GLOBALIZATION AND ECONOMIC CRIME

GLOBALIZAREA ŞI INFRACŢIONALITATEA ÎN AFACERI

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Abstract: *Globalization, as a phenomenon in the dynamic progress, offers to economic crime facilities, which generate an explosion of the types of traffic, more and more difficult to track down, to keep trace of or to stop. This new world order allowed the emergence and strengthening of a new, opportunistic and aggressive criminality, transnational, and more and more well organized, which prospers taking advantage of the differences between national legislation and repressive practices*[1]*.*
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Key words: *globalization, crime, underground economy*

September 11, 2001 was the moment which demonstrated that humankind, more than ever, is exposed to „non-military" threats, organized crime, terrorism, arms, drugs, human trafficking. The impact and the influence of organized crime throughout the world have increased considerably in the last 15 years, because it is directly linked to the development of the economy, changes in policy and the progress of science. We are witnessing to an intensification of this phenomenon due to the alarming rates it reached, both in terms of its frequency and the variety of ways of manifestation.

The end of the XXth century has brought a new phenomenon: globalization of crime. It is difficult to talk with reasonable certainty about the effects on long term of the process of globalization on international

[1] M. C. Dupuis, Danon, Finance criminelle, Presses Universitaires de France Publishing House, 2004, pp. 6

community but, even now, clearly the process of globalization has both a positive and a negative impact.

The positive side to this process is that it will increase the interaction among countries, which, in its turn, opens new possibilities for developing of human civilization, especially in economic field: enhancing commercial, investments and technology trades, among different regions, simplifying interpersonal contacts, familiarization with the cultures of other people, which are certainly beneficial for humanity.

The negative sides related to globalization seem much more serious than the advantages. They relate to many threats, which have a regional or even planetary character: ecological and technological disasters, transnational crime, international terrorism, etc.

The increase of transnational illegal activities has been hugely helped by the great technological progresses recorded after the Second World War. The development of the commercial air traffic, the progress made in telecommunications: phone, fax, and rapid communications via the internet, the increase of the international trade simplified the rapid circulation of goods and persons.

The new challenges to security, generated by overlapping some phenomena, as globalization and fragmentation, are added to some classic shapes of risks and vulnerabilities.

Modern globalization is the term used to reflect changes in the societies and into the world economy, it describes the increase of trade and of investments due to the fall of barriers and interdependence among states. In the economic context, the reference almost exclusive to the effects of trade is often used, and in particular, to the liberalization of trade or to free trade. Beyond the analysis, globalization remains a real fact, with which we must face, irrespective of our will or option[2].

Globalization represents the main phenomenon, that affects the contemporary security environment, both in terms of the genesis of new risks and threats, and the occurrence of various opportunities. In this

[2] A. E. Benţa, E. A. Mihuţ, Criminalitatea organizată transfrontalieră - factor de risc şi ameninţare la adresa securităţii naţionale, published in Criminaliatatea transfrontalieră la graniţa dintre prezent şi viitor, coord. O. Predescu, TKK Publishing House, Debrecen, 2009, pp. 18

environment, no state can be isolated or remain neutral, no state is sheltered, and no one should remain outside the global processes[3].

The essence of globalization is no longer reducible to peace and progress. This unidirectional conceptualization ignores a reality much deeper, which threatens to exceed our capacities of management and control[4].

Globalization, as a dynamic phenomenon, provides the organized crime facilities, which generate an explosion of types of criminal manifestations.

By using the means of global communication, common market, freedom of global movement of people, money, and goods, this parasitic sector of the society constitutes a serious threat to economic and financial systems all the states and must be revealed, discerned and combated effectively at the international level to ensure that the process of globalization procedes in the normal manner.

As the effect of freedom of movement of persons and goods on the community territory, criminal organizations constituted operative bases and reference groups in all countries of the European Union, profiting by the differences of legislation or by the decreased efficiency of the bodies of executive power[5].

The process of globalization has contributed to the abolition of boundaries between economic and organized crime: economic crime has increased in a more sophisticated and organized manner, due to the complexity of global economic markets, while traditional groups of organized crime have been diversified.

Globalization is regarded by many experts as an economic phenomenon, which involves an increasing interaction or integration of national economic systems, by enhancing the activities of international trade, the flow of capital and investments.

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[3] Prededintele României, Strategia de Securitate Națională a României, Bucharest

[4] N. Iancu, M. A. Chiorean, Globalizarea şi infracţionalitatea transfrontalieră, published in Criminaliatatea transfrontalieră la graniţa dintre prezent şi viitor, coord. O. Predescu, TKK Publishing House, Debrecen, 2009, pp. 123

[5] A. Manolescu, Efectele globalizării asupra criminalității transfrontaliere în spațiul juridic European, published in Criminaliatatea transfrontalieră la graniţa dintre prezent şi viitor, coord. O. Predescu, TKK Publishing House, Debrecen, 2009, pp. 160

The influence of globalization on cross-border crime has different aspects depending on the level of development of the nations: in the developing countries, globalization has meant an opening to world markets, and the traditional economic activities not meeting the competition and rivalry at global level became less remunerative, so that the profits derived from illegal activities become more attractive, while the developing countries are a space where criminal organizations risk less, and most money derived from criminal activities do not remain in these countries, but reach in the current accounts of the most important world banks, to be reinvested elsewhere, thus multiplying profits in an exponential way[6].

The state of international security influences more and more the opportunity to guarantee the national security. Therefore, maintaining stability at global level, granting assistance in the creation of such international mechanisms, which would ensure a sustainable and balanced development, will become a priority and one main problem for regional communities.

The global economic system is contaminated by the funds resulting from the activities of organized criminal groups, the overview image of the world economy appearing to us as a mix of the criminal economy and legal economy, a situation favored by social instability, an instability determined by repeated economic crises.

Unfortunately, it is difficult, if not impossible, to determine in exact percentage terms the extent of organized crime, because the activities of these groups are generally occult.

Society's state, in its reaction towards this the kind of crime, often encourages the criminals, in this respect, observing that, within Western societies, the main purpose is success, social or financial success[7].

Globalization, often characterized by the rush for profits, leads to the increase in the number of poor people, immigrants and oppressed.

Political, economic and social life in Romania, as well as worldwide, has undergone significant changes whose manifesting has naturally caused a large number of problems[8].

[6] A. Manolescu, op. cit., pp. 161

[7] C. Voicu, A. Boroi, Deptul penal al afacerilor, 3-rd Edition, C H. Beck Publishing House, Bucharest, pp. 3

Thus, the economic system generated fundamental changes in the field of economic legislation, especially as a result of the experts' finding that the number of economic criminal offenses is on the increase[9].

The problem of criminality in the business field is of worldwide importance, given the aggravation of this phenomenon and the alarming level it has reached, from the point of view of its frequency, as well as of the variety in its ways of expression[10].

Specialists in the field stress the fact that financial globalization dedicates the supremacy of market's forces on economic policies. Today, markets are those which decide whether national economic policies are good[11].

The intervention of the legislator in the protection of society against antisocial deeds, by instruments of criminal law, takes place only in the case when these deeds present a serious social threat, because the legislator has a social-political obligation to incriminate only those deeds, which present a social threat and which cannot be combated effectively by other means[12].

One of the most common phenomena, which marks the social reality, unfortunately from the negative point of view, is the criminal phenomenon.

Along the evolution of human society, this phenomenon was marked by the present-day political and economic regimes, the frequency of aggressive acts having a considerable balance in the existential reality of the people.

This criminal phenomenon involves important individual or general human consequences assessed in all the fields.

The problems of humankind cannot be approached discussing only about one side or the other of the evolution of society, only about a state or a

[8] Coord. E. A. Mihut, Studies regarding criminality in the economic field. Romanian and Hungarian legislations, TKK Publishing House, Debrecen, 2008, pp. 4
[9] Idem
[10] Ibidem
[11] C. Voicu, G. Ş. Ungureanu, A. Voicu, Globalizarea şi criminalitatea financiar bancară, Universul Juridic Publishing House, Bucharest, 2005, pp. 11
[12] M. A. Hotca, M. Dobrinoiu, Infracţiuni prevăzute în legi speciale. Comentarii şi explicaţii, Vol. I, C. H. Beck Publishing House, Bucharest, 2008, pp. 1

group of states, but a world-global approach is necessary, in which all current problems or those, that prefigure the future, are taken into account[13].

The crime is, by its manifestation and its consequences, an antisocial phenomenon. It exerts a negative influence on the citizens' rights, on legal order, causing large antisocial repercussions antisocial[14].

The economic crime is an everyday reality of a great gravity both by the prejudices, which are caused to the human and material values of the society as a whole, and by the force with which is able to penetrate and alter the economic climate.

The business crime tends to become, in the present, an antisocial phenomenon, concretized by a degree of organization and specialization, displaying itself as formal and international networks of organizations and individuals, which, by the most diverse and sophisticated means and methods, get to corrupt decision factors placed up to the highest level in political, legislative, judiciary and administration sphere[15]. The underground economy represents the assembly of economic activities evolved systematic, infringing social rules and economic laws, with the purpose to obtain some revenues, that cannot be controlled by the state.

Criminal activities are the most dangerous component of the underground economy and it comprises: activities of production, distribution and consumption of drugs, arms trafficking, nuclear materials trafficking, cars theft, prostitution, human trafficking, corruption. These deeds involve a strictly legal qualification, but analyzing at phenomenon level, we observe that the social threat, recognized by society, is doubled by the economic threat, as serious, even if it is less clear and studied[16].

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[13] C. Boştină Prezent şi perspective în economia mondială, Ştiintific and encyclopedic Publishing House, Bucharest, 1989, pp. 12

14 I. Oancea, in V. Dongoroz and team. Explicații teoretice ale Codului Penal Român, Vol. I, 2-nd Edition, Romanian Academy Publishing House, All Beck Publishing House, Bucharest, 2003 pp. 92

[15] V. M. Judeu, L. R. Popoviciu, L. D. Rath-Boşca, Infracțiunea informatică – componentă a infracțiunii economice transfrontaliere, published in Criminaliatatea transfrontalieră la granița dintre prezent şi viitor, coord. O. Predescu, TKK Publishing House, Debrecen, 2009, pp. 145

[16] A. M. Păuceanu, Economia subterană internațională, sursă de alimentare a terorismului, published in Criminaliatatea transfrontalieră la granița dintre prezent şi viitor, coord. O. Predescu, TKK Publishing House, Debrecen, 2009, pp. 226

In the analysis of the underground economy's components we have encountered situations, whose qualification in this structure is made to the limit, depending on a particular context, the disfunctions which the respective activities can generate to economy are minimal, and the possibilities of integration, in official economy, are real. In contrast to these situations, the activities, included in the criminal sphere, are obviously destructive[17].

If we can say that certain classical crimes are decreasing, due to the experience of organs, which can stop, annihilate or to combat these crimes, in the same way, we can say that the new crimes, such as the informatics crimes and some economic crimes, which took a great ampleness, are constantly increasing.

Transnational organized crime is a form of a very grave crime, which has acquired the ability to influence the states' policy and the activities of the democratic institutions. It is both an expression of proliferation of some negative phenomena, which are amplified in the conditions of globalization, and a direct consequence of an inefficient management of radical political, economic and social transformations, which occurred in Central Europe, Eastern Europe, and Southeast Europe after the collapse of the communist regimes[18].

Globalization is the irreversible process through which the world gradually becomes a state planetary system, national sovereignty no longer being strictly linked to geographical configuration of the borders, due to the way of manifestation and action of populations' migration, open market of the capital, foreign investments, terrorism, transnational organized crime and the rapid and rich flow of data, news, information, ideas, cultural values, financial transactions, etc.

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[17] Idem
[18] Prededintele României, Strategia de Securitate Naţională a României, Bucharest

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