

**GLOBALIZATION AND CRIMINAL JUSTICE POLICY - A STUDY****Surendranath**

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**Abstract:**

*Globalization promotes the occurrence of numerous criminal activities in the international scene. As a result, globalization greatly impacts the policies of different countries. Globalization leads to changes in the criminal justice policy, both locally and internationally (Schmallegger, 2009). In the end, globalization ends up affecting the criminal justice system of the country. During the past years, globalization has had an influence on the criminal policies that aid in fighting drugs. It also plays an important role in crafting the guideline that criminal courts use to send criminals to prison. Such factors greatly affect the criminal justice policy of a country (Dunn, 2008). Drug trafficking continues to increase due to the advancing effects of globalization. To combat the increase in drug trafficking, the criminal justice policy of the country enforces stringent penalties on any drug peddler or illegal drug consumer. It also enforces the initiation of a compulsory prison sentence to drug traffickers.*

**Introduction**

Transnational crime has been described as one of the major issues for policy making, crime control and policing for the 21st century. The rise in 'transnational crime' has been considered to be the consequence of globalization, or at least facilitated by an increased frequency and ease of: travel, trade, movement of capital and communications. Subsequently, the problem that transnational crime presents has been said to be one that can no longer be dealt with by domestic authorities in each country individually, because how law enforcement and judicial authority are still fundamentally linked to sovereignty and limited by nation state borders. With transnational crime being less and less limited by borders of nation states, an international effort is needed to counter the problem — i.e. to prevent those involved in these kind of crime from being able to operate out of safe havens and further their operations by selective use of favourable jurisdictions. In the foreword of the Palermo Convention<sup>6</sup> Kofi Annan Secretary-General of the UN clearly states his view of 'transnational organized crime' as a global threat that has to be met with a global response.

The international efforts for countering transnational and organized crime by use of 'International Law' have been the focus of a healthy academic discussion. 'Transnational Criminal Law' has been claimed to be a complementary legal term for the criminological term 'transnational crime' and a "doctrinal match" in the field of law. Claiming Transnational Criminal Law to be the venue for discussing 'transnational crime' within the field of law. Consequently, the field of 'Transnational Criminal Law' has become an important venue of academic discussion about international efforts for countering transnational and organized crime.

**Changes we would recommend in the global criminal justice policy**

Currently, different countries have different criminal justice policies on international crimes. Countries develop such criminal policies according to the laws of their lands. Consequently, some countries end up coming with relatively less stringent policies on international crimes as compared to other countries that such crimes receive extremely stringent penalties. I recommend that the world should have a global policy system on the International criminal policy. From the single universal policy, perpetrators of international crimes will receive equal stringent punishments according to their crimes. I also recommend the world to adopt single international police and judicial system to arrest, prosecute, and judge international crime perpetrators. The universal system should majorly deal with issues of terrorism, drug trafficking between borders, international cybercrimes, human trafficking, and immigration migrations, among other serious international crimes.

**Contemporary concerns in criminal justice policy**

Just as many governmental policies, criminal justice policies also have their downfall or limitations. For instance, society meant to receive protection from the existing criminal justice policy may not appreciate the existence of such policies. People in society might have valid intelligence on the perpetrators of drug trafficking. Unfortunately, they may fail to notify the authority that such perpetrators exist among them (Dunn, 2008). Ignorance is also another setback that hinders the function of criminal justice policy. Most people lack ideas on the existing criminal justice policies. In the end, they fail to do their part as stakeholders in the criminal justice system. Corruption and lack of political goodwill also hinder existing policies against criminal activities.

**Comparison of extrapolative, judgmental, and theoretical forecasting as the three major approaches of creating and developing information concerning expected policy outcomes**

There are many approaches used by people to create information concerning expected policy outcomes (Schmallegger, 2009). Some of such approaches include extrapolative forecasting, theoretical forecasting, and judgmental forecasting. Extrapolative forecasting involves the prediction of future occurrences through the act of extrapolating historical trends of such activities. It uses occurrences of the past to determine the future. This method is never suitable for a new policy whose effects will be observed for the first time or where the effects of policy radically change. Theoretical forecasting involves the usage of a construct of some functional policies or subsystems to forecast the possibility of occurrence of future events. The method uses empirical models to reduce calculations problem during the forecasting process together with non-empirical models that do not involve quantification of the problem under study. The method is more complex than extrapolation forecasting since it involves long research. Judgmental forecasting involves the usage of a highly skilled and experienced expert in predicting future occurrences of events. Such a person is highly knowledgeable to aid him in coming up with an accurate and reliable prediction. The problem involved in this method is that the person involved may give biased information to impress some party



involved in the forecasting. Judgmental forecasting is the most common forecasting method since it is reliable, cheap, and simple to use in policy outcome prediction.

## **THE GLOBALIZATION OF A CULTURE OF CRIMINAL JUSTICE**

In this contribution, I have discussed the notion of globalization, and the notion of a human rights culture. It is clear that these are not separate realities, but that they can easily be interlinked through the argument that the globalization of criminal justice is not viable without the existence of a strong culture of criminal justice. First, the full-fledged globalization of criminal justice requires more coordination between various institutions, international, national and in third countries, in order to avoid both lacunae and overlaps. Here, the idea of a triptych of mechanisms, each with their own competences and particularities, may be a fruitful image to start weaving a net of criminal justice at a global level<sup>5</sup>. However, the construction of an intricate and complex network of criminal justice structures and institutions around the world in itself does not suffice unless similar energy is invested into the development of a culture of criminal justice. Inspiration can be found through the lens of “organizational cultures”. Through this lens, a criminal justice culture can be seen to consist of various layers, ranging from visible and tangible elements, such as logos and role models, to more abstract elements, both to be combined in stronger or weaker fashions. Moreover, a criminal justice culture can be subdivided in various types, e.g. rule-oriented vs. goal-oriented or innovative, and these types may even conflict with one another. But just as much as the typology enables the reflection of an actual situation, it also allows for pointing at desirable developments in the future.

### **‘Harmonization’ towards criminal justice response**

The European Union responded to the call for a transnational integrated response to organized crime at a regional level in 1998 with its Joint Action, making it a criminal offence to participate in a criminal organization in its member states, requiring its member states to amend their domestic law accordingly. The Joint Action also introduced a definition for a criminal organization. The definition has met criticism from the scholarly community, e.g. for being vague and lacking the minimum clarity required in criminal law. The UN responded on the international level in 2000 with the United Nations Convention against Transnational Organized Crime, better known as the Palermo Convention. The main goal for the Palermo Convention was to facilitate transnational cooperation in the subject field of organized crime. Nevertheless, the convention also introduced its own definition of an organized criminal group that has become a global standard. That definition was, however, a political settlement between contradicting views of the signatory states of what constitutes organized crime, for the scope of the convention. Because the scope of the convention was to facilitate transnational cooperation, the definition was not intended to tell the signatory states what they should regard to be organized crime and therefore was not drafted for such purpose. The convention, again like the European Union’s Joint Action, provides for two model offences that either or both must be established as criminal offences. One has been called the



conspiracy model, criminalizing conspiracy between two or more persons to commit a crime involving an organized criminal group, the other has been called the participation model, criminalizing participation in such group. The model offences have meet criticism from the academic community primarily for being overly broad and under inclusive. Neither of the model offences make any kind of transnational element a requirement in the description of the offence. Even if, article 3 of the Palermo Convention, titled Scope of the application clearly states that the scope of the Convention is where an offence is “transnational in nature”. Consequently, the influence of the Convention can be seen to exceed its scope by introducing model offences at the domestic level that are not limited to offences that are “transnational in nature”. In fact, the organized crime offence in the Icelandic criminal code, art 175 a, was enacted to fulfill Iceland’s obligations under the Palermo Convention. The offence does not mention transnational elements as a requirement and the travaux préparatoires does not mention any legislative intent to limit the offence to activities that have transnational element.

The European Union acted again in 2008 by adopting the Framework Decision. The 2008 Framework Decision had minor differences from the Palermo convention and it’s predecessor, the Joint Action from 1998. The participatory model offence is changed so as not to include any more the reference to “other activities” than criminal, now only applying to criminal activities and listed non-criminal behaviours. The non-criminal activities being listed as “provision of information or material means, the recruitment of new members and all forms of financing of its activities. The decision also requires the member states to introduce a minimum sanction of two to five years for the offence of participation in a criminal organization. Finally the decision requires, that committing an offence within the framework of a criminal organization may count as an aggravating circumstance in the member states, a requirement not either to be found in the other two international legal instruments.

### **Effect of Globalization: Terrorism and International Crime**

Since the creation of humankind on Earth, they have got stuck in the continuous development and advancements. Earlier before, these developments and advancements were for the living and survival of the human sapiens. But with the evolution in time, the priorities has got changed as well. Even though, the basic motives are similar as before, but it has some additions as well. The evolution has turned now turned into a huge concept; later named as Globalization. The concept of Globalization has drastically changed the image of the world as it had hit all the aspects of life of the whole society existing in the world.. It also added new dimension to terrorism and criminal activities. Undoubtedly, terrorism and crime pose threat to national and international security. Globalization as a key factor affects terrorism and criminal activities. Terrorist and criminal groups take advantage from globalization and broaden their activities all over the world. However, this paper discusses the concept of globalization and its impact on Terrorism and international crime. The paper also glimpses at the present scenario caused by terrorism and international crime.



## Conclusion

We need to analyze and attack each argument separately and it will be easier to accomplish something positive if we look at the various issues within their context and try to understand the threat and how we might establish some type of solution. There has been some amply deserved resentment over how certain aspects of the American National Security system has handled various issues on global migration and it is critically important to keep in mind that we have survived as a nation of many national origins by having one government and a set of rules for all to follow. World migration has been going on for millennia. However, due to the impact of two great World Wars, numerous colonization struggles, civil wars, and geopolitical and ethnic divisions during the 20th century, mass global migration has reached an unprecedented magnitude, facilitated by the ease of movement between Asia, Africa, the Middle East, Latin America, and the Western nations. This vast movement of immigrants into the more industrialized nations has caused a great strain on the economy as well as the national security of the host countries.

## References:

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