

COMPREHENSIVE CRIMINOLOGY: A HEURISTIC PERSPECTIVE ON PARTICIPATION AND PLURALITY IN GROUP AND ORGANIZED CRIME

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ABSTRACT: Comprehensive Criminology: A Heuristic Perspective on Participation and Plurality in Group and Organized Crime.

“COMPREHENSIVE CRIMINOLOGY” elaborated by George C. Basiliade (*Comprehensive Criminology*, EXPERT Publishing House, 2006, 903 pages, Romanian Academy Ward, 2006) represents not only an encyclopedic treatise, unique in the Romanian specialized literature but also an original conception of the epistemology of crime, unique in the European and global criminological research. Unfortunately, this work is still remaining insufficiently known and barely integrated in the circuit of academic values. Our present analytical approach is proposing to introduce Basiliade’s outstanding contribution regarding the heuristic perspective on participation and plurality in group and organized crime. He defines participation as how multiple individuals act in the commission of one or more offenses, emphasizing both subjective criminal intent and the roles of participants. Basiliade distinguishes between perpetrators, accomplices, and instigators, each with their unique roles in criminal acts.

Perpetrators directly execute criminal actions, accomplices intentionally aid or abet offenses, and instigators induce others to commit crimes. These roles create a comprehensive understanding of objective involvement in criminal acts. Basiliade’s perspective places a significant emphasis on the subjective element of intent, especially in cases of association for the commission of offenses. In such cases, the central element is the participants’ pre-existing understanding and agreement to commit crimes together. This subjective aspect holds greater weight than the objective element, aligning with the principle “*Mens rea regit actum.*”

He also explores the psychosociological aspects of group formation, highligh-

ting how groups organize to achieve common goals. The group exerts pressure on individuals to conform to its norms and values, leading to internalization of these norms—a phenomenon known as the “group effect.”

Basiliade analyzes the work of Didier Anzieu and Jacques-Yves Martin on group typology and questions its relevance in criminology, suggesting that distinctions between various types of pluralities are vague and may lead to confusion.

Ultimately, Basiliade defines a plurality of individuals as a group formed with a specific purpose, distinguished from a crowd. He argues that understanding the purpose, cohesion, and communication within a group is essential for differentiating between various forms of pluralities, including organized crime groups.

In this extensive sociological analysis, Romanian criminologist George Basiliade categorizes various types of pluralities constituted by individuals based on criteria such as purpose, cohesion, and communication. He proposes a classification that includes the following categories:

A. The Crowd:

1. A crowd as a large number of individuals participating in collective actions with a common but diffuse purpose.
2. An amorphous crowd with no common purpose or cohesion.

Basiliade emphasizes that crowds become of criminological interest when their actions primarily involve committing common law crimes.

B. The Group or Association:

- Formed by individuals with structured and temporary character, aiming at common objectives. It can be of criminological interest when formed to commit crimes.

C. The Group:

- A structured plurality of individuals with distinct identity based on various criteria, including values, norms, and communication. It becomes relevant in criminology when it commits crimes or engages in anti-social activities.

D. Band:

- A criminal group with an autocratic structure, rigid norms, and a focus on antisocial purposes.

E. Criminal Organization:

- A structured association of individuals with predetermined goals and a system of rules. It may involve simple or complex organizations, and it becomes of criminological interest when engaged in criminal activities.

Basiliade highlights that criminal organizations often have a transnational character and are distinct from other forms of organized crime. The criminologist employs a triadic analytical matrix to analyze these categories based on purpose, cohesion, and communication. He notes that these factors play a crucial role in determining the dynamics of these pluralities and their criminal activities. Basiliade also discusses the role of leaders in these groups and how their authority is established based on their influence and activity within the criminal context.

In conclusion, Basiliade argues that these various forms of pluralities, especially criminal groups and organizations, represent environments where participants undergo discordant socialization, ultimately forming a criminal subculture. This analysis provides a comprehensive framework for understanding and studying criminal behaviors within different societal contexts.

Keywords: *Comprehensive Criminology; Heuristic Perspective; Participation and Plurality; Subjective Criminal Intent; Participant Roles (Perpetrators, Accomplices, Instigators); Mens Rea Regit Actum; Psychosociological Aspects of Group Formation; Group Effect; Group Typology; Criminal Subculture; Crowd; Group or Association; Band; Criminal Organization; Triadic Analytical Matrix; Leadership in Criminal Group; Transnational Criminal Organizations; Discordant Socialization; Societal Contexts.*

George Basiliade understands participation, in the epistemic sense of criminal law, as “how multiple individuals act in the commission of one or more offenses.” The researcher believes that, operationally, “the mode of action encompasses both the subjective aspect, specifically the criminal intent, and the role of each participant in the commission of the prohibited act,” as well as the objective aspect of the offense. In this field of action, the distinction between the status-roles of “perpetrator, accomplice, and instigator” arises. Perpetrators or co-perpetrators are directly involved in the commission of the criminal act prescribed by criminal law, and their participation is primarily material. Analyzing it from a practical perspective, Basiliade succinctly describes, “The perpetrator or perpetrators directly execute the action or inaction prohibited. This execution constitutes the factual and objective element through which the criminal act materializes.” Another actor in the criminal drama is the accomplice, “a person who intentionally aids or abets in any way the commission of a criminal act.” In the same criminogenic framework, there is also the “promise made by a

person, before or during the commission of criminal acts, to receive, acquire, or transform goods resulting from the offense, or to facilitate their disposal.” Complicity can also manifest itself in the form of a promise to assist the perpetrator in order to hinder or obstruct criminal prosecution, trial, or punishment. The criminal matrix also includes the status-role of the instigator, “a person who, with intent, induces another person to commit an offense prescribed by criminal law and is referred to as the moral author of the offense.” Projecting all these elements into an operational matrix results in a comprehensive picture of the “objective involvement of a person in the commission of one or more offenses.” The action complex represented by execution, assistance, facilitation, hindrance, obstruction, apprehension, acquisition, transformation, incitement encompasses the acts that can constitute, in cases provided by law, the “modus actionis” that configures the objective aspect of an offense committed jointly. It is worth noting that the “main element considered in the criminal description of each participant’s contribution is the prohibited act.” This is the predominant element in some types of criminality, such as “violent crime and fraudulent crime.” The subjective element, namely intent, only appears as a necessary but insufficient condition for the analysis of participation or plurality of offenders.¹

However, in one of the typical ways of committing crimes, namely, association for the commission of offenses, incriminated in the laws of various states, although the objective element consists of the act of gathering or initiating the formation of such a group, the central element of this action is still pre-existing understanding. This is, therefore, a subjective aspect, namely, the explicit or tacit agreement of the participants to come together and commit one or more offenses. This understanding implies a consensus regarding the formation and action of the group and a harmonization of criminal intentions. Judicial practice proves that such a pre-existing and momentary understanding also exists in the case of other acts committed by a plurality of offenders. What sets this mode of committing the prohibited act apart from other forms of participation is the autonomous nature of the offense of association, meaning it can be committed independently of the commission of another criminal act. It is only necessary for the person participating in the association to have

1 George C. Basiliade, *Criminologie Comprehensivă*, Capitolul 5, Subcapitolul 5. Participatia si pluralitatea de infractori, Editura “EXPERT”, pp.662-675.

known that its purpose is the commission of crimes. Basiliade poses the question that the court had to answer: whether the accused knew the criminal purpose of the association. "Cognoscere aquem finem" becomes the central identifying element of the criminal act. From the perspective of comprehensive criminology as formulated by Basiliade, it can be said that, to the extent that purpose is an implicit element of any intention, the finality of the act is the determining factor, subordinating the objective aspect of the offense. "Mens rea regit actum" is the guiding principle of this criminological orientation.²

In the case of association for the commission of offenses, as in offenses where the goal pursued by the offender is a necessary condition for the existence of the offense, criminal law explicitly recognizes the decisive weight of the subjective aspect. Continuing his argument, Basiliade adds, "there are typical situations that illustrate the importance of the comprehensive approach to criminal behavior and, consequently, the summation of prohibited acts within the structure of criminality as a social phenomenon. The prohibited act is viewed as an action subsequent to the subjective aspect of the offense." Basiliade thus arrives at a turning point with biblical connotations, arguing that the main constituent element of the first offense in biblical history is the deliberate violation of a fundamental command, and not the act itself; thus, violation is undoubtedly the element that attracts personal responsibility and divine reaction. Once again, the same principle "Mens rea regit actum" comes into play. This mental determination driven by the temptation of evil, willed and accepted by the authors of the act, is the moral basis of ontological guilt resulting from the original pact. All other acts prohibited by customs or fundamental laws are different factual variations in gravity derived from this original guilt, forgotten or neglected by humans but always present in actions that violate a moral or legal prohibition, ultimately designed to ensure the survival and continuity of the human species. What was punished was the guilt of not respecting a norm conceived and applied by a supreme, all-powerful, legitimate, and generally recognized authority. Punishment and retribution are primarily motivated by the preeminence of the subjective aspect when purpose is considered a necessary condition for the existence of the offense, as is the case with association for the commission of criminal acts.

2 *Ibidem*, p.3.

Psychosociological research has highlighted that spontaneously or premeditatedly formed groups organize themselves to achieve goals. Clear or vague, specific or general goals are among the constitutive factors of human groups. Every group has a teleological orientation based on its common goals. Common purpose is a necessary but not sufficient condition for the formation of a group. Basiliade quotes from the *Grande Dictionnaire de la Psychologie*³, which states that a group implies: a) interaction between members; interaction causes one person's actions to stimulate another's actions, and b) the existence of a structure, i.e., a stable psychosocial framework in which this interaction takes place.

The group exerts pressure on individuals through various mechanisms (imitation, suggestion, etc.) to enforce conformity to the purpose of common actions or activities. This represents a psychological pressure by which individuals integrate into the group and tend to internalize its norms and values. This is referred to as the psychosocial aspect of a process known in the specialized literature as the "group effect." The group's structure can be established institutionally or behaviorally within small groups. A distinction is made between primary groups, which are small groups formed by individuals who communicate directly with each other and are emotionally attached to each other, and secondary groups, where relationships are often mediated by others. (op.cit.p. 664)

Basiliade analyzes the work «La dynamique des groupes restreints» (Ed. Press Universitaires de France, Paris, 1976, 3rd Edition), authored by Didier Anzieu and Jacques Yves Martin, noting the ambiguity of the concept of a group. Starting from the etymology of the term and its changing meanings over time, the two authors conclude that several distinctions are necessary among various terms that designate the gathering of multiple individuals in a form of participation in an activity.

For this purpose, the authors classify groups based on the following criteria: a) the degree of internal organization and role differentiation; b) duration of existence; c) the number of individuals; d) the relationships between individuals and their impact on beliefs and norms; e) awareness of goals; and f) common actions. They construct the following typology: crowd, gang, faction, primary or small group, and secondary group.

3 Larousse, Paris, 1991, pp 331-333.

Basiliade closely examines the structural analysis of these authors. They argue that the differences between the five categories should not obscure the existence of common group phenomena, such as the emergence of leaders, identification of each member with others, and unconscious adherence to various stereotypes. Additionally, they formulate some supplementary characteristics that are useful from a criminological perspective, namely:

- The duration and degree of internal organization vary in the same direction.
- The number of group members is maximum in crowds and secondary groups, with the exception of the small group. The role of the number of members in group dynamics has not been systematically studied, but it is believed to range from 3-4 to 15-20 people.
- The style of interpersonal relationships in the group varies depending on how stereotypes and underlying images of its values and norms are dealt with, or how they are manipulated by these stereotypes.
- The style of group actions, except for secondary groups, is conditioned by awareness of goals.

Regarding the classification proposed by Didier Anzieu and Jacques-Yves Martin, Basiliade notes that it appears irrelevant from a criminological standpoint, arguing this viewpoint with the following points: the distinctions between various pluralities of people are based on an uncertain description that is difficult to use for delineating types. The main objection is that all the described types are considered groups, not different facets of a plurality of people. Therefore, confusion is possible:

- For example, the “faction” resembles the “gang,” with specific differences being insignificant.
- The distinction between primary and secondary groups is useful and operational in the analysis of the socialization process but does not apply to criminological typology and can be viewed only as a separation of subtypes within the group, as a distinct form of plurality of individuals.
- If the authors had proceeded in this manner, organizations would not have been assimilated with secondary groups.

- ✦ The terms used to describe the categories are vague and allow for arbitrary assessments (e.g., reduced, small, weak, strong, low, high).
- ✦ The categories retained do not exclude each other, as each of them can designate an autonomous plurality of individuals.

Romanian criminologist George Basiliade highlights that the term “group” has been the subject of empirical studies based on field research and experimental laboratory studies. However, Basiliade considers the term to still be ambiguous, which makes it difficult to define based on the *genus proximum* and specific difference. The generally accepted definition views a group as an assembly of individuals, constituted according to an objective and/or subjective criterion, chosen or imposed from the outside, which regulates relationships between individuals. The group is considered the proximate genus to which the terms crowd, gang, faction, association, band, and organization are related. These terms represent different forms of groups. Basiliade suggests that only a plurality of individuals can be considered the proximate genus of the concepts of crowd, group, faction, association, band, and organization. The existence of certain characteristics that differentiate them as distinct pluralities represents the specific difference. In Basiliade’s opinion, it is these specific differences that distinguish groups on one hand and crowds, bands, factions, associations, or organizations on the other.

To answer this question, the Romanian researcher has identified a series of relevant elements for the approximate differentiation of the main types of pluralities of individuals, namely: a. purpose; b. cohesion; c. communication. Basiliade provides a brief analysis of each of these elements:

1. Purpose: In cognitive psychology, the purpose is included in intentional activity and consists of a mental representation of a state of affairs that the subject seeks to achieve. The purpose determines the nature of the plurality of individuals and its structure. It involves a relatively autonomous and organized assembly of interdependent individuals whose interpersonal relationships are subject to more or less clear rules of behavior adapted to the goals of the activity. Depending on their content and perception, purposes can be explicit or implicit, declared or concealed, moral or immoral, legal or illegal. The purposes must gain the adheren-

ce of participants, regardless of how roles are distributed to ensure their achievement. The allocation of roles within a plurality of individuals depends on the goals of the activities performed; the purpose of an assembly of individuals is the central element that induces cohesion among participants and organizes communication between them.

2. **Cohesion:** Social cohesion reflects the connection between individuals constituted in a plurality of individuals or, in other words, it represents the system of internal and external forces that causes such a plurality to form a distinct morphological and functional unit. There is also a dependence between cohesion and certain environmental and cultural factors. These include spatial arrangement, the quality and power of leaders, the system of statuses and values, and so-called socio-operative factors related to the organization, structure, and function, which allow the achievement of goals. Socio-affective and intellectual factors (motivations, emotions, feelings, rationality, and shared values) are also considered.
3. **Communication:** Basiliade sees communication as "a permanent or occasional symbolic relationship, direct or mediated, between individuals or pluralities of individuals, centered on an exchange of messages (information) involving the transmission of meanings, often with interference between socio-operational and functional factors and socio-affective factors". Communication requires mutual understanding of intentions and message meanings by both senders and receivers, and distortions in communication can affect the cohesion of participants and the goals of the plurality of individuals.

Based on these criteria, Basiliade formulates an original definition of the concept of a plurality of individuals as a premeditated or spontaneous assembly constituted for the purpose of achieving a common goal. He distinguishes "a plurality of individuals from a crowd, where a crowd represents a situation of maximal proximity in a confined space with an indefinite number of people". However, Basiliade notes that under various conditions, "a crowd can lead to the formation of a plurality of individuals with common purposes."(op.cit.p.666)

Through a detailed sociological analysis, Romanian criminologist Basiliade applies these criteria to various pluralities constituted by individuals and suggests the following classification:

A. The Crowd

It appears in two constitutive variants:

1. As a plurality of individuals, constituted by the participation of an indefinite and sufficiently large number of individuals in an occasional or preordained collective action; the indefinite and sufficiently large number is what leads to a regression of the individuality of the participants. In this variant, the crowd has a common but diffuse purpose, resulting from relatively homogeneous collective motivation; it has a precarious socio-operational cohesion, sometimes accompanied by socio-affective cohesion induced by common motivations.
2. As a random and unstructured gathering. In a given space with a large number of people, whose individuality fades and becomes irrelevant, the amorphous crowd:
 - ✦ Is marked by the absence of a common purpose and the existence of heterogeneous motivations.
 - ✦ Lacks cohesion.
 - ✦ Lacks communication or has random communication.

It is important to underline, as Basiliade does, that crowds can become the subject of criminological studies only when their actions are primarily aimed at committing common law crimes rather than addressing specific demands. Additionally, Basiliade mentions that crowds consisting of individuals with motivations rooted in common grievances and egalitarian aspirations can form groups with the central or derivative goal of committing crimes. Basiliade further notes that the inclination of crowds toward violent and anti-social behavior, in conditions of a regression of individual morality and willpower, has been systematically observed and described in social contexts since the late 19th century (e.g., Gustave Le Bon's "The Crowd: A Study of the Popular Mind," 1895). The actions of instigators or previously known leaders, or leaders created by circumstances, can highlight this latent potential of crowds.(op.cit.pag.666-667)

B. The Group or Association

Is formed by “a plurality of individuals, often premeditated, with a structured and temporary character, aimed at achieving a common objective. It can be considered a ad-hoc plurality, and the number of participants and its structural diversity varies depending on the nature of the pursued objective and changes according to its complexity. In Basiliade’s conception, the group is characterized by:

1. One or more common objectives, willingly accepted or imposed by the participants’ pressure and a normative system that sets the rules of participation and collective response in case of violations.
2. Socio-operational and operational cohesion, resulting from the requirements of achieving the goal, occasionally accompanied by pre-existing socio-affective cohesion or selectively formed during participation.
3. Direct “face-to-face” or mediated active communication, focused on achieving goals and normative and organizational dispositions.

According to Basiliade, the group or association is of criminological interest only when it is formed with the purpose of committing certain crimes and primarily relies on strict operational cohesion and limited communication related to useful action methods. Basiliade also emphasizes that “such groups are often the cores of associations formed for the commission of specific crimes, criminal gangs, and organized criminal organizations”.

C. The Group

It is a structured and relatively small plurality of individuals, spontaneously or premeditatedly constituted, based on value, normative, functional, socio-affective, and communicational criteria that give it a distinct identity from its members (the so-called “syntality”). Basiliade reviews the main criteria that make operational definitions possible, focusing on specific characteristics found in sociological and psycho-sociological reference research. It involves how authority is established within the group, dominant orientation, adherence to norms, cooperation relationships, participants’ social stratification, etc. Groups are typically formed based on elective affinities, shared axiological orientation, or the operational requirements of a common activity. Groups have a temporary nature and a relatively sim-

ple structure. In scientific research in this field, the goal is to highlight the specific elements that differentiate groups from other types of pluralities constituted by individuals.

Basiliade points out that groups become of criminological relevance in two situations:

- When, for the achievement of their goals, criminal acts are committed, even though these acts are not the central objective of their own activities. The criminal activity is auxiliary and can be spontaneous or premeditated.
- To the extent that the group has an exclusively anti-social purpose, engaging in sporadic anti-social activities depending on favorable circumstances.(op. cit. 667-668)

D. Band

It is a typical variant of a criminal group and is characterized by an autocratic pyramid structure adapted for antisocial purposes and a rigid normative system. Etymologically, the term originally meant a connection, which it still retains in some expressions. Semantically, in Romanian, this term also refers, among other meanings, to a gang or a group of wrongdoers who operate under the leadership of a chief. George Basiliade quotes the French criminologist Philipp Robert in his study "Les bandes d'adolescentes" (Ed. Les Editions Ouvrieres, Paris, 1966), where it is shown that before the French Revolution of 1789, the existence of gangs was not necessarily associated with criminality. There was a nomadism of different marginal groups or associations, which sometimes represented a way of life associated with violent antisocial behavior. Basiliade argues that historically, the gang as a plurality of people formed for criminal purposes became common in the criminal structure of the 19th and 20th centuries. Before that, gangs often merged with bands and gathered in various places, and their goals could include committing certain prohibited acts. Their composition was unstable, and the relationships among participants were based on mechanical solidarity and motivations derived from a sense of exclusion. Basiliade believes that the gang falls on a typological continuum of various forms of pluralities of people and emphasizes that this typological continuum is highlighted by the presence of purpose, social cohesion, and intragroup communication. In this context, the author specifies that gangs, including adolescent ones, have socio-cultural peculiarities specific to the

areas where they are formed and operate. This includes the specific goals that guide their actions, the degree of cohesion, and communication relationships. The author exemplifies this with the plurality of people formed into gangs in the United States, called "Gang Delinquency," which he considers one of the forms illustrating these regional characteristics. Basiliade delves into empirical studies regarding criminal subcultures, which have been used as reference units in criminal ecology research.

To illustrate these orientations in 20th-century criminology, Basiliade chooses the study conducted by James F. Schort and Fred El. Strodt Back ("Group Process and Gang Delinquency," The University of Chicago Press, 1965). The American authors draw parallels between various youth movements with non-conformist and deviant behavior that emerged after World War II and criminal gangs. Basiliade believes that the differences are essential, even though such movements no longer exist or have lost their identity, integrating into protest movements with much more precise social or economic demands. The Romanian criminologist argues that they represented different forms of crowds or groups formed based on age and sometimes social status, giving them an apparent homogeneity unsupported by a precise purpose to structure and ensure their continuity and a perception of a gap between legitimate aspirations and a social system incapable of satisfying them. In this case, crime was a symbolic and occasional derivative of dissatisfaction or revolt, rather than an end in itself.

By projecting the profiling of the gang through the analytical matrix of purpose - cohesion - communication, Basiliade summarizes the following:

The purpose of a gang falls within a very broad range of antisocial manifestations, from disturbing public peace and acts of vandalism to various acts of aggression against people or illicit appropriation of property. Basiliade believes that the vast majority of crimes involving property and individuals can be committed by gangs. The complexity of the purpose determines the gang's structure, the allocation of roles, and the duration of its activities. In some cases, the criminal purpose is achieved progressively and is reproduced after each action, whether failed or successful, whose authors, accomplices, or instigators have remained undiscovered, or their guilt has not been proven. An important emphasis by the author reveals that gangs with complex purposes are the original and sometimes constitutive forms of organized crime and criminal organizations.

The cohesion of the gang is simultaneously socio-affective and socio-operative. Socio-affective cohesion is strong and results from motivations with value orientations or specific sociocultural patterns characteristic of a criminal subculture and discordant with those of the dominant culture. Socio-operative cohesion is amplified by the importance, difficulty, and risks of achieving criminal purposes and coexists with socio-affective factors.

Communication among gang members is generally continuous, verbal, and focused on the object of criminal activity and the means of achieving their purposes. The language is often coded and adapted to the clandestine and, consequently, secret nature of the activity. Basiliade observes that gangs with multiple activities have a diversified structure, relying on a pyramidal communication system, from the leader to close collaborators and to the enforcers, as well as on informal control over rule compliance. (op.cit. pp.668-669)

E. Criminal Organization

According to Basiliade, the concept of an organization indicates an association of people with common ideas or concerns, united under a regulation or statute for the purpose of organized activities. Therefore, it involves a plurality of individuals intentionally constituted in the form of one or more groups and groups that act according to a system of rules designed to achieve predetermined goals. The goals of the organization are what determine the nature and structure of the activities carried out and the means used to achieve them. Morphologically and functionally, Basiliade distinguishes between simple organizations, resulting from the grouping or association through a procedure of constituting a plurality of individuals for the purpose of achieving one or more convergent goals, and complex organizations, composed of multiple interdependent groups and groupings that contribute through their members to achieving specialized and functionally distributed goals, for the purpose of achieving a common goal. The distinction takes into account not only the goals but also the cohesion and communication network of an organization.

We further summarize the application of "the triadic analytical matrix used by Basiliade":

1. The purpose of an organization is always predetermined. The goals can be primary or secondary (central or auxiliary, derived

and subsidiary). The nature of the goals determines or conditions the means used and the appropriate structures for the organization's purpose. The organization's structures diversify and become complex, depending on the complexity or diversity of the goals and the objective need to create auxiliary or subsidiary structures. The duration of an organization depends on the achievement of its pursued goals.

2. The cohesion of an organization depends on the adherence to formal or informal provisions that led to its establishment. Hence, the preeminence of socio-operator and functional factors in ensuring cohesion and the conduct of planned activities, even if the origin of an organization is marked by socio-affective and intellectual considerations. The cohesion of an organization is conditioned by the cohesion of its various compartments and their functional interdependence, which is essentially a constant socio-operator relationship throughout the organization's existence. The main disruptive factors of an organization's cohesion can be internal tensions and conflicts, centrifugal tendencies resulting from the attraction of external factors, and repeated failures in achieving the goal.
3. Communication in criminal organizations (extensively and originally analyzed by Basiliade) is marked in the researcher's vision by: a) the closed, open, or semi-open nature of the system; b) the structural and hierarchical complexity of the organization; communication relationships are based on an informational circuit between leaders and subordinates and among all of them, according to the statuses and roles held within the organization; c) how the goals of the activity are conceived and the connections with other organizations, other groups of people, formed in associations or groups, and with individuals considered as distinct individuals outside the organization. From an instrumental and relational point of view, communication can be verbal and written, direct and indirect, in common language or in specialized, coded language. Criminal organizations are species of organized crime and represent a *sui generis* plurality of people, united in a stratified system of structures (groups or associations, permanent or occasional groups), acting based on a criminal plan and

voluntary or coerced adhesion due to different circumstances, for the purpose of achieving a predetermined criminal goal. The systemic nature of the criminal organization is the element that distinguishes it from other forms of organized crime. There is an ambiguity in the phrase "organized crime," primarily resulting from the term's semantics in Anglo-Saxon literature, where the term "crime" is used concurrently with the meaning of both an offense and criminality. On the other hand, Basiliade emphasizes that the phrase "organized crime," much more precise in delineating meanings, designates a certain way of distributing and exercising roles and using means within a plurality of individuals formed for criminal purposes. Basiliade underlines that criminal organizations often have a transnational character, with multiple autonomous or interdependent coordination centers subordinate to a center of initiative, command, and functional supervision. In the current terminology of law enforcement agencies, they are often confused with organized crime in general, without revealing the fact that criminal organizations are a distinct type of plurality of offenders. Generally, from an international perspective, for the reference period analyzed by Basiliade, it was considered that a plurality of offenders could be called organized crime if it met a series of criteria, such as collaboration over a fairly long and undetermined period of at least three persons suspected of committing serious crimes, in order to obtain profit or power. Three common factors of organized crime have been identified:

- a) Illicit activities, from the perspective of national legislation, committed with the aim of immediate profit.
- b) An organized character (M. Leclerk, *Preface to Organized Crime*, La Documentation Française, Paris, 1996, J.C. Monet, *Introduction to Organized Crime*, La Documentation Française, Paris, 1996). Basiliade notes that there is no mention of the elements that make up the organized character, and as a specific factor of this plurality of offenders, without specifying whether it refers to the place of commission of the acts or the way of conceiving and organizing criminal action. Therefore, the Romanian criminologist concludes that the term

“organized crime” remains ambiguous, pointing out that some authors use undifferentiated terms such as organized crime, transnational crime, organized transnational crime to refer to organized crime. Basiliade believes that all these variants, used for a single concept, have emerged as a result of the approach to the problem. When we refer to crime, we must keep in mind that this social phenomenon has a binary character and is composed of offenders and offenses. From the basic meaning, it follows that organization is a human activity oriented towards achieving goals. It can be carried out by an individual or a plurality of individuals formed for the purpose of achieving one or more predefined objectives. The researcher exemplifies with premeditated crimes and continued offenses. In these cases, the acts can be committed by a single person or a plurality of persons, and the way of conceiving and committing prohibited acts may meet the constitutive elements of organized crime. Therefore, Basiliade highlights the need to specify specific criteria that designate criminal organizations as a separate form of organized crime. In this context, the Romanian criminologist projects the following criteria:

- a) One or more illicit purposes, often hidden by legally accepted purposes, through which profits are made from illegally obtained money or purposes motivated by religious, political, economic, social, ethnic, or racial considerations, supported by radical or extremist ideologies;
- b) Distribution, socio-operative and functional interdependence of individuals and activities in multiple, national and/or transnational structures, formed by specialized groups and possibly gangs with operational duties; specific cohesion can be maintained and supported by an autocratic and rigid system of rules, sometimes supplemented by initiation and participation rites (in the case of mafia-type organizations);
- c) Segmental communication, sometimes limited to an anonymous report, between those who give orders and those who execute them, or selective hierarchical communication, direct and indirect, between leaders, their close

associates, and executioners, often based on coded language and clandestine connections.

Basiliade reiterates" that the purposes, cohesion, and communication form an analytical matrix of the main factors on which the dynamics of the plurality of individuals depends". In the case of a plurality of offenders, whether spontaneous or premeditated, in the form of crowds or groups or associations, aimed at committing offenses, as well as in the case of groups with criminal activities, gangs, and criminal organizations, interactions always have a pre-established and directed character towards achieving illicit purposes. It involves "selective mutual influence to which all reciprocal interpersonal relationships are subordinated. In the context of these interactions, an adjacent issue arises, namely the existence and role of one or more leaders who initiate, coordinate, supervise, and sometimes participate directly in achieving goals and maintain or support the cohesion of a plurality of individuals with criminal activities." One fact is evident, however, that the leader of a plurality of offenders exercises his influence based on imposed or freely accepted authority. His authority may result from the use of an autocratic or cooperative leadership style, from the prestige generated by real or assumed activity, through which he can contribute (initiate, organize, and/or execute) optimally to achieving the intended goal and avoiding the punitive consequences of the act committed. The selection and recognition of the leader," in the case of a plurality of offenders, are independent of how the person participates in the commission of the act (instigator, accomplice, or perpetrator)."

In the conclusion of this substantial and original analysis, which also has the character of uniqueness in domestic criminological literature, the author, Romanian criminologist George Basiliade, concludes that "groups or groups with criminal objectives, criminal gangs, and criminal organizations are social environments where the discordant socialization of participants manifests and consolidates, constituting a form of criminal subculture"

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