

## The impact of the security dimension on international efforts in combating organized crime

تأثير البعد الأمني على الجهود الدولية في مكافحة الجريمة المنظمة

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### Abstract:

Organized crime is considered a crime that exceeds its scope and its risks exceed the borders of one state, thus threatening stability and security within several countries, either at the national level or at the international one, which is the fact that is explained by the doubling of levels of organized crime and the increasing influence of its gangs, all of this pushed the international community to Cooperation to confront

this type of crime to confront organized crime and reduce its risks.

**key words:** organized crime, Security risks, International cooperation.

### الملخص:

تعتبر الجريمة المنظمة من الجرائم التي يتعدى مداها وتتجاوز مخاطرها حدود الدولة الواحدة، مهددة بذلك الاستقرار والامن داخل دول عدة سواء على الصعيد الوطني او على الصعيد الدولي، وهو ما فسره تضاعف مستويات الجريمة المنظمة، ووتزايد نفوذ عصاباتهما، كل ذلك دفع بالمجتمع الدولي الى التعاون لمواجهة هذا النوع من الاجرام لمواجهة الجريمة المنظمة والحد من مخاطرها.

**الكلمات المفتاحية:** الجريمة المنظمة، المخاطر الامنية، التعاون الدولي.

### introduction:

The crime appeared with the emergence of man and developed with his development and touched all fields of his life, so crime in terms of its development followed the evolution of man, and the evidence for that is what we observe in terms of the multiplicity of images or types of crimes today, which are the images or types that did not exist or were classified in ancient societies, and so the transition was made. From traditional criminality to organized crime, as a result of cutting criminal behavior for stages and strides in its field of development

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influenced by the culture of the backward societies, to define criminal patterns that are commensurate with the differences and development of those cultures.

This evolving pattern of criminal behavior – that is, criminal behavior in organized crime – has undergone several changes, until today we are faced with criminal organizations that have huge funds and practice the most horrific types of violence in order to achieve their material and moral goals, which are the patterns that generate remnants in various fields that are embodied in risks. That threaten the lives of societies at the present time on the social, economic and security levels, in the domestic and international arenas.

All this has made organized crime the focus of attention of both national and international legislation, and thus international efforts to combat this dangerous type of crime have tended to reduce its security risks, whether at the regional or global level, which are efforts that appear through various international guarantees and mechanisms in order to combat organized crime.

On this basis, the problem that can be raised in this research paper is formulated within the following

question: to witch extent have security risks affected international efforts to confront organized crime?

It is a problem that we can answer by addressing the following sections:

**Section I**, the conceptual framework of the study: it defines organized crime and types of security risks for organized crime

**Section II**: Cooperation in the face of organized crime: it includes the relationship between security risks and international efforts in the field of combating organized crime and the reasons for international cooperation in the face of regretful crime.

**Section III**: The content of international cooperation in the face of organized crime: witch contains the objectives of international cooperation to confront organized crime and mechanisms of international cooperation to confront organized crime.

**Section I**: the conceptual framework of the study: we will try to define organized crime and mention the types of security risks for organized crime.

**A)-Definition of Organized Crime:**

There was no agreement on giving a unified definition of organized crime, as this definition differed according to the different points of view from which this crime is viewed. The following are the most important definitions given to it:

1- That diverse and complex crime of criminal activities and large-scale rapid operations, related to many illegal goods and services that are dominated by highly powerful and organized gangs of thousands of criminals of different nationalities, and it is carried out with a degree of professionalism, continuity and power with the aim of achieving material profit and gaining power and influence to use methods Many and different.

2- The unlawful acts produced by the material civilization to enable the criminal human being to achieve his criminal goals, and to achieve the goal a group of criminals must cooperate <sup>(1)</sup>

A type of transnational crime that takes place through the practice of many organized criminal activities, such

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(1) - Ilham Saed, Legal Establishment of the phenomenon of Organized Crime in International and National Legislation, Belkis Algeria House, 2017, p. 35.

as drug trafficking – money laundering – terrorism – ... etc. <sup>(1)</sup>.

3- The crime provided by material civilization in order to enable the criminal human (a group of criminals) to achieve his criminal goals in an advanced manner that the law cannot prosecute thanks to the means that surround himself with the means by which he conceals his criminal purposes <sup>(2)</sup>.

4- Crime that is based on a group of people possessing the ability to lead, organize, plan and execute, and direct types of criminal activity to areas that achieve their unlawful goals<sup>(3)</sup>

5- It is the crime that constitutes a criminal pattern consistent with the construction of modern societies that are dominated by high levels of rationality in

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(1) – Izzat Muhammad Al-Omari, Money Laundering Crime, Dar Al-Nahda Al-Arabiya, Cairo, Edition 01, 2006, p. 01

(2) – Muhammad Farouq Al-Nabhan, Towards a unified Arab strategy to combat organized crime, Arab Center for Security Studies and Training, Riyadh, Saudi Arabia, 1406 AH, p. 44.

(3) – Abdel-Fattah Mustafa Al-Saifi – Mustafa Abdel-Mahid Kara-Ahmed Muhammad Al-Naklawi, Organized Crime “Definition, Patterns and Trends”, Naif Arab Academy for Security Sciences, Riyadh, Saudi Arabia, 1999, pp. 17-18

thinking in addition to the possession of these societies high technological capabilities in addition to controlling and controlling society by central devices that have national effectiveness, which facilitates them to fully control the traditional crime pattern <sup>(1)</sup>.

Accordingly, we can say that organized crime is a dangerous criminal act characterized by the fact that it consists of transnational material acts in which a group of persons participate in order to achieve material and moral returns from their commission of organized criminal acts, and thus it is a crime based on:

- The internal structural construction that is based on the career progressive levels of criminals.
- Planning for criminal acts studied, court performance, discipline and confidentiality, which cannot be characterized by a spontaneous method.
- The professionalism that makes the organized criminal adopts organized crime as a profession and profession

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(1) - Muhammad Sulaiman Al-Wahid, The notion of Organized Crime, Symposium: Organized Crime and Methods of Confronting It in the Arab World, Naif Arab Academy for Security Sciences, Al-Ridha, Kingdom of Saudi Arabia, Edition 01, 2003, p. 09.

that he depends on as a means of earning his livelihood. Crime in the field of organized crime is considered an act since this crime is based on achieving financial returns.

- Specialization is based on the specialization and intensification of organization in organized crime, so that each organized criminal group specializes in a specific and specific field of crimes that are not exclusive to the rest of the criminal organizations.
- Continuity or stability and stability, which is the basis of organized criminal life, regardless of the end of the membership life of some members of the criminal organization or their imprisonment because they are replaced by new people who continue their criminal tasks so that the criminal organization continues to carry out its work <sup>(1)</sup>.
- Power, control, and sometimes violence in committing the crime, by focusing on the main objectives in organized crime, which can be achieved through criminal activities and acts, for one or several criminal types, and criminal activities may be directed to

(1) - Izzat Muhammad Al-Omari, previous reference, pp. 38-40



generating income or supporting the strength of the group, from During bribery and violence, violence may be used to maintain loyalty, and the types of violence used in committing material acts of organized crime include: murder, arson, kidnapping, bombing, etc. <sup>(1)</sup>.

- The ability to employ and blackmail, through the success of criminal organizations in creating a wide network of relationships with centers of political, legal and administrative power, and men of influence and money in the receiving countries, and it also hastened to establish offices for secret services that carry out the task of repaying the known to those who cooperate with them, which made it easier The merger between legitimate and illegal activity <sup>(2)</sup>.

### B)-Types of security risks for organized crime:

The risks resulting from organized criminal acts have varied, considering that it is a criminal activity that has

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(1) - Diab Musa Al-Badania, Organized Crime and Methods of Confronting It in the Arab World, Hamed Publishing and Distribution House, Amman, Jordan, 2010, p. 143.

(2) - Fayza Younes, Organized Crime Under International Agreements and National Laws, Dar Al-Nahda Cairo, 2006, p. 65.

negative effects on all social, economic and security levels, and in this area security risks are among the most important types of risks left by organized crime.

In fact, security in the traditional concept calls for the absence of military security, as security requirements in the past required military defense, but security for states at the present time has become linked to political and economic stability <sup>(1)</sup>.

Security, in its broad sense, includes the situation in which a person feels that he is not exposed to any danger, threat or attack, and it is the situation in which he feels that he is safe from danger and that he is reassured <sup>(2)</sup>, and it is the state that exists when there is no breach in the public order, whether in the form of crimes Punished by the law, or in the form of dangerous activity that calls for the taking of preventive and

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(1) – Amin Kharbi, Development Security ... A New Horizon for International Security, Parliamentary Thought, National Assembly, Algeria, No. 27, April 2011, pp. 99-100.

(2) – Jamal Eddine Bouzgaya, Journal of Parliamentary Thought, Parliament, Algeria, Issue 06, July 2004, p. 99.

security measures that prevent the activity, the danger from translating itself into a crime <sup>(1)</sup>.

If talking about crime risks, including security risks, extends to the international arena, then addressing the risks of organized crime requires addressing this aspect in particular, which calls for us to address the following aspects of security that are threatened by organized crime:

National security: the concept of which aims to secure the entity of the state and society against the dangers that threaten it internally and externally, secure its interests and create the appropriate economic and social conditions to achieve goals and objectives that express general satisfaction in society.

Thus, national security is considered achieved when the citizen feels the reassurance provided by the goals and programs through which the government seeks to ensure the nation and its survival, considering the task of national security lies in providing safety and reassurance to all individuals against any attacks or

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(1) - Muhammad Al-Amin Bashri, Arab Security Constituents and Obstacles, Naif Arab Academy for Security Sciences, Riyadh, 2000, p.19.

excesses that create a danger to the individual and society <sup>(1)</sup>.

- National security: it is directed towards what the group of countries that are included in a single collective system is doing to preserve their existence and interests in the present and in the future, taking into account the local and international changes.

Thus, the field of national security is determined by the supreme strategy of the state, which means the use of all state resources to achieve its purposes, including military security. Therefore, according to one expert: “Security is not military equipment even if it includes it, and it is not military force even if it contains it, and not military activity, The military problem is only a narrow aspect of the major security problem.”<sup>(2)</sup>

- International Security: It deviates to one of the two indications:

- ◆ The first indication: It refers to the security of the political units, most of which are in the international

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(1) – Nabil Ben Hamza, The Economic Dimension of the Algerian National Security, Master Thesis, University of Algiers 3, 2013–2014, p. 48.

(2) – Muhammad Al-Amin Bishri, previous reference, p. 21.

system, that is, the state only and specifically, and because what is meant here is neither a specific state nor a region in itself, but rather all states without exception

◆ The second sign: It refers to two variables, old and new. The old is political systems with a broad-based nature, such as the imperial regimes ruling large areas, so their security affects all the regions under their control, while the modern variable appears in two forms, the image of the capitalist system and its colonial policy first, and the image of the globalization system and its trans-boundary system in every way. What results from these two images of changing the concepts and foundations of international relations, including security concepts <sup>(1)</sup>

Global security: it devotes itself to the latest and most common concepts of security, the ones closest to the concept of international security and its confusion with it, but the essential difference between them lies in the limitation of the concept of international security to the concept of states only, while global security includes states and all new units in the international system such

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(1) - Ali Abbas Murad, National Security and Security "A Theoretical Approach", Dar Al-Rawafid Al-Thaqafiyah, Beirut, Lebanon, 2017, pp. 41-42.

as regional and international organizations Public and ad hoc, as well as cross-border companies and economic interests, as the emergence of these units changed the nature of the international system, which with it lost its geopolitical character associated entirely with the state, which led to the emergence of global security. Therefore, the two concepts differed in:

- The number and nature of the parties to each concept.
- The quality of the security demands.
- The type of means and methods appropriate to the security demands.
- The quality of the appropriate response to the security demands <sup>(1)</sup>.

## Section II: Cooperation in the face of organized crime:

In this section we will try to show the relationship between security risks and international efforts in the field of combating organized crime and then the reasons for international cooperation in the face of regretful crime.

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(1) - Ibid, p.61.

A)-The relationship between security risks and international efforts in combating organized crime:

We can visualize the relationship between security risks and international efforts in combating organized crime through the role of the security effects of organized crime on national security and stability, a perception that we can explain through the following points:

- 1- The social and economic risks in any country can move the international community to seek to reduce them, but the security risks do not have room for the possibility of seeking solutions, but rather impose this pursuit, given that the threats that affect security in any form, Threatening peace, security and international stability as a whole, which necessitates addressing them, and from this standpoint the necessity of the emergence of international efforts, with their various objectives and mechanisms, in the field of combating organized crime.
- 2- Countries in which organized crime is rampant are usually subject to international sanctions, regardless of the nature and type of those penalties, and on this basis and based on the fear of states that this phenomenon will exacerbate them, they resort to international

cooperation in order to limit confronting them and gain experience in combating them. On the one hand, and with the aim of avoiding the penalties that can be imposed on it by explaining the efforts exerted by the company of the rest of the international community to confront the organized crime that has spread with it on the other hand.

### B)-Reasons for international cooperation to confront organized crime:

Security in its previous concept and in all its forms and dimensions has become threatened, not by wars and international military interventions, but by the dangers of organized crime, which are the risks that drew people of the international community to the Union to try to find a solution through cooperation among themselves to confront organized crime.

Accordingly, we can summarize the most important reasons for international cooperation in the field of confronting organized crime in the following points:

1- The levels of organized crime have doubled in recent times dangerously, and if organized crime threatens security at its various levels 2- as we have already



indicated – then doubling the levels of this crime will increase the levels of security threat, and thus states had to cooperate to find a solution to confront this dangerous criminal phenomenon.

3- The increasing political and economic influence of organized crime gangs, which would lead to money playing a role in politics on the one hand, and lead to the spread of the phenomenon of corruption that plagues all levels of security in the state and threatens the stability of societies on the other hand, all this pushed countries to cooperate to create The solutions to confront organized crime in the aim of sweet without the criminals belonging to the organized criminal gangs reach levels that give them the right to play a role in international economic and social policies by influencing the political decision-makers in the country.

4- Taking the territory of a country as a den of organized criminal gangs leads to what is termed displaying international risks by making organized crime vulnerable to taking some international economic measures against them, such as resorting to freezing the assets and accounts of these countries in other

international banks, or putting an end to them. Or a blockade on their exports and imports, or .... etc., all of this prompted the countries to cooperate to find a solution to this dilemma to avoid it being exposed to international risks.

### Section III: The content of international cooperation in the face of organized crime:

The criminalization of organized criminal acts is not sufficient to try to eliminate and confront this phenomenon of organized crime. Rather, criminalization must be linked to the necessity of preventing the continuation of criminal acts or confronting them before they occur.

In fact, there is no room for confronting a criminal phenomenon of an international character except by adopting a criminal policy of an international character. This fact has imposed many measures that are commensurate with the nature of organized crime <sup>(1)</sup>,

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(1) - Muhammad Abdel-Latif Abdel-Al, The crime of money laundering and the means to combat it in Egyptian law, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, (no date), p. 192.

through many mechanisms to achieve a number of goals, the most important of which are:

A)-Objectives of international cooperation to confront organized crime:

Countries agree in principle about the goals they seek to achieve through their cooperation in the field of confronting the phenomenon of organized crime. However, the objectives pursued by this cooperation in practice are partial, which makes this international cooperation cooperation in order to achieve policies and methods that, as a whole, constitute methods to confront Organized crime, the most important of which are the following:

- 1- Coordination between national security and judicial institutions, with their various mechanisms, with their counterparts in other countries, in order to prevent the escalation of organized crime.
- 2- Exchanging information and completing the deficiency in the legal and practical frameworks concerned with combating organized crime.

3- Examining the national trust gaps and working to provide the best methods to tackle crime by filling those gaps.

4- Exchanging experiences and research results related to organized criminal activities and means of combating them, in order to apply useful experiences from them in a way that suits the nature of each society.

5- Preparing evidence from judicial practice in the field of prevention of criminal activities, with a view to international use in confronting organized crime <sup>(1)</sup>.

**B)-International cooperation mechanisms to confront organized crime:**

International cooperation in the field of confronting organized crime is embodied in practice through the consecration of a set of guarantees (legal texts) that are actually achieved by creating a set of mechanisms (institutions and / or procedures) that put those guarantees into practice.

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(1) - Mariam Yahya, The Necessity of International Criminal Cooperation to Combat Human Trafficking Crimes, Journal of Law and Human Sciences, University of Djelfa, Issue 01, March 2018, p. 120.

In fact, some try to limit these mechanisms, but international action has proven that it cannot be restricted due to their multiplicity and differences from one international group to another, and the most important of these mechanisms are the following:

- 1- Extradition.
- 2- Mutual legal aid.
- 3- Transfer of sentenced persons.
- 4- Transfer of criminal proceedings.
- 5- International cooperation for the purposes of confiscation.
- 6- Joint investigations.
- 7- Cooperation in the use of special investigative methods.
- 8- Strengthening the channels of communication between law enforcement authorities.
- 9- Encouraging the exchange of workers in the field of combating organized crime.
- 10- Information exchange and administrative coordination between agencies to combat organized crime.

11- Considering the implementation of bilateral agreements to combat organized crime <sup>(1)</sup>.

## Conclusion

In the conclusion of this research paper, we were able to reach a set of results that we can formulate within the following points:

- Organized crime is considered a modern type of crime, as it is not classified within the traditional crimes, and it is a modern type of the most dangerous types of crimes, given its ability to implement, organize and plan in the commission of crimes, and that the crime in this type is a profession or A profession that makes the criminal organization continue to commit unlawful acts unless it is dissolved once it has been formed, regardless of the arrest, imprisonment or death of some of its members.

Organized crime is only based on the existence of a group of criminals who excels at the goal behind their meeting, which is to commit a specific kind of crimes that are characterized as organized crimes that are

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(1) - Yahya Mary, previous reference, pp. 122-123

usually transnational borders used in their commission in particular the scientific and technological development that the world knows today.

In addition to economic and social risks, organized crime has risks that amount to a threat to stability and security, not only national security, but also regional, international and even global security.

In view of the previous dangers, especially security ones, the trend appeared to the necessity of international cooperation as one of the most important mechanisms to confront organized crime, with the aim of benefiting from the experiences and experiences of countries among themselves on the one hand, and with the aim of avoiding the risks of organized crime by finding ways to confront it, if any, and ways to combat it so as not to Exist.

Accordingly, we conclude this research paper by saying that organized crime and in view of the security risks that result from it and given the consideration of achieving stability and security the goal of developed countries, the latter resorted to the method of international cooperation that provides them with the

opportunity and possibility to reduce the risks of the phenomenon of organized crime, but these efforts and this cooperation It has not yet reached the purpose that it came to achieve, which is to combat organized crime, whose security risks are still increasing day by day, and this is given the lack of benefit from the criminal methods of the organization on the one hand.

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