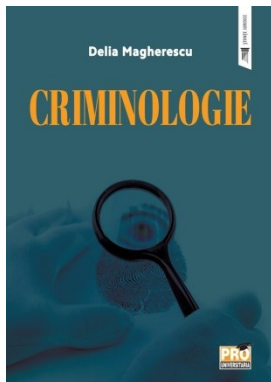


Magherescu, Delia:
Criminologie
[Criminology].
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Abstract: *Reviewing the publication Magherescu, Delia: Criminologie, a significant university legal education material addressed to the graduate students of law who might be interested in developing their knowledge in the matters of crimes and criminals, as parts of the phenomenon of criminality.*

Key Words: *Review; Academic Publication; Criminology; Criminological Research; Criminal Phenomena; Preventing Criminality; Combating Criminality; Sanctioning Criminality; Romania.*



The process of developing criminal phenomena has rapidly had as consequence significant changings in the evolution of science of criminology and, implicitly, in the field of approaching criminological research. Many times, the people are witnesses of particular relational processes having implications in influencing area of criminology and, from this perspective, the criminologists are obliged to exceed the conventional barriers of this science in order to comprehensively explain the contemporary criminal phenomena and their consequences.

In this context, the doctrine of criminology has made considerable efforts to provide information on each concept, relation, phenomenon of criminology, which involve the science of criminology accordingly, on the one hand, and submit new theories in this field, on the other hand.

Based on this idea, the current doctrinal reference is focused on the study of criminological phenomena, which creates the opportunity of collecting a series of university education materials with relevant implica-

tions in the field of criminality. A relevant teaching study material has highlighted the interest for a study book entitled “Criminology”, written in the Romanian language by Delia Magherescu and published by Pro Universitaria Publishing House of Bucharest, Romania, in year 2021. The academic university publication maintains adequate endeavour of a theoretician from the perspective of ideas, theories and processes which are advanced, but, equally, it extends the applicability area in the field of relevant practical issues.

From the point of view of its structure, the university book in question is divided into studying areas comprising several chapters, each of them approaching topics interesting for the science of criminology. The doctrinal references provide that the evolution of criminal phenomena has reached a dynamic in society, both at the national and the international levels. Explaining the criminal phenomena, the author has started from enlightening the necessity of criminologists to firstly understand the origin of criminology. In this matter, it has been pointed out that “knowing origin of criminology means a real challenge for criminologists. The study of criminal phenomena is based on the theory of criminological research, viewed in quasi-totality of ideas, opinions and theories established in this field.”¹

The first chapter of the reviewed book approaches the general issues regarding the criminology, on which occasion the author deepens the mystery of the science of criminology through promoting bivalent character between the concept and the science. Defending social values is the source the science of criminology was primarily based on. Moreover, establishing the criminology as a science has broken controversial issues developed during the years. It is true that there are contradictory opinions on the origin of criminology, whose arguments are well-known from a doctrinal point of view; but, the same is true that their diversity has equally been supported or combated by the pros and the cons arguments.

Even from the beginning of the book, the emphasis is laid on the theories promoted by the scientist Cesare Beccaria, considered as the philosopher of criminal law,² who, among other theoreticians, has endorsed the idea of criminal sciences from the perspective of crimes and punish-

¹ See MAGHERESCU, D. *Criminologie* [Criminology]. 1-a ed. București: Pro Universitaria, 2021, p. 15. ISBN 978-606-26-1303-7.

² See MAGHERESCU, D. *Criminologie* [Criminology]. 1-a ed. București: Pro Universitaria, 2021, p. 17. ISBN 978-606-26-1303-7.

ments applicable. In fact, such directions of social life have previously been advanced, even before establishing criminology as a science. Thus, the emergence of criminology, viewed as a concept within the legal sciences, is considered of modest approach, episodic and disparate issues, in contrast to the science of criminology which is based on the theories of criminological research carried out during the years over various criminal phenomena. These aspects are thus highlighted in the second chapter, where the author emphasises the study object of criminology, its scope, functions and characteristics, well-defined in rather broad spectrum which the criminology provides.

The following, third chapter of the book in question connects criminology with the other legal sciences, the most evident connection being established with the criminal law, criminal procedure law and criminal execution law. Specific features of each are emphasized, whose particularities generate the figure of criminology in relation with the technique of elaboration. There are issues of criminal investigation provided, carried out during the criminal proceedings, with references to the arguments outlined from the perspective of criminological research. Thus, the process of achieving criminal justice is viewed in a strengthened correlation with the techniques of drawing up the versions of criminological research, the criminal proceedings is inseparable from. The same is true with the science of substantive criminal law and criminal execution law, both of them providing a large spectrum of actions for the techniques of criminological research, with a special focus laid on the institutes held by these legal sciences. They refer to the criminal (perpetrator), crime, victim, criminal liability, evidence, judicial bodies, finding the truth, techniques of investigation, and so on.

Subsequently, the fourth chapter is devoted to the criminality, which, as the author specifies, cannot be dissociated from the criminological research. The phenomenon of criminality is a fertile source of inspiration for the criminological research, and, for this reason, the author pays a significant attention to its constitutive elements. A delimitation between serious crimes and common criminality is being discussed, knowing the fact that, from the terminological perspective, certain tendencies of diversification of these concepts were tried by the doctrine. The constitutive elements of criminal phenomena are presented in accordance with the idea of protecting social values, and the general interests of society have prevailed over any form of infringing its values. For this reason, the legislator should take a resolute position regarding the protection of such

values through legal instruments which lead to reducing criminality and to avoiding black numbers of criminality as much as possible.

The issues of crime are provided in the fifth chapter of the discussed book, in which the author presents a criminological analysis on the notion of crime, distinguishing between the legal meaning, on the one hand, and the criminological meaning, on the other hand. These meanings of crime are obvious, although they are presented as distinct logical entities and identified separately. An analysis of crime is related to the legal conditions the criminal deed should comply with in order to be a crime from a substantive criminal law perspective. The categories of crimes incriminated by the Criminal Code³ are presented to the readers to better understand the issues of crime. In this matter, it is pointed out that the role of this specification is that of “underlining various areas of criminological research, which intervenes through special analyses. The enumeration is exemplificative and does not exhaust the regulating field of the Criminal Code.”⁴

The notion of crime is object of study in the sixth chapter of the presented book, which analyses the attributes recognised by the criminal science in the individuals who committed crimes, as well as the adequate terminology to these notions. Thus, the differentiation between the suspected person, defendant, convicted person, perpetrator and criminal are clarified, even if some of them have a larger spectrum of applicability in practice, while the other ones a restricted one. Regarding the current topic, the attention is paid to the delimitation between the perpetrators as individual subjects of criminal law and the associated ones. From the point of view of the criminological interest in these notions, the issues of convicted persons, delinquents, minors and traffickers as individual perpetrators are detailed. The associated criminals, terrorist organizations, organized crime groups, triads, clans, gangs and families are also identified, explaining each of them pertinently according to the practical cases.

Equally, the notion of victim is detailed within the seventh chapter of the reviewed book. In this way, the victim of crime is analysed both from the judicial point of view, with his/her rights during the criminal proceedings, and from the criminological point of view as well. The author insists on criminological factors which produce the typical relation of vic-

³ See *Law No. 286/2009 on the Criminal Code of Romania*.

⁴ See MAGHERESCU, D. *Criminologie* [Criminology]. 1-a ed. București: Pro Universitaria, 2021, p. 68. ISBN 978-606-26-1303-7.

tim – perpetrator. The practical issues focus on the crimes of homicide, domestic violence, sexual crimes, trafficking in human beings, each of them with its particular features. The victims of both serious crimes and common offences are characterized by joint elements regarding the vulnerabilities of these kinds of persons, their social and financial issues and the degree of revictimization, as well as the aspects regarding their needs of advising.

The following, eighth chapter of the book in question concentrates on the main directions of criminological research. The author explains the mechanisms of prevention, control, combating and sanctioning, knowing that each of them occupies a significant place within the legal instruments adopted by the authorities in the fight against criminality. These directions are viewed from the perspective of rigorous legislation and efficient judicial bodies. Moreover, the strategies provided by the authorities are an essential key point in preventing and combating criminality, and, for this reason, the judicial bodies' involvement should be a paradigmatic one in reaching these aims. Asserting these arguments, it is necessary to reach a correlation of all directions of criminological research with direct implication in the field of sanctioning system of criminal law, in accordance with the characteristics recognized by the doctrine, namely of the official, normative, repressive and social characters.

The criminal phenomena are discussed in the ninth chapter of the analysed book. The chapter details the aspects regarding the notion of organized crime, consumption of drugs, juvenile delinquency, domestic violence, corruption, illegal immigration, terrorism and the phenomenon of radicalization. In the field of serious crimes, such as the organized crime, terrorism and radicalization, the situation seems to be complicated, while analysing them from the point of view of the *modus operandi* used by the perpetrators and the consequences produced. These crimes reach an alarming size in cases of trafficking in human beings, firearms and drugs. The same is true in the field of trafficking in artefacts; the protection of these goods becomes an international one.

All these forms of criminality are linked to the criminal environments, which are explained within the tenth chapter of the book. The attention is paid to the most frequent criminal environments producing criminality, with a special focus laid on educational, familial, carceral and community ones. The author exemplifies some relevant forms of criminality committed in schools, and the causes which generate these crimes

as well. Moreover, the familial environment is corroborated with the causes and factors which produce criminality, having repercussions in the entire society. Equally, the carceral environment is known as producing criminality, although under less serious forms and at minimum level, knowing the authorities' efforts to control the phenomenon in this field. Finally, the community environment is presented as a macro-social environment, the most visible from the point of view of the degree of criminality related to the releasing factors, as well as the categories of crimes committed in this environment.

A special attention has been paid to the instruments of preventing criminality. It is insisted on the function of prevention, providing that "the international community is engaged in adopting some measures for the implementation of international and European standards regarding the prevention of crimes."⁵ Nevertheless, a distinction between the prevention at the international level, the European level and the national level is made, providing significant information on the function of prevention in accordance with the law enforcement agencies' duties and responsibilities. A distinction is emphasized between the legal, institutional, situational prevention and the prevention of criminal justice. An important role is assigned to the European programmes implemented in order to prevent crimes; the most relevant ones being the Diamond Programme which states contributions in the field of preventing criminality among the minors, on the one hand, and the Molenbeek-Saint-Jean Programme which offers support to persons involved in advising the minors in purpose to reduce the criminality, on the other hand.

The measures of combating criminality refer to the state's policy in criminal matters and the concrete activities in this area. Discussed topics are connected with the aspects related to the perpetrators' criminal liability, the rapid intervention of the judicial bodies in cases of crimes committed with violence, and the necessity of creating liaison network within the institution to facilitate the exchange of information, as well as of implementing a monitor of criminality in the field of cyber-criminality, trafficking in minors, and so on.

The sanctioning measures complete the "trilogy" of controlling the criminality. A determining role is played by the judicial bodies which pronounce judicial decisions in criminal matters. It is also featured by

⁵ See MAGHERESCU, D. *Criminologie* [Criminology]. 1-a ed. București: Pro Universitaria, 2021, p. 164. ISBN 978-606-26-1303-7.

a preventive function, consisting in discouraging individuals from committing crimes. In this context, the function of re-education is presented as a specific tool for the carceral establishments.

Finally, the last chapter of the reviewed book is devoted to modern approaches in the field of criminology, with a special attention laid on the newer institutes of criminology. The author points out the techniques of the artificial intelligence, as well as the manner in which it could be used in achieving the function of combating criminality.⁶ The cyber-criminality is another topic selected by the author, which presents interest for those who are working in the online environment and who can be victims of these crimes. The phenomenon of crimmigration, although new in the field of criminology,⁷ has a history, being considered as immigration of criminality because of the fact that it joins elements of illegal immigration, having various forms of criminality. The issue of bullying is, at the moment, in the authorities' attention because of the high number of violent cases in schools. Certain forms of bullying are enunciated, such as relational, physical, psychological bullying, cyberbullying and discrimination bullying.

The criminology of personal development is characterized by several risk factors which influence above all the young people. Last but not least, the criminality during the pandemic crisis has arisen a particular interest, especially in the last years, characterized by the COVID-19 pandemics. The newer element consists in the forms of criminality committed on this time, which focus on both serious crimes committed in the field of business and petty offences.

Consequently, discussing the classical forms of criminality or approaching new forms of the same criminality, the criminology seems to be a science which watches over the society and its public institutions. Reducing the degree of criminality is the main aim of the society whose public values should assert zero tolerance to any kind of crimes.

⁶ See MAGHERESCU, D. *Criminologie* [Criminology]. 1-a ed. București: Pro Universitaria, 2021, pp. 212-213. ISBN 978-606-26-1303-7.

⁷ See MAGHERESCU, D. *Crimigrația în Europa: Concept, evoluție, tendințe* [Criminal Migration in Europe: Concept, Evolution, Trends]. In: *Dreptul românesc la 100 de ani de la Marea Unire: Dimensiuni și tendințe* [Romanian Law 100 Years after the Great Union: Dimensions and Trends] [CD-ROM]. 1-a ed. București: Universul Juridic, 2018, pp. 511-514. ISBN 978-606-39-0247-5.

As it has previously been provided in the currently reviewed book, the evolution of criminality needs, at the moment, a particular involvement of the criminologists who are interested in developing studies on how the danger of this phenomenon should be controlled. Both the theorists and practitioners are looking for finding more and more appropriate solutions on this topic which must be implemented in practice. In this context, the theorists' contribution in the matters of advancing appropriate proposals is a key solution in practice. In these circumstances, the reviewed book highlights the most important characteristics of fighting criminality, on the one hand, and analyses the current forms of criminality having a high level of danger for the entire society, on the other hand.

It is observed that the author was trying to analyse the most important issues related to the manner in which the authorities have been involved in enhancing legal tools in cases of diverse forms of criminality. In this regard, some pertinent solutions have been proposed in the field of strengthening the judicial activity in order to control the criminal phenomena, special attention being paid to the cases of serious crimes. It is obvious that the proposed solutions of preventing and combating criminality should be implemented in criminal matters in a reasonable time,⁸ at the earliest moment from committing crimes.

In her analytical approach, the author preferred discussing phenomena of trafficking in human beings, trafficking in drugs, smuggling goods, and so on. One of the most relevant targets of the author is thus presenting serious forms of crimes committed currently in the contemporary society, along with the specific framework created in order to enable the judicial authorities to control the phenomenon entirely. The arguments submitted by the author are thus a form of realistic results of fighting criminality in those criminal cases which are serious threats for the contemporary society.

Moreover, the author has found a pertinent nexus between the criminal cases discussed in the reviewed book and the practical solutions coming from the judiciary in such cases. In order to gather efficient results, several case law decisions have been analysed by the author in an interdisciplinary context, but primarily within the criminological con-

⁸ See BĂLAN, C. *Termenul rezonabil în procesul penal român* [The Reasonable Term in the Romanian Criminal Process]. 1-a ed. București: Hamangiu, 2021. 313 p. ISBN 978-606-27-1752-0.

text.⁹ By doing so, the author has admitted that the book is firstly intended to students who are interested in deepening their knowledge in the field of criminology. Considering all these remarks, it is necessary to emphasize that the reviewed book has an ambition to serve as a strong support in carrying out their lectures. Consequently, the book in question is a structured academic material in the field of controlling criminality, which has as the main aim to contribute to the development of current academic literature in criminal matters.

Finally, taking into account all the aspects stated above, we can conclude that the reviewed academic publication “Criminology”, written in the Romanian language by Delia Magherescu, presents, at the same time, also a significant doctrinal focus point within the contemporary bibliographical references in criminal matters, offering valuable answers to several questions in the field of criminology.

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⁹ See, for example, *Decision of the High Court of Cassation and Justice of Romania Ref. No. 406/2020* [2020-07-09]; *Decision of the High Court of Cassation and Justice of Romania Ref. No. 353/A/2020* [2020-11-18]; and *Decision of the High Court of Cassation and Justice of Romania Ref. No. 327/2020* [2020-06-10].

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