

Societal stability, delinquency and public order in Europe

*Ionela Minodora Rîpeanu**

Abstract

The notion of society must not be mistaken for the notion of country because the country is part of the society and the society is the last source of legitimacy for the country, an alternative to the country, even. In conclusion, the security of the country isn't the same with the security of the society. Europe must improve, it must create efficient and coherent instruments, adapted not only to the Union recently extended from 15 to 28 countries but also to the rapid changes the world goes through nowadays. This enlargement process generates risks if we take into account the particular situations of countries that became or are in the process of becoming part of the Union (economic and political disparity) and the institutional, economic, political and juridical threats at the moment.

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* University of Craiova, Faculty of Law and Social Sciences, MA “National and Euro-Atlantic Security”, e-mail: minos_gyk91@yahoo.com

I. Societal Stability

Society is a human entity resulted after a process of cohabitation and association between people and groups with a series of common attributes (race, ethnicity, language, etc.) and with an expression of common sentiments (identity, values, symbols), as Ole Waever defined it.

The nature of the security element doesn't allow the acceptance of an unanimously definition, the acceptance depending on the level of analysis, but most of the definitions have in common terms such as "national interest", "risk", "threat", therefore Penelope Harthland-Thunberg considers that "national security is a nation's capacity to successfully follow its national interests, as they are conceived, anywhere in the world." (Buzan, 2000). Meanwhile, John E. Mroz defines security as being "the relative absence of destructive threats" (Buzan, 2000).

Societal security refers to that part left uncovered by national and individual security. While security, in general, refers to the freedom in the face of threat, then societal security therefore refers to the strategies where societies perceive a threat to their identity.

Generally, Europe rejoices in its political stability and social peace is the dominant characteristic, violent threats against societal security being reduced or even isolated.

The process of European integration has absorbed or even isolated political violence, such as the ones manifested in the Basque Country, Northern Ireland or Corsica. However, later on, as a result of creating the United Europe, a series of risks regarding identity has emerged, which is why the stability of the European society becomes definitely affected.

Instability emerges as a result of the consequences of the process of globalization. Societal stability is represented by a

nation strongly connected to the societal security so that each of the two notions influence each other and until the creation of the Copenhagen School and Barry Buzan's works, societal security represented the access to progress and to the necessary conditions to attain it.

Barry Buzan defined societal security as being "the countries' and societies' capacity of maintaining their functional identity, independence and integrity." Thus, the definition proposed by Buzan is nothing new for the European culture, the new element being the emphasis on the importance of the culture that the European intellect rediscovers at the end of the twentieth century.

The quality of the dominant idea in a society may be considered the main societal security factor and if that dominant idea has the capacity to organize the society, one may say that that society is secure and stable.

For a long time, the term "security" was assimilated with "national security" and it was considered that the only method or warranting security was to maintain large military expenses because military aggression was considered the only threats against a country's security.

The Copenhagen School considered the security studies as being "problematic if they are built limited, around the military dimension of security and excluding the others" (Croft, 2005).

A real benefit for maintaining the societal security is represented also by acknowledging the devastating effects of the manipulation and the application of scientifically groundless theories in the life of the international community and even the destinies of a nation.

II. Delinquency

Delinquency is one of the main factors of instability in a society and one that influences societal security.

As it is defined in the *Explicatory Dictionary*, delinquency appears as a social phenomenon consisting of committing crimes and even as an assembly of crimes committed in a certain area, during a certain period of time. In the *Sociology Dictionary* coordinated by Raymond Bondon (1996, p.78) under the term of “delinquency” we are directed to “murder” and “deviance”. Deviant behaviour refers to a certain demeanour in discordance with the values and rules of a system. Therefore we can asset that delinquency could be a species of the phenomenon of deviance but with bigger implications for the individual and the community. The concept of social maturity has a great role for a better understanding of the term of “delinquency” because delinquency is a disturbance in the structure of social reports of an individual, caused by an insufficient social maturity.

In the past four decades, delinquency has become one of the major social issues that most of the current societies have fought and are still fighting against whether they are have a developed or a developing economy. During the entire time, the theoretical interpretations that considered delinquency as being a low-interest phenomenon, characteristic only to certain groups of social categories have been abandoned to make room for more profound and realistic approaches that show that delinquency is interpreted as being an important social problem determined by other social issues but that can decisively determine the stability and societal security.

A distinct segment in delinquency is represented by juvenile delinquency defined as the assembly of digressions and breaking social rules, sanctioned by law and committed by underage people, up until turning 18 years old. The society’s evolution

attracts the evolution of delinquency which determines the evolution of the society, thus creating a mechanism that seems impossible to stop.

There are multiple factors that determine social behaviour and thus, the general appearance of delinquency and in certain cases, of juvenile delinquency. Out of those factors, we mention:

- A disorganized family - studies on juvenile delinquency showed that the atmosphere in disorganized families, lack of parental authority, of control and affection have determined the development of antisocial attitudes. However, these studies present the deficiency of associating delinquency with family disorganization, because even in the case of normal families, delinquency appears as a result of educational deficiencies in the family.

- Neighbourhood - It's another factor that determines the appearance of delinquency. Together with the family, it represents the primary environment of the child. Thus, the main causes of juvenile delinquency stay in the core of the urban community, which because of agglomeration of population, the diversification of commercial and social spaces and services, becomes, in itself, a criminogenic source by attracting and tempting the youth to commit criminal acts and offenses. During the teenage years, the youngsters feel the most acute need of belonging to a group and they adopt its language, capacities and aptitudes, assimilating a series of values and rules specific to the group.

- Violence in mass-media - can have harmful effects, especially on teenagers that are continuously trying to find themselves.

- Poverty - the ones living in poverty develop a system of values and beliefs that actually represent a solution to their

problems. Poverty, as a direct factor of juvenile delinquency, acts in a small percentage but grows alarmingly when associated with other elements. Ray and Ina Jeffery believe that poverty in family is associated with delinquency but poverty itself does not cause delinquency.

- The Educational Environment - may also be an element of delinquency as a result of the underage person's incapacity to adapt or become part of this environment.

- The psychic factor - is one of the causes of delinquency and it may be categorized in motivational factors (emotions, wishes, motives, necessities), cognitive factors (the ones that determine taking action towards making the wish or plan come true).

- Low intelligence - It's another element that causes criminality. Specialists assess that the reasoning might be the lack of one of the main inhibitive elements - they cannot anticipate the consequences of the crime, they cannot stop themselves on time, refrain from the social impulse.

Although delinquency emerges as a juridical phenomenon, controlled through the rules of criminal law, it is, mainly, a social phenomenon with negative and destructive consequences for the security of individuals and groups.

III. Public order in Europe

In a globalized, constantly evolving world, 21st century Europe must face new challenges, respectively the globalization of the economy, demographic evolution, climate change, energy supply and the new threats against security.

The beginning of the third millennium brought to the political analysts and experts in the fields' attention a human society full of transformation and in a continuous pursuit for

solutions to ensure a peaceful climate and stability around the world, capable of maintaining the trajectory of the process of edification of the new security architecture, conceived as a main necessity of the global society. A close and profound x-ray of the current society and the global security environment emphasizes not only the ample thought process in order to identify the most suitable ways of reaching durable peace and security that would take effect over all of the countries and nations of the world, but also a profound confusion especially manifested amongst the smaller actors of the power equation, that are still not integrated or allied.

It is also necessary to notice that the public order is a balance resulted after the interaction of reunited forces or forces created inside a group after their evolution. After presenting this ideas and concepts about public order and taking into account the terms established by the Constitution, through Public Order we understand the state of legality, of balance and social peace that can ensure public safety, personal security, security of the communities and goods, the health and mental health of the public and the maintenance of the aforementioned, according to the principles and laws of the Constitution is realized through restraining measures specific for the law enforcement orders.

Romanian public order, part of the national security and European public order is a state of fact in the social field, the protection of the lawful order in organizing and developing public state activities and it reflects the way of respecting the behaviour laws contained within the legislation, the rules, as well as the public and private properties.

From a systematic point of view, as an independent element, public order has three components:

- *social order* - it defines the peaceful cohabitation and concordant cooperation between the members of the society;

- *constitutional order* - it defines the normal functioning of the state's components created according to the Constitutional provision for elaborating, applying and assuring the respecting of the laws in a society;

- *natural order* - it defines the maintenance of a balance between the natural and environmental elements.

Public order is tightly connected to lawful order, representing its projection in the organizing and development of public activities in a country and consisting of respecting the rules of general behaviour and of social cohabitation, of protecting the citizens and their integrity, their legitimate rights as well as the public and private property.

Despite the efforts to create a legal system that would be capable of establishing the development of the social life and ensuring the respecting of public order, all the countries, even the ones with an advanced democracy and a very good economic situation are currently facing and will probably face in the future certain actions that disturb the public order. These actions, characterized by violence, destruction, law and human rights breaking have extremely varies causes, ways of manifesting and effects, but they all end in human suffering. The return to a state of normality is brought through firm measures, taken by the government through political, administrative and other types of institutions, with coercive rights and sometimes even through military action.

Starting from the probable causes of producing turbulence of the public order and from their own experience, countries have built specialized structures and have adopted strategies to maintain and re-establish public order.

Social and state order, together with the natural one, which comes before the two, create, put together, the public order, a

true synthesis of the three. Public order also contains lawful order, which is the supremacy of the law, in other words, the principle of legality, deeply rooted in the way of leading and developing a public life of the lawful state.

The concept of legality in a country equals the strict following of the Constitution, the laws, the other bills and juridical papers, of the fundamental rights and liberties, of the general social organisms as well as of the citizens.

What is order, after all? In order to ground the answers to this questions we must return to what the Romans said “ordo est anima rerum” - Order is the soul of everything - and to the mentions made by Vasile Barbu, according to which “order exists where people, as well as objects and events are grouped, but not by chance but in a conscious way, in a tight connection in order to reach a certain purpose” (Barbu, 1927).

There are attempts to define public order under the exclusive aspect of the interests of ideas that serve as inspiration for laws. By emphasizing the social interest, Hemard (cited by J de la Morandiere) claimed that public order would represent an assembly of the rules established by a legislator for the vital interest of the society.

For E. Bianu, public order is “that state of balance that needs to exist between the powers and the competent social factors in a society determined by time and space, in order to conserve its social development”.

From the point of view of international private law, public order represents the “means available to the judge to help eliminate the foreign competent law according to the rules of international private law, when it is contrary to one of the fundamental principles of the right of the court or the authority that examines the causes with a foreign element” (Jacota, 1976).

The state, as the highest form of organizing the society, in order to fulfil its purpose of harmonizing the individual and collective needs, of ensuring a social cohabitation, it needs to be guided by the policy of order. In an evolutionary way, it has come to ensuring public order inside each state through educating the human relationships. Over time, habits (customs and traditions), religious prescriptions, moral precepts and court laws have conquered for this achievement. The notion of public order has evolved from state to state accordingly with the social-economical order in each country.

From the perspective of consolidating the protection of fundamental rights, the notion of public order in international private rights achieves new dimensions regarding its content and functions. It was not said by chance that the public order of international private law is a chameleonic concept with an appearance that continuously suffers changes in time and space in relation to what is, at a certain moment, a “fundamental principle” according to the system of law of the seized court.

Moreover, community laws to which the European states have to align to, emerge. International private law remains an intern law that reflects the national specifics but it will allow the assimilation of rules and regulations capable of getting closer to European legislations.

The new standards, obviously imposed by the high rank of the fundamental laws reconfigure the known term of public order by international private law and introduces progressively but firmly the new concept of public European order. So on, the ‘Europeanization’ and even the internationalization are two notions relatively new to the vocabulary of private internationalism.

All of them are realities of the times we’re going through and the result of our social, political fretting. The national legislation

will assimilate the changes and they will adapt, as well as the instances that will solve litigations of private law that present a foreign element (Jugastru, 2007).

Among the “big” reasons that can affect the currently existing public order in Europe, we can mention smaller but still important causes, as follows:

- ✓ alienated minority groups - usually recruited amongst immigrants, marginalized inside the EU countries (jobless, homeless, with no access to education and health), that might develop violent behaviours;

- ✓ minority groups that react violently against the political ideas of the extremist political parties (for example the neo-Nazi groups);

- ✓ the large number of immigrants that arrive in EU countries as a result of a sudden deterioration in their countries of origin (for example the Albanian “invasion” on the coasts of Italy in 1997);

- ✓ ethnic groups that make partake in violent actions following the orders of their country of origin (for example the Libyan minority in France, the Islamic minority in Algeria).

IV. Conclusions

Since ancient times, the world needed to survive numerous constraints, some coming from their geographic living environment, generated by the fight for a certain way of living (that has become more and more complicated), others having to do with the laws of the composition and the functioning of the society - its organic process.

Social life is generally, a system of constraints in action. Humans are free as long as they follow the law and the natural and social constraints of the environment they live in. Hegel

defined freedom as understood necessity. It is not true that terrorism is defined as an action of a desperate man. A desperate man is not a terrorist. Terrorism is not just a reaction; it's a deliberate, thought through, calculated action that is a part of negative, perverse, criminal intelligence.

Delinquency, terrorism and public order and the factors that affect, one way or another, the stability of a society but they cannot be completely eradicated, the only solution being to maintain a balance that would secure the stability that is necessary to the development of a society in good condition.

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