics) and the theory of the criminal act (praxeology). As far as we are concerned, we will stop only at the typology of crimes, which are of interest for this study.

3.2. Types of crimes - organized criminality / crime in an organized type

It should be noted from the outset that there are several criteria by which crimes can be classified, either by the number of participants or by motivation. We will focus on the classification of crimes by motivation, based on this criterion, identifying organized crime along with crime, primitive, utilitarian or pseudo-justified crime, but also on the classification of crimes by number of participants to identify criminal organizations. .

Organized crime is that which arises from a deliberate will to commit one or more criminal acts, mainly acquisitive. In general, the author was in an amorphous situation. It follows that the opportunity must be sought, which involves developing a plan, knowing the place, buying the necessary tools or understanding the accomplices. This type of crime can be committed by a single offender, possibly assisted by an accomplice.

Today, however, when we speak of organized crime, what we are essentially referring to are criminal organizations, whose criminal activities are themselves organized; individual organized crime has only a residual character (Gassin 2008, 667-689). Renowned criminologist Raymond Gassin mentioned in the aforementioned work that the ambiguity of the term of organized crime, at least in the French legal language, undoubtedly comes from an erroneous translation of the expression North American organized crime. The term crimes, in the North American sense, does not mean the notion of murder, or more generally, a penal offense. Penal (criminal) offense translates into offense. Crime thus means criminality and which designates a collective phenomenon committed by an organized gang and not an individual phenomenon such as that of the crime committed by a single individual.

Organized crime can be encountered under at least three versions: of aggressive murder, engaging in illicit gainful activities (pimping, drug trafficking) and white-collar crime. This type of crime is an example of a system of criminal behavior that Shuterland and Cressey define as a particular sociological unit, which groups together some common criminal offenses in which several varieties of behavior can be distinguished. We remind you that these are not isolated acts, but a complex unit, respectively a collective way of life or a common behavior.

Organized crime has been understood as the main element of criminal activities carried out by criminal organizations, such as the Mafia and has thus become a major concern of contemporary public authorities. The phenomenon is not new, the term organized crime was used even in the United States in the late 1920s to characterize criminal gangs.

Conclusions

From the above, it results that a correct and coherent analysis of the criminal action, whether it is the individual/distinct or the collective phenomenon, imply a good knowledge of the connections between the two forms, but also an adequate terminology. The accuracy of any research and its scientific value depend on both of these aspects.

A particular aspect resulting from the evaluation of terminology concerns the importance of scientific sessions such as the one present with the participation of specialists representing the two major legal systems, namely the Roman-Germanic and American Anglo-Saxon origin. On this occasion, some essential aspects for achieving a unitary look at research can be clarified, despite different concepts.

In the sense of the usefulness of joint scientific sessions, we mentioned some cases in which some confusion may arise, such as the clarification of the general concepts of globalization, organized crime/organized criminality, these being enunciated by way of example.

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