



Door 5

THE CONCEPT OF ORGANIZED CRIME

In recent decades, organized crime has become a serious phenomenon, particularly through economic, political, security and social levels, where the different aspects of organized national and transnational crime, which is still marked by smuggling and money laundering, are located, drug trafficking, human trafficking "modern slavery" and arms trafficking, which have had a destructive impact on the social structure of all societies, that is why organized crime has become a concern on the international scene, including Algeria. So, it is from this context that we will seek to examine this phenomenon.

DEFINITION OF ORGANIZED CRIME

The definition of "organized crime" has got a conceptual variety, depending on the perception of each police or judicial apparatus, as well as some researchers and author's point of view. More often than not, the definition of organized crime reflects the perspective of the author's profession; the point of view variety has thus given rise to various definitions, of which we shall discuss some of them.

The simplest definition is mentioned as "more than three people who engage mainly in criminal activities to bury material gains", but other authors add a more precise definition: "organized crime is an illicit activity motivated by the greed of any group, association or organization of two or more persons, formally structured, whose negative repercussions may be considered of economic, social, health and safety or the environment ", another definition based on motivation: "Organized crime is a permanent activity motivated by political, social or economic conditions or goals (or their combinations), which is realized in a network of formal and informal social relations of collaboration, whose structure transcends individual members, with the possibility of recourse to corruption or violence or both, in order to facilitate the criminal process ".

CHARACTERISTICS OF CRIMINAL ORGANIZATION (NATIONAL & TRANSNATIONAL)

Organized criminal organizations are multiple forms, we quote the great criminal powers such as: the Italian mafia "*Cosa-nostra*", the Russian "Red mafia" the Japanese "Yakuza", the Chinese Triads, the Hong Kong mafia, big cartel groups like: Colombian and Mexican Cartels, also the clans like Balkan, Nigerian clans, Albanian-speaking crime groups, Jamaican crime groups and motorcycle gangs ..Etc.

There are two kinds of characteristics: general characteristics that characterize most criminal powers, and particular and specific ones, that distinguish each power from the other.

GENERAL CHARACTERISTICS

Main characteristics are based on a collaboration between more than two people, by involving specific tasks assigned to each of them, over a long or indefinite period, with some form of discipline or control (each member has a distinguished status and role) : the efficiency of the criminal powers is mainly due to their hierarchy, they have preserved from the past a patriarchal conception of the family or the clan, but in the patriarchal family as in the criminal entity, the submission is the principle and the hierarchy, where there is no personality of the recruit member, who is only there to execute orders received, with professionalism and in the interest of the organization, the member belonging to a structure

that exceeds and who makes him act as a simple executor, he doesn't master the finality of his action, any more than he doesn't discuss the received orders.

PARTICULAR OR SPECIFIC CHARACTERISTICS

There are many particular or specific characteristics related to organized crime we are going to set them as follow:

- All members of criminal organizations have their own values, the member of an organized criminal group doesn't look for a traditional situation and values of respect (except with regard to the Boss or sponsor), because he has his own vision. In his eyes, the member of an organized criminal group is a good person, and success has replaced respect as much as value.
- By acting at the level (local, regional, national and international).
- Using violence or other means of intimidation: the major weapons of organized crime are exploitation, intimidation, blackmail, and the most serious crime is murder, because life being the most valuable asset for everyone. Criminal organizations adopt the strategy of corruption and infiltration rather than confrontation, by attempting to establish cooperative relations with the institutions representatives or at least with people with influence able to provide them with access to decision circles whether political economic or media. The structure of the criminal organization allows for the removal and replacement of members of the organization without jeopardizing criminal viability.
- Criminal organizations are composed and work as informally organized networks of cells: these cells manage the organization with flexibility which reduce the possibilities of police infiltration, and allow greater efficiency in network structures, also avoid the identification of leaders, while reducing the authority breadth at the level of each organization.
- Introduction of a shadow economy: there are several nicknames of this economy founded by criminal organizations: the underground economy, unrecorded, destructive, unregulated, criminal, small, fictitious, private, black, informal, illegal, outside the law..Etc.
- Delivering money laundering.
- Penetration into "Grey Areas": where the State is weakened by conflict or civil war; "These territories are generally transformed into Grey Areas offering a privileged ground for the installation and development of criminal powers exploiting these vulnerabilities".
- Influencing politics, the media, public administration, the judiciary or the economy, infiltration inside the union structures (syndicates), which is considered relatively new.
- Taking advantage of technology development, means of transport, means of communication, and collaboration with other criminal groups who have a common profit.
- Acting for profit and / or power.

MAIN LEGISLATIONS AGAINST ORGANIZED CRIME

At the international level, there have been several conventions & treaties to the fight against organized crime between several signatory States, including Algeria, we must also mention the old conventions such as:

- The Vienna Convention of 20 December 1988 on drug trafficking and money laundering,
- The two New York conventions of 15 February 1997 on the repression of terrorist attacks, and 9 December 1999 for the abolition of terrorism financing, The famous Palermo convention on organized crime adopted by the United Nation's General Assembly on 8 January 2001, also, the Algerian legislator amended Article 176/177 of the Criminal Code according to Article 15-04, which broadens the scope of criminal conspiracy, thus article 177 which designates the responsibility of the moral person (membership, moral support, cooperation) as criminal, all this is considered an insinuation or an implicit declaration of organized crime.

At the national level we can mention the main text as follow:

- Law No. 15-06 of 15 February 2015 on the prevention and the fight against money laundering and the financing of terrorism.
- Law N ° 06-01 of 20 February 2006 on the prevention and the fight against the corruption.
- Law 04-14 and 04-15 of November 10, 2004 incriminating money laundering and transnational organized crime.

- Law 04-18 of 25 December 2004 on the prevention and repression of the illicit use and trafficking of narcotic drugs and psychotropic substances;
- Ordinance n° 05-06 of August 23rd 2005 on the fight against smuggling;
- Ordinance n° 10-03 of August 26th, 2010 modifying and completing the ordinance n° 96-22 of July 9th, 1996 relating to the repression of the infringement with the legislation and the regulation of the currencies and the movements of capital of and towards overseas;
- Regulation No. 07-01 of 03-02-2007 on the rules applicable to current transactions with foreign countries and foreign currency accounts;

All precedent texts are for the interest to the fighting against organized crimes, much of them are related to the ratified international conventions and treaties.

ORGANIZED CRIME: AREAS OF ACTIVITY

The organized crime activities are varied, where there are old activities and relatively recent (contemporary) ones, we are going to list both categories as following:

ORGANIZED CRIMINAL ACTIVITIES CONSIDERED OLD

The trafficking of arms, drugs, narcotics and psychotropic substances and art works, trafficking and smuggling of human beings, the production and trafficking of **counterfeits**: counterfeit currency, electronic equipment and its derivatives, spare parts for the automotive and aerospace industry, luxury goods, medicines ... etc. **the concealment** of proceeds from robberies with or without violence, **racketeering**, often tied to **usurious loans**, hacking, motor vehicle theft, extortion, organized procuring, kidnapping and **forcible confinement**, bribery of all categories, economic crimes: including stock market fraud and telemarketing fraud, as well as money laundering, smuggling of all types: of origin or counterfeit cigarettes and alcohol.

THE RELATIVELY RECENT ORGANIZED CRIMINAL ACTIVITIES

- Environmental crime: in this area, concerns are mainly focused on three issues:
 - . The illicit trade of **ozone-depleting substances**.
 - . The illegal treatment and disposal of **hazardous waste** (the reprocessing of waste, toxic and dangerous for the environment, called an **eco-mafia**).
 - . Illegal trade in **endangered species**.
- Cyber criminality.
- The traffic of radiological materials, nuclear and bacteriological.
- Infiltration inside union structures (syndicates).
- Exploitation in **the stock markets**, enter new markets.
- Infiltration into the renewable energy market (such as wind, rain, tides and sun) to launder the revenues from illicit trade.

CHARACTERISTICS OF ORGANIZED CRIME IN ALGERIA

Algeria as many countries in the world recognized organized crimes, but with some much more of particularity, we are going to list those characteristics as following:

- The benefit of the security crisis and instability in neighbouring countries which has facilitated its criminal activities precisely the arms and drug trafficking, "the source of the continuation of all these activities are the proceeds of smuggling".
- Exploiting the corruption that has plagued the country.
- The collaboration between terrorism and organized crime groups in the period from the 1990s to present, including smuggling groups, to facilitate the entry of firearms and weapons generally, in return the terrorist groups ensure their security, businesses and movements in the areas where they take care.
- Organized crime in Algeria has created a huge financial mass, it has infiltrated into: institutions and State organizations, political parties, administration and economic enterprises.
- Organized crime in Algeria is characterized by an alliance between the political mafia and the financial mafia.
- An organized tribal crime: that is to say tribes in border Wilayas, where each tribe

is specialized in a specific mode of contraband or illegal trade, every tribe has its own zone of influence and activity.

- There are two modes of organized crime in Algeria: a national organized crime (its activity does not exceed the national territory), a transnational organized crime (its activity goes beyond the borders of Algeria), border and cross-border.

CONCLUSION:

This paper has shed light on the dark side of the phenomenon of organized crime, and has shown its destructive impact, its involvement in all the criminal activity ranges and forms, its impact on the economy, to fight against this scourge, we must take several measures at the political level: cooperation between countries and security apparatus, as well as cooperation at the legislative level, to unify law to fight against organized crime, at the economic level: cooperation to combat economic crimes, including money laundering, corruption and the recycling of illicit gains, at the social level: awareness of this phenomenon and all its forms and impact as well as that the massive consequences in the short and long term.

QUESTIONS:

- TRANSLATE THE UNDERLINED TERMS INTO ARABIC.
- GIVE AN ABSTRACT (IN ARABIC) TO THE TOPIC.