

Romania, a Factor of Macro-Regional Cohesion in the Danube Region, from the Perspective of Combating Organized Crime and Serious Crimes

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Abstract: Any developed state entity is based on effective mechanisms to control and combat the organized crime. These mechanisms are grounded and developed in close connection with the state's ability to strategically cooperate with state-administrative bodies and entities in the macro-region of interest. In this paper we intend to describe Romania's major role in the fight against organized crime and serious crimes in the Danube region, as part of the European Union Strategy for the Danube Region and laid down in Priority Area 11. The approach will be centred on the special importance of Romania, manifested through coherent mechanisms of cooperation and intervention in the Danube region to protect the security interests of the European Union. Considering that Romania is the Eastern border of the Union, but has also a South-Western border, a neighboring state candidate for accession in the European space, namely Serbia, it is necessary to apply a cohesive and macro-integration policy for the implementation of some measures to strengthen security from the perspective of the challenges and risks generated by organized criminal groups. The criminal risks generated by the former Soviet-influenced states are real and produce significant effects in terms of the economic and social security of the area and even more, they can also cause malfunctions in the political-administrative area of the state entity. As an initiative of Romania and Austria, the EU Strategy for the Danube Region is a very complex macro-regional intervention instrument that Romania can use to strengthen its position as a strategic partner of the European Union at the South-East border and, at the same time, an important pole in counteracting criminal actions directed towards the European area.

Keywords: Romania; EU Strategy for the Danube Region; organized crime; Eastern partnership

1. Introduction

Romania, a member of the European Union at the Eastern border and a direct front with the former ex-Soviet states, is of major importance in combating and counteracting the organized crime phenomenon directed against the stability and security of the European space. Organized crime is a complex criminal structure that

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works closely with some individuals in state authority structures or regional and local governments in certain regions or macro-regions. The level of action is coordinated and organized and the resulting damage is quantified in very large amounts of money.

In view of the vast experience of the Romanian state structures, which has the role of combating the organized macro-crime, Romania can and must become a factor of polarization and cohesion in the implementation of defense and counteraction mechanisms regarding the destruction of criminal groups. The socio-economic areas targeted by organized crime structures are in the spectrum of human beings trafficking, smuggling, drug trafficking, but also in the area of corruption of high civil servants or the staff of control and security bodies that directly or indirectly intersect the area of criminal activity and especially the territory, usually transnational, that they operate.

The organized macro-criminality is a direct threat to the internal security of all Council of Europe member states. Through its manifestation, this type of crime cannot be effectively repressed by a single state. The approach must be precise and coordinated, especially in the area of international cooperation. Although there are many instruments adopted in the area of organized crime, we can state that there is still no solid pan-European framework, no common strategic approach towards all European states for combating transnational crime. In this respect, the European Union Strategy for the Danube Region is a mechanism that provides transnational financial and coordination support in an extremely important value.

In parallel, the criminal organizations in Europe and other third countries are becoming increasingly capable of building alliances and developing modes of operation across national borders, which greatly complicate screening and tracking criminal proceedings in different member states or not. Permanent preoccupation must be the criminal rules in the matter of transnational criminal nature, most of which criminal groups are much more flexible and more operative than combat structures. In this field, as in many others, a well-defined burden-sharing and risk-setting mechanism is needed to develop common standards of intervention and these standards can be used in a conjugate and unitary way for a better sizing of the phenomenon and combating it.

2. Content

In order to quantify and understand the dangers of organized crime, it is necessary to approach this criminal form in terms of the structured tendencies it encompasses and, last but not least, in terms of territorial character of manifestation. The notion of organized crime tendency is configured in two elements, in principle, distinct ones, but often mixed in the process of criminal activity. The first is the evolution of the organization of offenders and their relations, that is, the “organized” part of their activity. The second element relates to the evolution of the different forms of crime, the quantitative importance and their repercussions on society, i.e. the “criminality” and “damage” aspects of organized crime.

When we are tempted to grasp the evolution or trends of organized crime, the apparent change in activities or forms of crime, it is sometimes difficult to admit that our perception may be the fruit of a change in our way of perceiving organized crime, the technologies used for that purpose and the resources to which we appeal to recognize, seek and evaluate what has changed. The real situation of organized crime activity can, in most cases, be more damaging than the experts' estimates. The sizing of our knowledge on these trends depends on the accuracy of the data at hand, the sources that has generated this information.

What is relevant and should be rethought as a perspective is the analysis carried out only from the data provided by the authorities, which are the representation of most activities for the effective detection of certain types of offenses and damages created. What must be taken into account very seriously for a coordinated and effective approach is the deep analysis of the criminal phenomenon, both from the perspective of the repression mechanism and from the perspective of the crime proliferation mechanism. The fact that the instrumentation and investigation units are strengthened does not make it less important to approach the phenomenon also from the analytical perspective of thinking about criminal groups. More specifically, innovative methods of collecting criminal data and information should be developed to understand the basis of criminal acts from the perspective of the authors. Such a correlation, in the mirror, could be a solution in making prognoses and annihilating such trends. The fact that we could have a holistic approach of the situation is a much more effective long-term instrument than relying on the consolidation of national, regional or local units to combat such phenomena.

The main factors determining the situation of organized crime in a country are: the globalization, the economic situation of the country, the gaps in national legislation,

society's perception upon crime, the weakening of socio-cultural fabric, technological developments, the customs union and the capacities of specialized and judicial services. Elements of the economic crisis and political circumstances have an impact on the cross-border crime in the European Union. We can specify some defining features of organized crime, these being:

- Every criminal act influences society, but the organized crime, which is capable of insinuating itself in the economic and social fabric of society and seriously threatens individual rights and freedoms, the rule of law, the reliability of the financial system, is worse than any other form of crime;
- Organized crime groups have both a local and a cross-border dimension, not only in their composition and organization, but also in the activities they carry out and their consequences;
- Because of their flexibility, these groups have a great capacity to adapt their criminal devices and their mode of operation;
- Technological progress facilitates transnational organized crime, but also raises new types of crime, for example, the fight against skimming or internet banking fraud and attacks against information systems, databases and computers are currently part of the daily service investigations.

Although the long-term goals of terrorist groups and transnational organized crime are not the same, the pursuit of their criminal activities is relevant from the point of view of a possible interposition or provisional cooperation phase over a given period of time and territory. In the category of narco-terrorism, drug trafficking occupies a special place. The organized crime groups tend to specialize in providing extraordinary services, even when they operate on the network. We can exemplify by importing, concealing and distributing drugs and making false documents, deception. Certain groups of organized crime resemble criminals whose level of expertise is high, structures are being developed and teams with a high level of technicalness, while others have an extremely simple and flexible structure.

Criminal products are the main force of criminal organizations. Criminal groups accede to the legal economy to legalize their profits using legal entities that protect and facilitate the practice of illicit activities. Among the sectors vulnerable to this infiltration are discotheques, real estate, jewelery, exchange offices, financial sector, tourism, casinos, public markets or construction. This reinvestment of illicit profits in the legal economy damages legitimate business activities to the point of affecting market freedom and fair competition. The groups benefit from the support of a large body of professionals whose services facilitate criminal activity: lawyers,

accountants, financial counselors, civil servants, judges, corporate policymakers, chemists, etc. Organized crime could not succeed in its actions without their help.

Organized crime activities are usually characterized by corruption of public power in the form of bribery or buying public service. This method assures the absence of a repressive mechanism or allows them to sneak into the legal economy and public institutions to carry out joint illicit activities with policymakers, officers, law enforcement and intelligence officers, financial sector officials, lawyers, legal advisers, banking officials, considered the best targets for this kind of practice. In this type of mechanism, each party generally strives to protect the other. The fight against organized crime calls for a wider approach than the fight against ordinary crime. This issue should be considered as a priority, not only by the legislator and the public authorities, but also by society. Such a matter could be developed by Romania in the framework of the European Union Strategy for the Danube Region and within the framework of the Eastern partnership neighborhood policy.

In particular, the fact that the major transnational crime areas are located in the Eastern part of Europe, in the Iberian and Balkan peninsulas, we can conclude that it is opportune to involve Romania, at least for the Eastern and Balkan area of organized crime. The mechanisms created by the Danube Strategy can act in a multilayered format, thus allowing the counterpart to the mechanism of criminal clusters to build their debut nuclei. Taking into account that any organized crime group initially has a period of documentation and testing the environment in which to operate, one can consider consolidating these environments in terms of assertiveness to comply with legal norms and the use of non-conventional tools, but with a strategic role, such as non-governmental bodies with socio-economic protection role. The strategies applied to combat organized crime must be flexible and environmentally malleable so that it can later, through force or administrative mechanisms, reshape the environment. In practice, the innovation in the field of internal security has the ability to develop and build aspects to warn, prognosis and control social, economic and cultural changes in the area exposed to such criminal phenomena.

Organized crime groups take numerous precautions to avoid drawing the attention of the force structures regarding the preparation or carrying out their actions. The inventive structure and the professionalism of organized crime groups often make the methods of classical investigation inappropriate. That is why special investigative measures are used to infiltrate these criminal groups. In order to collect information about the activities of a group of offenders, it is essential to use special

investigative methods defined according to operational needs. There are various special investigative techniques used against organized crime. They include controlled deliveries, secret investigations, interception of communications (listening), installation of microphones in certain areas, discreet surveillance, the creation of showcases to attract offenders and recourse to informants and secret agents.

At international level, article 20 of Palermo Convention encourages the use of special investigative techniques and expressly mentions controlled deliveries, electronic surveillance measures and secret operations. Combating organized crime must adopt versatile investigative methods. Cases of organized crime are almost never reported to the authorities because in most situations, except for human beings trafficking, it is impossible to clearly identify a precise victim. The persons involved in criminal activity are very interested in concealing the information and in doing everything so that the offense may not be found. The versatile approach, which brings together the information, analyzes and compares the data, is indispensable not only for discovering the criminal activity but also for understanding how the criminal area is working. For this purpose, most states have created intelligence units that deal with large-scale organized crime and complex structures. These cells, which are units of the force structures to collect information, have to be distinguished from classical information services devoted to national security issues.

At European level, several legislative measures have been taken to improve the fight against organized crime. Thus, we can speak of: The mandate adopted by the standing Committee for operational cooperation on internal security containing information on the main features, stages and other relevant general elements of the EU policy cycle, including in particular: the multidisciplinary European platform approach against criminal threats; the operational action plan; joint action days; training, involvement of partners outside the European Union and the roles and responsibilities of the various actors involved.¹

Under the current conditions of major challenges in the sphere of organized crime, Romania has the chance to launch and collaborate for implementing security measures that will make it a polarizing state in the field of transnational and macroregional security. If on the background of internal security expertise acquired as a member state of the Union would facilitate and strengthen the mechanism of investigation and control of macro-crime for Ukraine, the Republic of Moldova and

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Serbia, the European area, through Romania's interference, could become safer and more reactive to new challenges in terms of social, economic and even political security.

By trying to describe in general terms the functioning of the organized crime system and the counter-measures ordered by the state bodies' forces, we wanted to reveal the structural complexity of the criminal groups and, to the same extent, to reveal another approach to increase the effectiveness of interventions in the destruction of these groups. Starting from the reason that this phenomenon can not be eradicated, we are trying to expose a mechanism that has the ability to weaken and dissolve it from inside. The general guidelines of our thinking focus on three pillars of action and on the other three pillars of counter-support in the mechanism of reducing criminal groups. The opening of the two fronts, structured on three pillars, can be described in the synthesis as follows: on one hand, the action of the state entity focused on the pillars represented by the legislation, investigation structures and the judicial investigation structures, and on the other hand, the action of the society focused on the pillars of culture, education and functional administration. Theoretically, the consolidation of the first pillars resides in the strength of the last pillars, thus creating a mechanism that has a marginal error in its ideal form. This nucleus can be a functional and high-rate social polarity which only leads to the consolidation of a coherent, coordinated and increasingly internal security system.

3. Conclusions

Organized crime is and will remain an important antisocial factor, a factor that endangers all state structures and generates only chaos and regress. Considering that Romania is in the transit area of the organized crime routes, it represents a major challenge, with significant effects both for Romania itself, as a national state, and for Romania as a member state of the European Union. The mechanisms for fighting against organized crime are diverse and at the same time cumbersome. They also lack innovation and are hardly upgradable to the criminal challenge. Through a profound approach, Romania can represent a pole of stimulation and development of cohesive and coordinated policies at Union's level and, last but not least, it can be the resuscitation element in identifying a coherent and well-coordinated struggle against organized crime in the European space. In the above-described model regarding the versatile mechanisms of fighting against organized crime, we believe that deepening such a mechanism could be a success towards a safer community.

4. Bibliography

Corklin, J. (1973). *The Crime Establishment: Organized Crime and American Society*. New York: Ed. Practice-Hall.

Clutterbuck, Richard. (1993). *Terrorism, Drugs and Crime, in Europe After 1992*. London: Routledge.

Nistoreanu, Gheorghe & Păun, Costică. (1993). Criminalitatea financiar-bancară, „spălarea” banilor/ Financial and Banking Crime, Money Laundering. Study presented at *New forms of criminality*, Bucharest: a symposium organized by the Romanian Society of Criminology and Criminalistics.

Pitulescu, Ioan. (1996). *Al treilea război mondial: crima organizată/ World War III: Organized Crime*. Bucharest: Național Publishing-house.

<https://www.consilium.europa.eu/ro>.