

The Criminal Phenomenon During the Pandemic Period in Romania

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ABSTRACT: In order to commit a crime, the perpetrator goes through numerous psychological states that are decisive and determined by the social, economic, cultural, cognitive and historical factors of the environment of origin and of the one in which he is to carry out the criminal action. Whether it refers to elements such as the physical, moral or intrinsic nature of the action taken, its analysis must take into account the elements that led the person to adopt such conduct. During the pandemic period, due to the imposition of social distance, the criminal phenomenon experienced a decrease in the diversity of crimes and also a significant increase in the intensity with which illicit actions are committed in certain areas that do not require direct contact between perpetrator and victim. The article aims to analyze some such illegal actions from the perspective of the constituent elements of a criminal law offense, the manner and factors that determined their commission and the relationships created between the active and passive subject during the pandemic period in Romania. Some conclusions, at the end of the paper, will aim at synthesizing all the information presented during it, analyzing the contribution of the state of emergency to reducing crime for certain facts and increasing it for others.

KEYWORDS: pandemic, criminal law, psychology, criminal act, victims, Criminal Cod, The Romanian Constitution, constituent elements, social values

The criminal phenomenon related to the pandemic period

In order for a person to be accused of having committed a crime, it is first necessary that the deed he committed be regulated by Romanian criminal law, but this is not enough, the existence of guilt and the un-justification of such conduct are and these elements necessary for the perpetrator to become an active subject of Criminal Law. However, perhaps the most important characteristic of an incriminated action is the imputability of the deed of the perpetrator (Mitrache Ctin. and Mitrache C. 2019, 134).

The birth of the need to commit a criminal act has its essence in the psychological factors of the individual, namely in the totality of his social, economic and emotional experiences. In this way, the traumas of unhappy childhoods, stress, anxiety or depression can lead to the adoption of behaviors prohibited by law through actions that appear first in the cognitive interpretation of the perpetrator, then they manifest themselves externally, endangering social values which the state protects (Zlate 2000, 148).

Sometimes committing crimes comes from the innate need of man to satisfy his primary needs, food, reproduction, shelter and others, and in this regard, the wrongful action no longer has a cognitive cause, but is limited to purely reasons instinctual, a situation in which it can be considered that the circumstance in which the action provided by the criminal law took place constitutes a mitigating circumstance for the individual who committed it (Neagu 2020, 475).

However, the individual who engages in illegal conduct from a legal point of view, infringing on the social values that the state protects and does so knowingly, even using some means to facilitate the achievement of the desired result, such as the use of minors whom the law does not criminalize the choice of night as a moment of action to create vulnerability, the choice of the victim for her inferior qualities and others, commits deeds punishable by criminal law in aggravating circumstances (Stănilă 2020, 126).

Depending on how he wants to act, an individual unleashes at the mental level a whole intellectual process of analyzing the constituent elements of the crime scene. From the choice of

the victim, how to approach it, the tools used, environmental and temporary factors, clothing and to the elimination of any clues that could draw attention to him, the absence of any such element could lead to the conclusion of the perpetrator's part of the futility of the illegal action (Butoi 2019, 96).

In Romania, the pandemic period was characterized by the imposition of a series of restrictions on social relations and individual activity of citizens, such as social distancing, the obligation to wear a medical mask, the obligation to wear protective gloves, the need to disinfect hands and much more, discouraged the commission of actions that could only be carried out through direct contact of the offender with the victim.

Another restriction that led to the reduction of the criminal phenomenon was that of limiting social activity during the night, this period being the most beneficial for committing criminal acts, because it offers the perpetrator the opportunity to better hide his identity and vulnerability to the victim to defend themselves, the visual field of people narrowing their area of coverage (Duțu 2013, 65).

Last but not least, the imposition of restrictions on the movement of customers in large grocery stores by forming directions for the flow of shoppers to be respected by all citizens who frequent such food centers, avoiding congestion, has led to diminishing the commission of illegal acts that required precisely this type of social agglomeration in order to be satisfied with the production of the desired result (Butoi T., Butoi I., Butoi A. and Put C. 2019, 211).

Analysis of some crimes whose number of cases was diminished during the pandemic period

The social values that are incriminated by the criminal law are those fundamental social relations guaranteed and protected by the Romanian state such as the right to life, free movement, physical and mental integrity, freedom of action and expression, the right to property and others. Whenever a person legally confines these guarantees by force or manipulation, the criminal law is called to restore the natural order (Ionescu 2012, 46).

Thus, during the pandemic period, namely within two months of the state of emergency in Romania, certain actions incriminated by the criminal law were discouraged from occurring, because the deviant conduct was limited or, for some crimes, was completely absent (Hotca 2020, 214).

The criminal phenomenon, during the state of emergency, experienced a significant decrease, especially in the cases of criminal acts committed through physical contact between the active and passive subject of the crime. Such behaviors that have undergone changes in the framework are theft, rape, fraud, abuse of trust, those that took place on public roads, robbery and much more (Cioclei 2020, 164).

Theft is the act regulated by the criminal law which consists in taking possession of a person's property and improperly appropriating it, through maneuvers or means of distraction, aggression or complex operational tactics that cause the victim to give up that property in favor of the perpetrator (Ristea 2020, 483).

In the case of this crime, the setting is that of social agglomeration, whether it refers to closed spaces such as large chain stores, public transport, event halls or other such premises, or to those opened during public manifestations, protests or cultural actions (Boroi 2019, 628).

Ensuring a single flow of customers entering shopping malls by establishing their movement in well-defined and highlighted directions with special markings, banning public events or community actions and reducing the number of users of public transport, made the crime of theft to be much more difficult to achieve, which is why, in the case of this deed, there was a significant decrease in the number of cases in Romania (Nour 2020a and Nour 2020b, 112).

Another act provided by the criminal law is rape which is materialized by having sexual relations with certain persons of the opposite sex or even with persons of the same sex, but without their prior consent (Gheorghe and Ivan 2019, 235).

In order for an individual to commit such an act, it is necessary to activate an intellectual process. At the mental level, the rapist chooses his victims based on their physical features, characteristics that induce sexual pleasure, carnal lust and the obsession to perform the act itself (Leş 2018, 63).

The organization and conduct of illegal car races on public roads is another criminal act whose number of cases has decreased considerably during the pandemic.

This is explained by the fact that, most of the time, this illegal conduct adopted by the participants in such events is manifested during the night, when the road traffic is lower and the existence of sufficiently large spaces for deployment is more easy to identify (Rusu I., Rusu E. and Bîrzu B. 2020, 225).

With the restrictions on traffic on public roads during the hours when this criminal act could be committed with minimal risk, the participants in these events have been considerably reduced, contributing to the increase of police forces aimed at monitoring compliance with this measures (Nicolescu 2018, 99).

Last but not least, the criminal acts related to the field of administrative litigation also experienced a decrease of the criminal factor on the background of the transfer of activities carried out by civil servants from the physical environment to the IT environment (Mața 2018, 141).

Thus, certain documents issued by public administration institutions, which could normally be falsified, distorted or could be issued for illicit purposes or certain public tenders that could be awarded, unofficially, prior to the legal procedure or in order to favor certain legal entities carrying out trade or execution of works could no longer be carried out due to the ease with which both the accuracy and originality of documents and the fair observance of award procedures can be tracked online through the means of registration and supervision informatics (Chiuariu 2020, 245).

However, although the criminal phenomenon decreased considerably during the pandemic in certain areas of activity that require either physical contact between the perpetrator and the injured person, or the possibility of illegal events, or alteration of official documents, the degree of crime at the state level remained constant (Sergiu and Șerban 2020, 615).

The explanation for this comes from the fact that, during this period, amid the imposition of safety restrictions, many citizens found themselves in a situation of losing their job or being insufficiently paid for the possibility of achieving adequate living conditions, the need to satisfy certain primary needs by pushing them to commit deeds provided and incriminated by the criminal law (Pașca, Ciopec and Roibu 2013, 121).

On the other hand, also during pandemic it has increased the number of crimes especially the crime of thwarting disease control (Hegheș 2020a, 90-98), the offense of failure to declare information (Hegheș 2020b, 114-121) and the crime of false statements (Hegheș 2020c, 143-148). Also, the transition to the online environment of many of the activities undertaken by citizens has facilitated the commission of computer crimes, especially in cases of criminal acts committed for economic purposes (Ioniță 2018, 230).

Increasing the number of cybercrimes during the pandemic

The imposition of restrictions on the free movement of citizens, the decrease of economic and social activity, physical contact and the normal way of life made it possible to direct a significant proportion of citizens to the computer environment (Acsinte 2012, 61).

The cybercrime is that deed provided by the criminal law that was committed with the obvious intention to cause material damage in order to obtain an unfair result using computer means (Coman 2020, 202).

During the pandemic, the cybercrime phenomenon saw a significant increase in the number of cases, especially in terms of economic acts committed through specialized applications in electronic bank transfers and characterized by the extraction of personal or confidential data used by credit card holders for authorizing payments in various accounts of companies (Udroiu M., Trancă A. and Trancă C. 2014, 101).

In order to carry out this type of crime, it is necessary for the perpetrator to be an intellectual perpetrator, endowed with special abilities to avoid all ways of identifying his person, which means that not everyone can successfully commit such a criminal act, acquiring these qualities. requiring a long period of deepening and analysis of IT structures (Udroiu M. and Trancă A. and Trancă C. 2014, 112).

Therefore, the introduction of restrictions during the state of emergency did not lead to an increase in the number of criminals in the field of cybercrime, but only to an increase in the opportunity to carry out such illegal actions for those already existing.

Conclusion

The criminal phenomenon arises either from the instinctual nature of man to ensure the satisfaction of some primary needs that he fails to achieve otherwise, or from purely psychological factors that are the cause of social experiences, economic or emotional deficiencies.

In any way he chooses an active subject of a criminal act to commit the deed, it activates a whole intellectual process to achieve the proposed result that will take into account the environment, the characteristics of the chosen victim, the time of action, the means available and much more.

During the pandemic, the number of crimes was reduced, for the realization of which, one of the necessary and obligatory elements, is the physical contact between the perpetrator and the injured party.

Thus, offenses such as theft, rape, illegal car racing, robbery, breach of trust, fraud and other such acts have been discouraged from being enforced in the context of changing the scope of the action, in the sense that limited physical contact, free movement, especially during the night, the existence of social agglomeration, elements necessary for the actions to be successfully completed.

A decrease in the degree of crime was also felt in the field of public administration, when the activity of officials was transferred from the physical to the online environment, which is explained by the ease with which certain documents, certain procedures or assignments of public executions can be tracked deployment.

On the other hand, also during the pandemic period, the degree of criminal acts of an IT nature, especially of an economic nature, increased, not because of the significant increase in the number of perpetrators, because for such an action extensive knowledge is required this area that accumulates over a long period of time, but due to the increased opportunity and the number of possible victims.

This new type of criminal phenomenon, in contemporary society, tends to reach colossal proportions, being easily adaptable from an operational point of view, requiring a low level of material resources and having an easy character in terms of operation.

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