ORGANIZED CRIME AND CORRUPTION AS SECURITY THREATS OF CITIZENS

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Abstract: Organized crime and corruption are complex phenomena. As sociopathological phenomena, they are in symbiosis. Being in symbiosis, they create a corrupt society that the state needs to overcome in order to be a place for safe life of citizens.
There are numerous definitions of these socio-pathological phenomena, and especially of organized crime, which is always linked to corruption.
The introductory part of the paper reviews the definitions of the term organized crime: legal, official and theoretical, as well as definitions of corruption. In relation to the legal definitions, it is characteristic that the criminal laws of many countries do not provide a single definition of these socio-pathological phenomena, but rather define certain criminal legal institutions, such as co-execution or legal descriptions of certain crimes (criminal association, accepting bribes, giving bribes, illegal mediation etc.).
The emergent forms of organized crime and corruption in paper are analyzed from the aspect of the way of organization of the perpetrators of criminal activities and from the aspect of the type and content of those activities, with special reference to corruption in the government bodies with which organized crime works in a coupling.
Despite the fact that it is in symbiosis with organized crime and, as a set of criminal activities, in a coupling with it, special attention in the paper is paid to corruption. It is present in all countries with privately owned economic systems. It is especially present in those countries in which the democratic control and protection functions and institutions of society are not sufficiently developed, first of all, due to the short period of construction and development of democratic social relations. Among these countries is the Republic of North Macedonia.
Finally, a review is given on the implications of organized crime on the safety of citizens and the quality of their personal and common life.
In the concluding presentations, the measures that should be taken by the social community for the prevention of these socio-pathological phenomena are presented: educational, legal, organizational and other measures.
The fight against organized crime and corruption should be a conditio sine qua non for building a stable and democratic society in the Republic of North Macedonia and for its membership in the European Union.
Keywords: organized crime, corruption, security, citizens

1. INTRODUCTION

There are several definitions for the term organized crime. Depending on the purpose, approach and method of definition, there are legal, official, theoretical and other definitions (sociological, criminological, legal, etc.)
The Criminal Code of the Republic of Macedonia does not contain a separate definition of the term organized crime, but gives the possibility to derive it theoretically from the provisions on complicity in the commission of crimes from Article 22 to Article 25 and from the provision on criminal association from Article 394, paragraph. 1.
First, we will dwell on the legal provision on co-execution from Article 22 of the Code, according to which "co-execution exists when two or more persons, by participating in an act of execution or with another special contribution to the execution of the crime, jointly commit a crime."
For the definition of the term organized crime, the provision of Article 394 paragraph 1, which refers to a criminal association, can serve us. According to this provision, a criminal association is a group or a gang whose goal is to commit criminal acts punishable by a prison sentence of three years or a heavier sentence. The term group or gang is defined by the provision of article 122, paragraph 28 of the Code. According to this provision, a group, gang or other criminal association or organization means at least three persons who joined together to commit criminal acts, which number includes the organizer of the association.
From the above, it can be seen that the Criminal Code of the Republic of Macedonia defines the term organized crime in a classical way indirectly, through the definition of the term criminal association and the terms directly related to it: the term group or gang and the term co-exevcution. The large presence of organized crime in the social pathology of Macedonian society imposes the need for an immediate and precise definition of this term with a special provision as a separate crime.[39]

[39] The criminal codes of most European countries define this term in a similar way. But there is a tendency to define it more precisely.

Official definitions of organized crime are mostly of American origin, primarily due to the fact that the United States of America has mostly faced mafia-type organized crime. In the first place, we will state the definition of the Special California Commission on Organized Crime from 1948, which defines it as the criminal activity of two or more persons who have a common goal of obtaining financial benefit or special advantages by means of terrorism, fraud, corruption of public officials or by a combination of these methods.[40]

In addition to the California Commission, the Chicago Crime Prevention Commission was established, according to which organized crime consists in the participation of persons and groups (organized formally or informally) in transactions characterized by the attempt or execution of serious crimes, an agreement to commit the acts, the permanence of the association for a certain period of time (at least one year) or the intention of the association to exist for a longer period of time, the intention to acquire power or money and the effort to ensure political and economic security as a primary motive, as well as an operational framework that requires special protection from the institutions of politics, government or society.[41]

In the European area, the most significant is the definition of the Ministry of Police and Justice of the Federal Republic of Germany, which defines organized crime as the planned execution of criminal acts with the aim of gaining profit or power, if more than two participants act together, sharing the work with industrial or business-technical structures, using violence or other means of intimidation or exerting influence on politics, media, public administration, justice and business.

This definition influenced the official definition of organized crime in other European countries, as well as the theoretical definitions of several authors who study this socio-pathological phenomenon.[42]

In addition to the national definitions of organized, there are also international definitions. Among them, without a doubt, the most significant is the definition contained in the UN Convention on Transnational Organized Crime of 2000, called the Palermo Convention. According to this convention, the term organized crime means an organized criminal group structured by three or more persons, organized to operate permanently in a criminal area in order to commit one or more serious crimes identified by the Convention.

Based on the legal and official definitions, the theoretical definitions of organized crime have been derived. Given the fact that a large number of authors[43] deal with the phenomenology of organized crime as the most dangerous socio-pathological phenomenon in the modern world, there are numerous definitions for it.

In our legal and criminological theory, the definitions of professor Ljupco Arnaudovski and academician Vlado Kambovski are the most significant.

According to Professor Arnaudovski, the definition of the term organized crime includes the following elements: permanent centralized criminal organization, hierarchical arrangement, internal division of affairs, planned and systematic dealing with criminality, conspiratoriality and closedness, internal discipline, developed protector system, high degree of obedience and loyalty, infiltrating state, economic institutions and political parties until the creation of a "personal union" with the aim of establishing a monopoly over the criminal branch, as well as internationalization and the use of modern means of communication and mobility.[44]

According to the academician Vlado Kambovski, organized crime is the execution of criminal acts by criminal associations for the purpose of making a profit and/or achieving power, by using violence, or by using the special position in society, by reducing the risk through involvement in the legal economic, political and other activities, as well as a pre-created system for protection against prosecution". After a ten-year study of the phenomenon of organized crime, Professor Kambovski expands this definition by adding new elements in its second part (in addition to the use of violence). They are: use of other force or pressure, use of corruption, involvement of legal economic and political activities and influence on politics, business, media and judiciary for easier realization of profit and power and protection from criminal prosecution.[45]

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[40] Five years later, this Commission redefined the term organized crime so that this term implies the application of a special technique of violence, threats or corruption that, in the absence of police effectiveness, can be successfully applied in any business or industry that produces large profits, whereby legal business, previously acquired through racketeering, violence or corruption, is also included.

[41] There are other definitions of organized crime of American origin, namely: the definition of the Committee for the Prevention of Organized Crime of the State of Missouri from 1972, the definition of the American Presidential Commission from 1988, etc.

[42] Its influence on the revised definition of organized crime by academician Kambovski is obvious.

[43] Academician Kambovski in his extensive work entitled "Organized Crime" lists 33 authors from different European countries who study organized crime and state their own definitions of it. See: Kambovski V., (2005) "Organized crime", "2 August", - Shtip, , p. 31 to 42.

[44] See: Arnaudovski Lj (2007) Kriminology, "2 Avgust" Shtip, p 438 and Kambovski Ibid: p. 41.

[45] See: Kambovski, Ibid, p. 49.

2. EMERGING FORMS OF ORGANIZED CRIME

Organized crime, as we have seen from the above definitions, implies the existence of an organization of three or more persons for committing crimes. From the aspect of the organization of perpetrators of criminal activities, there are the following types of organized crime:
-mafia crime (Italian mafia, American, Russian, Japanese, Chinese, Albanian mafia, etc.)
- sophisticated or "conspiratorial" organized crime,
- "disguised" organized crime (crime of political parties, economic organizations, trading companies),
- transnational organized crime,
- crime of international criminal networks for the execution of terrorist activities, trade in narcotics, people, weapons, radioactive materials, money laundering, financial transactions, etc.

From the aspect of criminal activities, organized crime is a very complex phenomenon. It includes a wide and varied range of criminal activities. The first place among those activities is the trade in narcotics. It represents one of the dominant criminal activities in which there is often a close connection with state authorities, especially with those that issue permits for the import of goods, then there is a connection with customs authorities, with transport and forwarding organizations, as well as a developed trade network for marketing and distribution of smuggled drugs.

In second place, after the profit obtained from criminal activities, comes the smuggling of weapons as a criminal activity that brings an extraordinarily high income, especially after the collapse of the USSR. Then comes prostitution and illegal human trafficking; human trafficking, money laundering, illegal money transfers related to terrorist activities, etc. When it comes to terrorist activities, there is usually cooperation between terrorist groups, organizations or networks and organized crime that provides prior financial and logistical support.

3. ORGANIZED CRIME AND CORRUPTION

It is characteristic of organized crime that it tries to use different methods to reach the highest authorities and other significant entities in politics, in order to ensure the greatest possible concessions, adequate protection and social status for the heads of criminal organizations. In that way, organized crime actually enables the creation of modern successful criminals who, based on the acquired fame, achieve a certain social reputation and power with which they act on the authorities, the police, the judiciary, the media and other social institutions.

As we saw from the definitions of the term organized crime given by Prof. Arnaudovski and the academician Kambovski, one of his basic features is the connection with the government. Associated with the government, it brings corruption to the government, which manifests itself through various forms of its abuse. That is why we can say that corruption is not only one of the forms of organized crime, but also its highest development stage, after which, from the "state within a state" stage, the complete criminalization of the political and economic system is reached, and the state turns into criminal organization.

Any privately owned economic system that specifically emphasizes the material, that is, the monetary criteria for the social value of a person, is naturally more exposed to corruption. Such a system is also being built in the Republic of North Macedonia. In our country, unfortunately, money is the basic measure of a person's success, his social power and his social position. One who has money can do almost everything in society, can afford almost all pleasures, achieve almost all goals, etc. Therefore, the biggest corruption cases are made where big money is involved, first of all in big deals - in state purchases, in big taxation, issuing work permits, setting prices, setting various tariffs, etc. The consequences of those affairs are the most difficult.

Today, we have corruption affairs that are precisely worked out and solidly thought out, within the legal framework, where it is sometimes quite difficult to determine whether it is corruption or legal work. An even more perfect form of corruption is putting civil servants in a dependent position on criminal organizations and then exerting pressure on them to see through the fingers of the illegal activities of the beneficiaries of corruption.

In societies where corruption is widespread, the bodies of criminal prosecution are also corrupt - the police, the prosecutor's offices, the courts, the bodies for misdemeanor and disciplinary prosecution. The nature of corruption is such that corrupt deals are difficult to detect even in normal societies. In corrupt societies, corruption is particularly difficult to detect and prosecute due to the corruption of the law enforcement agencies and the public officials themselves, who have no interest in reporting the occurrences of corruption, because they are often themselves involved in corrupt deals, and if they are not personally involved, they are afraid that any of the persons involved in organized crime and corruption can endanger them personally[46] or their family members.

[46] Organized criminals often kill government officials who stand in their way. This is, for example, the case with the Italian judge Giovanni Falcone, who was murdered on May 23, 1992 by the Sicilian mafia. His name later became a symbol of the fight against organized crime.

4. ORGANIZED CRIME AND CITIZEN SECURITY

Axiologically speaking, the supreme value of man, as an individual, is life. Security, like human value, comes immediately after life, like second in rank. Human rights reflect human values. They protect human values. Starting from these, the basic human right is the right to life. Remaining rights, such as: the right to security, the right to freedom, the right to bodily integrity, the right to mental integrity, the right to health, the right to property and others are in function of the right to life.

The right to security is guaranteed to the citizens of the world by: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention. This right is incorporated in the constitutions of the countries in the world and in Europe.

The Constitution of the Republic of North Macedonia contains several articles that regulate this right of the citizens of the Republic. As can be concluded from the constitutional provisions for the freedoms and rights of citizens, the right to security is a complex right that includes: security of life, security of physical and moral integrity, security from illegal deprivation of freedom, security from illegal punishment, security from violations of rights, security of citizens' communications with other subjects, security of personal data, security of privacy, security of home, security of movement, security from external aggression, etc.[47]

The constitutional provisions for the protection of the right to security are incorporated and elaborated in detail in the national laws for security in all areas of public life. These laws represent a solid normative-legal basis for the construction of stable political, social, economic, defense and legal systems as a basis for social stability, which represents a general guarantee for the existence of a stable legal order and the construction of a system governed by justice.

Social stability is the best guarantee for the realization of a system of rule of law. The basic imperative for social stability is the existence of a solid legal order. A high level of development of the legal order in the community means a high level of rule of law. A high degree of rule of law produces a high degree of social stability. Conversely: a low degree of social stability produces a low degree of stability of the legal order and at the same time a low degree of rule of law in the country. Only with the existence of a stable legal order the freedom and security of individuals will be protected.

Organized crime in conjunction with corruption represents a serious attack on the stability of the legal order, which in reality represents the constitutionally and legally established order of the state.

Mass organized crime in society means a mass violation of the constitution and laws of the country. Respect for the constitution and laws means a state of law and order in the country. On the contrary, their mass violation represents a mass violation of law and order. The massive violation of law and order leads to a high degree of disorganization in the state as well as the organization of citizens. In conditions of disorganization, citizens do not feel safe. Security is the basis of freedom, as is the absence of fear and fear for the future. Only that citizen who feels safe, who does not fear for his life, his existence, his property, as well as the life, property and existence of his family members, is free. Because of that, security is the basis for the quality of personal and community life of citizens.

5. INSTEAD OF A CONCLUSION

Bearing in mind the above, we can conclude that organized crime and corruption not only represent a threat to the personal safety of citizens and the quality of personal and common life as goals of the constitutional order of the Republic of North Macedonia.

The society has at its disposal numerous methods, means and institutions to fight against these socio-pathological emergences and for their prevention, starting from the change of moral values, then through the methods and means of the control and protection institutions of the society: the police, the inspections, the public prosecutor's office, the courts etc.

As for changing moral values, we will refer to the famous American social psychologist and Marxist Erich Fromm, who in his book entitled "To Have Or to Be" advocates replacing the motive to have with the motive to be.[48] In short

[47] Safety of life - article 10, safety of physical and moral integrity - article 11, safety from illegal deprivation of freedom - article 12, safety from illegal punishment - articles 13 and 14, safety from violations of rights - article 15, 24, 50, 51 and 54, security of communications with other subjects - Article 16 and 17, security of personal data - Article 18, security of privacy - Article 26, security of home - Article 26, security of movement - Article 27, security from external aggression - Article 28, security of property - Article 30 and 31, security at work and in relation to work - Article 32, social security - Article 34 to 37, health security - Article 38 and 39, family security - Article 40 to 42, security on the environment - Article 43, business safety - Articles 55, 58 and 59.

[48] From E. (1998),"To Have or to Be", Narodna knjiga – Alfa, Belgrade, , p. 33-48.

and simply put: A person can have a lot of money, the most luxurious car, a beautiful house, a vacation home in the most elite location, a luxury yacht, etc. It is not worth anything to him, if he is not healthy, if he is not happy, wise, educated, etc. By money the man can buy many things, by it he cannot buy eternal life, money cannot bribe nature not to send us diseases, storms, heat, lightning. Therefore, it is better to be than to have. In that direction, the ethical education of citizens, especially young people, should be directed. They should try to work , achieve results with effort and affirm themselves in society as persons who are someone and something, not as persons who have money and wealth and are nobody and nothing, or more precisely, conservative, uneducated petty citizens who are mocked by the world such as Petronius the Arbiter's over-rich, uneducated and stupid voluptuous Trimalchion.[49]

In this regard, the adoption of ethical codes for the behavior of pupils, students, employees in the economy and civil servants and the education of citizens to behave and work according to those codes, in certain social conditions, can give good results. But in a society in which the wolf laws of egoistic satisfaction of personal interests rule, in which personal interests are above social, above national, above state, above collective, etc., which is, in fact, the Macedonian one, this method cannot be enough effective, because in such a society social morality is at a very low level and with twisted moral values.

For the prevention of corruption in public institutions and services, which, as we have seen, is an effective support for organized crime, good results can be obtained by raising the salaries and other monetary income of public officials, which should be such as to allow them to satisfy their normal personal and social needs, of course, combined with intensive ethical education and upbringing.

The precise definition of organized crime in the Criminal Code and the strict sanctioning of its perpetrators in combination with precisely elaborated legal rules for the work of public administration channel the behavior and work of citizens and public officials, so it can be expected that they, fearing from responsibility because of their violation, to refrain more from illegal activities and within that also from corruption.

Declaring the origin of property produces results in societies with proper and highly developed public morality. In pathologically corrupt societies, the results of this method are weak or almost non-existent, because the citizens involved in organized crime and corruption, as well as the public officials and officials who support them, have a common interest in hiding their assets and the corrupt judicial institutions do not sanction those who came to it in an illegal way. Cornix cornici oculos non efodiet – A jackdaw does not take out eyes of other jackdaw says the old Latin proverb.

Control and inspection can give good results if they are well organized and supported by the citizens and the government and, of course, if the controllers and inspectors themselves are not corrupt. This method is implemented by establishing special anti-corruption inspections and commissions and by directing the work of other control and supervision bodies in the direction of detecting the phenomena of corruption. In societies with pathologically widespread corruption, the members of control-supervisory authorities, if they are not corrupt themselves, face various forms of pressure in order not to reveal and report corrupt deals. Those forms range from the lightest warnings to serious threats to the property and life of the members of these authorities. In some countries there are even cases of killing overzealous investigators who prevent criminals from achieving their criminal goals, as in the case of the famous Italian investigative judge Giovanni Falcone.

The public at work is a good method of prevention of organized crime and corruption in societies in which the information system objectively monitors the situation in society and the administration is transparent and open to the citizens. The administration, ie the public authority in a democratic society should be under the eye of the public, of public opinion, open and transparent, as Professor Jovan Djordjevic says. Being under the scrutiny of the public, criticized by her through the press, radio, television, it, that is, its members will refrain from open corruption affairs in cooperation with organized crime.

The Republic of North Macedonia is facing all these problems, with all these difficulties. Due to the pronounced presence of organized crime of all kinds and the enormous development of corruption during the eleven-year reign of the previous ruling set, society is in a severe socio-pathological crisis. The most effective way to fight against organized crime and corruption is to organize a comprehensive front against them. It implies the combined application of all the above-mentioned and other methods and means. For this purpose, a well-coordinated and organized action of all public services whose responsibility is the fight against pathological phenomena in society is needed. Citizens should be included in that action, either directly or through their associations, as the most interested subjects in building a healthy society, as Erich Fromm writes about in his work of the same name, a society of free citizens, a society free from greed, exploitation and robbery, a society of welfare. There is no security (neither personal nor national), no freedom, no equality, no well-being in conditions of massive presence of organized crime, in conditions of general corruption in society, in conditions of severe social pathology. Therefore, the fight against

[49] See: Petronius, (1969), Trimalchion's Feast, Rec i misao, Belgrade,.

organized crime and corruption should be a conditio sine qua non for building a stable and democratic society in the Republic of North Macedonia and for her membership in the European Union.

REFERENCES

Arnaudovski, Lj. (2007). Kriminology, “2 Avgust,” Shtip.
From, E. (1980). “Sane Society”, Rad, Belgrade.
From, E. (1998). “To Have or Be”, Narodna knjiga - Alfa, Belgrade.
Kambovski, V. (2005). “Organized crime”, August 2, Shtip.
Mitevski, M. (2015). “System 2014”, published by the author, Skopje.
Petronius,, (1969). Trimalchion's Feast, Reč i misao, Belgrade.
Risteski, T., Tonovski, Gj., Jankuloska, M., & Sijic, V. (2017.) “The Right to Security as a Human Right and its Realization in the Contemporary World,” Knowledge, International Journal Scientific Papers vol. 19.1, Skopje.
Vukovic, S. (2005). “Law, morality and corruption,” Filip Vishnjic - Institute of Social Sciences, Belgrade,
Collection of Human Rights International Documents (2002). Pearson Peacekeeping Centre, Nova Scotia, Canada.
Criminal Code "Official Gazette of R. Macedonia" no. 37/96), 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/2011, 142/2012, 166/2012, 55/2013.
Constitution of the Republic of Macedonia with amendments, special edition.
Law on Prevention of Corruption "Official Gazette of R. Macedonia" no. 28/02, 46/04, 126/06.