

General Information Regarding Criminality Related to Political Conditions

Tiberiu Viorel Popescu

Legal Advisers' College of Bucharest, Romania, tpopescu2005@yahoo.com

ABSTRACT: Crime related to political conditions is a rare topic in socio-human research. This issue, at least in terms of state crime, can be paradoxical compared to the role that the state and the political regime have in social organization. However, taking into account the specifics of this type of crime, the mentioned issue can be addressed in criminological studies, starting from the specifics of this autonomous science that benefits its own concepts, different from the concepts with which criminal law operates. In this study we will also assess the extent to which and the situations in which the State as an entity can infringe on social values that it should defend through the multiple levers at its disposal, in the context in which it cannot be subject to criminal law. And, if this was ever possible, what was the social reaction to this circumstance? How can one react to crime related to political conditions whenever it could be identified in one of today's societies?

KEYWORDS: criminal law, criminology, crime, criminality

Introduction

Crime related to the political situation has been a disparate topic in the criminological literature (Gassin 2011, 347-350). Approached as a type of crime specific to developing countries, crime related to the political situation is a topic that can provide interesting benchmarks for understanding the state and dynamics of crime, in countries that have had, or where there are dictatorial regimes, but also in many Eastern European countries. We will clarify in the following the concept of crime related to the political situation (1), its forms of objectification (2) and we will analyze the extent to which we can currently talk about crime related to the political situation (3).

1. Crime related to the political situation

One of the general characteristics of the functioning of archaic societies was the low level of crime. This aspect was explained on the one hand by the small number of members of these companies, which generally did not exceed 25-50 members, and, on the other hand, the low level of crime of these companies was ensured by the management, organization and their functioning, the levers by which the general aspirations coincided with those of the members (Gassin 2011, 323).

The integration into the governance program of the aspirations and needs of their members seems to be a guarantee of the rules imposed by the governors in order to ensure the achievement of the objectives of the program. Although this statement may seem truisms, in communities with large numbers of members, their aspirations are multiple, diverse, and often contradictory, and integrating all of them into a governing program is more of a utopia.

In developing countries, as well as in Western countries with a high demography and citizens with diverse aspirations and motivations, non-compliance with the laws that protect social values at a given time seem more frequent and of increasing gravity. Crime in developing countries is more related to the dictatorships in the area, which shows that the governance of a society is not always in the direction of meeting the needs, interests and aspirations of that community. Faced with such a circumstance, sooner or later there will be a reaction from the members of society and a counter-reaction of the status that sometimes does not identify at all with the legitimate social reaction and sometimes necessary in such circumstances.

2. Forms of crime related to the political situation

Crime in developing countries is more about dictatorships in the area, which splits crime into two terrorism and guerrilla warfare (a) on the one hand and state crime (b) on the other.

a) Terrorism and guerrilla warfare. Terrorism and guerrilla warfare are forms of crime that are distinguished by the targets, persons or goods targeted or by the means used.

Terrorism. Although there is no universal definition of terrorism, the United Nations Security Council, regional organizations and Member State governments have referred to numerous armed groups as "terrorist" groups. The Security Council has imposed sanctions on 80 groups and more than 380 people linked to the Taliban, Al Qaeda and the Islamic State of Iraq and the Levant (ISIL) on the grounds that they are involved in, or supportive of, terrorist activities. The Taliban, Al Qaeda, ISIL and its affiliate Boko Haram were responsible for 74% of all deaths caused by terrorist, insurgent and non-state armed groups in 2015 (World Drug Report 2017, Part V, 34).

It is important to note that acts of terrorism can be committed by a single perpetrator. In the context of globalization, there are important changes in the profile of the "new terrorist" (Stănoiu 2012, 21), who often adopts the tactics of *the lone wolf*.

The means by which terrorists act are in sight, extremely violent, often aimed at public figures, reference targets or social symbols, in order to maximize the state of panic among citizens.

The primary purpose of terrorist acts is to generate a state of terror and chaos in society, so that later, by claiming the attacks, the perpetrators build an identity that could give them, at some point, the opportunity to demand certain claims in political or ideological plan.

Council of Europe Convention on the Prevention of Terrorism signed in Warsaw on 16 May 2005 (Ratified by Law no. 411 of November 9, 2006 for the ratification of the Council of Europe Convention on the Prevention of Terrorism, adopted in Warsaw on May 16, 2005, published in: Official Gazette no. 949 of November 24, 2006), updated on 22.06.2018, at art. 1 para. 1 states that "For the purposes of this Convention, the offense of terrorism shall mean any of the offenses falling within the scope of any of the Treaties listed in the Annex to this Convention, as defined in those Treaties".

The concept of terrorism has not been fully clarified and has not been given a clear definition despite its abundance in legal instruments.

Guerrilla. Guerrilla fighting is a modern civil war, a real subversive revolution initiated and maintained by partisan groups, usually in conflict with public authority. Hostages have become a real business in Latin America. Thus, in Colombia, more than 3,000 people are abducted each year by various guerrillas and exchanged for ransom. This revolutionary domestic activity is sometimes aided by a neighboring country, such as the FARAC guerrillas in Colombia who find shelter in Venezuela.

Without insisting more on this type of crime, we only emphasize that, from a criminological perspective, guerrilla warfare increases the volume of crime and changes its structure.

b) *State crime*. State crime can be understood as the repression of the totalitarian state over criminal actions often without respecting the right to defense that is the basis of today's civilization.

In some developing countries, repression of non-compliance with applicable law has been found. They are often based on exceptional legislation. This repression is sometimes the work of official state bodies or parastatal groups that are protected by existing power. In all these cases we can talk about a state crime, a concept that has recently gained a reputation in criminology (Bossard 1988, 8, apud Gassin 2011, 348).

It must be emphasized that the repression of the Statute can occur without respecting the right to defense not only as a reaction against the actions qualified by the totalitarian criminal state. One of the least publicized cases was the Lebanon Case - 1976, when it was registered among the last

state actions aimed at persecuting Christians. There and then 500 people (men, women and children) who were followers of Christianity without legitimacy were killed. The Maghreb or sub-Saharan Africa are such cases (Guitton 2009, 330, apud Gassin 2011, 349).

3. Crime related to the political situation in the current social and political context

Of the two forms of crime related to the country's political situation, state crime seems, as paradoxical as it is harmful to the interests of citizens or to social balance and progress. However, the question remains whether this type of crime is specific to developing countries, or whether we can find it in other forms in today's democracies.

Liberal democracies have been said in the literature to be a factor in crime. The study of the structure of delinquency in liberal democracies highlights some crimes that seem to be related to their political structure, such as electoral fraud, corruption of political leaders or police officers. All these forms of political crime are part of the revolutionary or subversive wars, present in liberal democracies and related to the political system (Gassin 2011, 455-456).

It must be emphasized that the political system of liberal democracies can be a factor that favors criminality in the political situation, especially in the context of the struggle of political parties to obtain and maintain power, respectively. The financial resources needed to obtain and maintain power can have various sources. One of these sources is the mismanagement of public money that generates black money.

One of the ways in which the ruling political parties in the current European democracies obtain indirect financial resources is by truncating public tenders, especially in the case of awarding construction works. Corruption, tax evasion, money laundering or abuse of office are just some of the crimes that accompany the process that provides the necessary financial resources to the political environment, sometimes carried out with the news or even with its complicity or protection.

Drug trafficking, which we have referred to in previous studies (Popescu 2018a; see also Popescu 2018b, 257-263 and Buzatu 2012), along with human trafficking (Buzatu 2018, 223-234), irrational exploitation of subsoil resources or, more recently, fraud with European money in Europe, are also seemingly inexhaustible resources generating the money needed to gain and maintain power.

We appreciate that the types of crime mentioned have at least a lack of reaction from state bodies. The legislative function has the obligation to react promptly when, against the background of a deficient legislation or a legislative vacuum, conducts are found that infringe the social values promoted by the rule of law, with clear laws that incriminate the mentioned conducts. The executive function must execute promptly and precisely in the legislative policies that seek to ensure order and balance in society. Last but not least, the judicial function must apply the law equally to anyone who is guilty of non-compliance.

In such an environment, the state can ensure the social balance that generates progress. Clear legislative policies, equity in relation to citizens, coherent social assistance measures (where required), are reference systems that can be considered in the prevention of crime related to the political situation.

The correctness and professionalism of the people who populate the state institutions represent the guarantee of their correct functioning; as people are so are institutions, the rest is rhetoric. Ideally, as stated in the literature, it would be that "public authority, acting with perfect correctness and even altruism, would dispel any suspicion of the person in front of him, thus gaining his trust. The person living in such an environment, under the protection of public authority to show unreserved realism. Of course, it is an idyllic form of relationship between public authority and the person, for the construction of which the time of the work seems an eternity. Until then, the person must benefit from safe and effective means of protection from the public authority and correlatively from the commitment of its responsibility - social, political or legal responsibility" (Deleanu 2006, 792).

Conclusions

At present, political crime is a reality in both developing and Western countries. Terrorism, guerrilla warfare or state crimes are various forms that are part of the structure of this type of crime, now found everywhere in increasingly refined forms. In the context in which the State cannot be the subject of criminal law, being the creator and guarantor of the law, we have in mind some landmarks that can prevent crime related to the political regime.

In this sense, we evoke the words of Caesar Beccaria, who stated that “laws are the conditions under which independent and isolated people united in society, tired of living in a continuous state of war and enjoying unnecessary freedom because of the uncertainty of keeping it” (Becaria 2001, trad. V-Ed. 1766).

Crime prevention, said the quoted author, can also be done indirectly, through the way the laws are made and through the way they are respected, mainly by magistrates. Laws must protect classes of people and not individuals, be clear and good, be unequivocal and not defend the interests and privileges of the few. Under these circumstances, people would come to fear the law and not other people.

Legal norms in general aim to order and discipline social relations, to guarantee legal certainty, to eliminate possible conflicts, making peace and stability established (Popa 1996, 223). Legal security, in turn, designates the state of security of individuals and society conferred by legal normality, in compliance with its requirements (Dongoroz 1987, 334).

From a criminological perspective, it can be added that equity and social balance can be objectified by a state policy that values the moral vision of Caesar Beccaria according to which only legitimately acquired wealth can be a proof of skill.

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