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CRIMINOLOGICAL PERSPECTIVE OF THE PHENOMENON OF MONEY LAUNDERING IN SOUTHEAST EUROPE: THE CASE OF ROMANIA

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Abstract: The phenomenon of money laundering is currently present in the economy of the countries in Southeast Europe more than it has been viewed a few years ago. The acceleration of criminal phenomenon appears as a general feature for the entire criminality, but it seems to be more developed in the field of money laundering. It is obvious that, in certain circumstances, this kind of economic crime follows the transnational trend and becomes internationalized. This modus operandi is particularly viewed in the Southeast European countries, in which the perpetrators are looking for committing such crimes through establishing specific transnational crime schemes. The so-called "changing economy" after Pandemic crisis has had repercussions in several fields of society, one of them being connected to the economic facilities. In this unprecise context, the money laundering has become developed, despite the judicial authorities' involvement in adopting appropriate legal instruments in the field of fighting criminality, including the money laundering. The current paper focuses on analyzing the economic crimes, particular attention being paid on the money laundering in the area of Southeast Europe, with special target to the case of Romania. The paper approaches the causes, conditions and factors which produce the phenomenon of money laundering, from a conceptual perspective along with the jurisprudential approach, as well as the consequences of the phenomenon in a regional context. The research conducted on this topic has concluded that the phenomenon of money laundering is currently present in the Romanian business companies, which have expanded their connections to the European one being aggressive and producing unfortunate consequences for the entire economy of country. In this regard, it is very important to highlight some pertinent solutions to be taken into account by the legal authorities in order to enhance the legal framework in the matter of combatting the phenomenon of money laundering.

Keywords: money laundering, criminal phenomenon, criminal perspective, fighting criminality, economic crimes, economic criminal environment

JEL Classification: K14; K42

Introduction

In the beginning of the 21st century, the criminal phenomena have reached a widespread dimension in the world. Some of them have preserved their classical and various forms already known by the law enforcement agencies. Nevertheless, beyond the common feature of these crimes, a new generation of criminality has been developed. In some circumstances, it is investigated by the judicial bodies, in criminal cases in which the crimes have been discovered, as well as by the theoreticians whose criminological research activities are usually interested in approaching the new forms of criminality, more complex and complicated ones. The economic crime is part of this criminality, which seems to be currently very present in the contemporary society. The interest is as huge as it is presented as a changeable issue in a changing world.

The issue of criminality in the economic field was in the criminologists' attention (Button *et al.*, 2023), who have been involved in conducting research on the topic of specific causes which

determine and develop the phenomenon of economic crimes, the various factors which influence it as well as the consequences produced both at the national and European level. Many unknown items have been discovered, on the one hand, and discussed in accordance with the new trend in the field of criminology (Piątkowska *et al.*, 2022), on the other hand. Moreover, investigating the economic crimes have created a special occasion for them to find solutions on how to prevent and combat this phenomenon. One of the interesting issues in the field of economic crime leads to the cases of money laundering. It is a phenomenon existed at the European level, and particularly in the area of Southeast Europe. In this context, Romania is not an exception and, for this reason, the phenomenon of money laundering presents a particular interest for criminological research.

According to the above-stated remarks, the current topic is analysed from the point of view of the new trends of the phenomenon of money laundering developed in the contemporary society (Koster, 2020) of the states in Southeast Europe, with a special attention to the case of Romania. In this matter, it is really a challenge for the science of criminology to understand and answer to the question on how this country has implemented the legal instruments in order to adapt the home legislation to the European one in the field of preventing and combating the crimes of money laundering. The phenomenon seems to be involved not just at the national level, but many crimes schemes have been discovered by the law enforcement agencies which make the criminologists focus their attention on the phenomenon at the macro-social level.

Taking into account the issues presented, the current paper is devoted to the topic of money laundering, the phenomenon being analysed from the perspective of the criminological research and its perspectives in the context of the current development of criminality in the economic field. For this reason, some pertinent aims have been outlined, as the following.

- Researching the specific context of the economic criminality which generates the crimes of money laundering
- Highlighting specific *modus operandi* used by the criminal groups in their activity of committing this kind of crimes
- Analysing the European context of the phenomenon of money laundering in purpose to understand its connection to different criminal environments
- Gathering appropriate solutions which should improve the legal mechanism of combating the crimes of money laundering
- Analysing the efforts made by the Romanian authorities in the field of discovering cases of money laundering and strengthening capacities of fighting criminality

In purpose to achieve these goals, the paper has been carried out through a qualitative research activity, described by a conceptual design which characterises significant part of criminological research. It takes into account the narrative theory of criminology, along with the case-law examination of the criminal decisions pronounced by the courts of law in Romania, in those criminal cases solved on the topic of money laundering. Such a theory is as necessary as many cases have been investigated by the judicial bodies in Romania or are still in the judgment phase of criminal proceedings in that country. Moreover, it is well-known how the jurisprudence in criminal matters is full of criminal decisions pronounced in the field of money laundering.

The results gathered during the research activity conducted on the current topic are thoroughly presented in the following sections. They emphasize the manner in which the phenomenon of money laundering is approached under a comprehensive criminological perspective.

Theoretical Perspectives of the Money Laundering in a European Context

European Anti-Money Laundering Directives

The origin of the European Directives on Anti-Money Laundering policy has a long history with particular causes and circumstances, which make the European authorities react and adopt a legal framework in this matter. Speaking about its evolutive process, which presents a real interest for the criminological research, it is appreciated that a possible starting point could begin with Council Directive of 1991 on prevention of the use of the financial system for the purpose of money laundering (Council Directive 91/308/EEC). It continues with Directive of 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (Directive 2005/60/EC). In this context, it is relevant the European authorities' involvement and their challenges in the matter of money laundering connected to terrorist financing (Mitsilegas *et al.*, 2016), taking into consideration that the issues of money laundering and terrorist financing are frequently committed at the international level, as it is stipulated even in its preamble.

It is obvious that increasing terrorist attacks in the entire world, including the cases produced in Europe, such as Spain, Germany and Belgium (Kaunert *et al.*, 2020), have made the European authorities rethink about the source of its financial infrastructure. It is also of high importance the *modus operandi* in the pre-financing process, in which certain organized crime groups are involved. The threat is as high as the European facilities in the matter of free circulation of goods and capitals could favor the terrorist groups. Moreover, the officials of Brussels have decided to implement an efficient legal tool of fighting criminality in the field of money laundering, implicitly in those cases of financing terrorism. In this regard, it has been pointed out that "In order to facilitate their criminal activities, money launderers and terrorist financers could try to take advantage of the freedom of capital movements and the freedom to supply financial services which the integrated financial area entails, if certain coordinating measures are not adopted at Community level" (Directive 2005/60/EC). It is viewed as an important instrument of reducing the risk of developing money laundering through avoiding the European facilities by the terrorist groups. Actually, in the beginning of Anti-Money Laundering process, by definition, the phenomenon of money laundering has been characterized by trafficking in drug (Morgan *et al.*, 2023), many cases being discovered and several organized crime groups being disintegrated as well. The legal doctrine has associated the issue of money laundering with the illegal actions taken in public procurement contracts and corruption (Yeh, 2022). Nevertheless, the situation seems to be changed in the near past, when its definition has been extended to more than the drug or corruption issues.

From this perspective, a few years ago, a new trend in stating a right definition on financing terrorism linked to money laundering has been registered. It is based on an ample area of crimes, which report the suspicious banking transactions and a strengthened international cooperation in the field of anti-money laundering. The Council Framework Decision of 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (Council Framework Decision 2001/500/JHA) is also of high importance for the current study and its analysis. Although it is not based on historical research results, the study on money laundering provides certain points of view on the relevant European legislative framework, which particularly refers to these directives, including their contents. The European authorities have established that the definition of money laundering should imperatively be connected to the serious crimes due to the features which characterize the phenomenon itself. For this reason, the connection of the issue of money laundering with the serious crimes appears, in this context, as an imperative one.

The European Union has created a series of legal instruments to be implemented by the Member States in order to avoid such transactions which cover the crimes of money laundering (Costa, 2008). According to Directive of 2005, it is proved that the use of cash is more vulnerable to the phenomenon of money laundering, especially in those transactions which exceed the amount of 15.000 Euros. Thus, the Directive requires Member States to proceed in registering both natural persons and legal entities which use the cash in their professional transactions of goods over this limit. The requirement focuses on transactions having as object the precious stones and metals, artefacts, as well as other high-value goods, which are in cash transacted. On the one hand, the main purpose of this requirement is to ensure monitoring of compliance with the current Directive. On the other hand, the Member States have to implement the Directive along with the principle of monitoring on risk factors, in cases in which the home entities proceed to commercialize goods with high risk regarding the money laundering and terrorism financing. Moreover, taking into account their home situations, the Member States are entitled to adopt more serious and efficient rules in order to avoid the risk of suspicious cash transactions.

The Current Legislative Status on Anti-Money Laundering

Analyzing the issues of money laundering from a European perspective, it should be emphasized that the legislative framework regarding the Anti-Money Laundering in the European Union is the main aim of the EU Parliament, in order to be implemented by the Member States, as part of their home legislation. Moreover, speaking about the current legislative status in the matter of money laundering and combatting this phenomenon, it should be pointed out that the role of the European authorities is that of assuring a comprehensive legal framework in the field of preventing and combating money laundering. In order to analyze pertinently the results registered in this matter, one question should be asked: Is there a legal framework enough to control those forms of money laundering? To such question, the answer is also a very difficult one, because of many reasons. First of all, the analysis is primarily involved in the field of business, linked to the persons who develop professional relations with politicians or civil servants who occur in high positions of public functions. Secondly, it is obvious that these relations lead to the corruption crimes, especially in some countries, where this phenomenon is widespread within the most important areas of business. This situation is usually happened in the financial area of the private companies, which are "victims" of significant reputational risks or any other kinds of legal risks.

The effective efforts made at the European level in purpose to combat the corruption phenomenon need more attention in accordance with the *de facto* situation, as well as to apply more concrete measures and rules of circumspections in relation with public persons, politicians, and civil servants. This is because, during the last decades, the real situation seems to be changed in an aggravated manner and no previous directive have complied with its main scope. In practice, it is obvious that the current form of Anti-Money Laundering framework gives the EU authorities reliance on its efficient role in combating phenomenon (Bergström, 2018). For this reason, they tried to find best solutions in order to harmonize the EU legislation on money laundering with other relevant areas, such as corruption and terrorist financing.

The current legal framework in the field of anti-money laundering is featured by Directive of 2018, also known as the 5th AML Directive (Directive EU 2018/843). Indeed, after issuing Directive of 2015 (Directive EU 2015/849; Premti *et al.*, 2021), the European authorities have made efforts in order to enhance the legal framework through adopting a newer directive and implementing it in the EU Member States (Souto, 2020). In this context, the AML Directive of 2018 has been adopted

which, from its preamble, recognizes that the Directive of 2015 "constitutes the main legal instrument in the prevention of the use of the Union financial system for the purposes of money laundering and terrorist financing. That Directive, (…), sets out an efficient and comprehensive legal framework for addressing the collection of money or property for terrorist purposes by requiring Member States to identify, understand and mitigate the risks related to money laundering and terrorist financing".

Despite the European Union's involvement into the fight against money laundering and countering the financing of terrorism, its main activity has been initiated other legislative solutions. The EU's 6 AML Directive is a draft legislation package which defines, among other things, to harmonize the definition of "predicate crime". In fact, the current Directive is looking for understanding what the money laundering offence particularly constitutes. On this way, the European Union is assuring that any misinterpretation of this issue is avoid by the Member States. In a preliminary context of this legislative framework, it particularly refers to the cybercrime (Covolo, 2020) and environmental crimes and therefore the national legal framework becomes a real guarantee for the activity of preventing money laundering. Such guarantee is confirmed by the implementation of these crimes into the judicial criminal systems, as a consequence of their provision into the home criminal legislation. It covers a large area of preventing measures, such as electronic money and payments, cross-border credit transfers, financial supervision, combating terrorism and capital outflow. Last but not least, its role is to repeal the Directive 2015/849.

Romania's Experience on Anti-Money Laundering

Preliminary Analysis on Anti-Money Laundering

The national authorities of the Member States have implemented the European Union's policy on Anti-Money Laundering, as described in the AML Directives. In this regard, one of the most important actions was to establish financial units which should be able to prevent and combat the cases of money laundering and terrorist financing. Their main duty is also to gain information and share it with other units from all Member States, within a comprehensive and coherent environment, on the one hand, and with the support of the European cooperation of other institutions also involved in fighting these phenomena (Dujovski *et al.*, 2019), on the other hand. They primarily refer to the European Public Prosecutor's Office, Anti-Money Laundering Agency, Europol, and Eurojust, but the non-EU institutions are also part of this agreement (Grignon *et al.*, 2021). The access to information is very difficult to be achieved in cases of money-laundering (Siena, 2022), especially referring to the issues of transnational involvement of the organized crime groups (Rechi, 2022; van Duyne, 2003). Their facilities seem to be more developed and, in a criminal context, widespread over the entire world. Certain pertinent solutions came from the above-stated institutions, which are interested in providing useful information to the Member States, whose national law enforcement agencies have firstly to discover such illegal activities and then send them to judicial bodies in order to solve them legally, based on pertinent and conclusive evidence. The threat covers the links of the money laundering to other serious crimes, which involve drug trafficking (Haliti, 2021), murders (Jovanović *et al.*, 2021) or other forms of serious crimes (Remeikienė *et al.*, 2022). It is thus a challenge for the law enforcement agencies to discover and investigate the cases of complex money laundering crimes.

In the area of Southeast Europe, Romania is the EU Member State which has implemented the European policy on anti-money laundering as an imperative requirement came from the Brussels authorities. This geographical area shows particular circumstances in strengthening capacities of the

organized crime groups to work connected within a criminal context. This means that several times they work in close collaboration each other in order to gather huge amount of illegal money, which should then be laundered in such a manner to appear as legal proceeds of crimes. This criminal context is provided by criminal networks linked to transnational environment (Teichmann, 2021). Such a very dangerous phenomenon, also considered as a supranational one (Piątkowska *et al.*, 2022), is thus a result of the serious crimes committed in Southeast Europe, in countries which involve Spain (Magherescu, 2022), Italy, Cyprus, as well as other countries which exceed this area. Moreover, speaking the transnational side of the phenomenon of money laundering, Romania is a very attractive destination for these kinds of crimes, due to its geographical position, being situated in the confluence of the East of Europe with the West part of the continent.

The Current Legislative Status on Anti-Money Laundering

The Romanian authorities have equally been involved in creating an appropriate legal framework in the matter of fighting money-laundering, on the one hand, and other phenomena which deal with this one, as financing of terrorism is, on the other hand. Equally, this country has been confronted with serious cases of money laundering and, in order to diminish the phenomenon as much as possible, the home legislative framework has immediately been harmonized with the European one. This situation was possible due to Romania's status as a Member State of the European Union. Generally speaking, it should be emphasized that the Romanian authorities have to implement the European legislation into the home framework. Otherwise, no contrary legislation should be adopted by the home legislative bodies which would be unapproved by the European institutions. The same is true in cases of money laundering.

The legislation on combating money laundering in Romania is provided by Law no. 129 of 11 July 2019, which assures the domestic legal framework regarding the fight against the phenomenon of money laundering and terrorism financing. It contains duties regulated for the official institutions including the judicial bodies, entitled to carry out investigation in those cases of, or connected to the issues of money laundering. The unit of financial information is covered by the National Office of Preventing and Combating the Money Laundering, as the authorities which coordinates the evaluation the risk of money laundering and terrorism financing at the national level. The Office's activity is coordinated with the European ones in the field of evaluating risk, working in close cooperation with similar institutions from other EU Member States, on the one hand, and with European Commission, European Public Prosecutor's Office, and Anti-Money Laundering Agency, on the other hand. In order to achieve the main scope of preventing and combating the money laundering, the Office carries out evaluations on the risk factors regarding the development of the crimes of money laundering and, where appropriate, implements efficient solutions to diminish the phenomenon through using anti-money laundering instruments.

The legislation of Romania has strengthened the capacity of assessing terminology in the field of money laundering and its additional items, through using the new European legislative framework. One of the main focuses was the issue of "money laundering" itself, which has been defined as the crime of changing and transferring goods by a person who knows that they proceed from committing other crimes, in order to hide or dissemble their illegal origin, on the one hand, or help another perpetrator to avoid criminal prosecution, judgment or even execution of punishment, on the other hand.

Table 1 Substantive analysis of the crime of money laundering

Criminal actions	Proceeds of crime	Means of criminal conduct
Hiding	Origin	Gathering
Dissembling	Setting	Holding
Misleading	Disposition	Using
Persuasion	Circulation	Producing
Evasion	Property	Rejecting

Source: own work

The Table 1 provides the typology of the crime of money laundering, analyzed from several perspectives. Speaking about the substantive analysis of the crime of money laundering, the criminal actions provided in these cases are those of hiding, dissembling and misleading, combined with persuasive solutions and evasion in corporate context. At the same time, discussing from the perspective of the proceeds of crime, they cover the state of origin, setting, disposition, circulation and property of these goods under the 'umbrella' of protecting the proceeds of crime. Moreover, another issue deals with the action of gathering, holding, using, producing and even rejecting goods by a person who knows their illegal origin. In fact, they could be more extensive to other activities.

On the other side, from a criminological analysis, the crime of money laundering seems to be more comprehensive provided by criminologists in their research studies (Piątkowska *et al.*, 2022), who appreciated it as a corporate crime (Lynch *et al.*, 2004) and which deals with the corporate crime theories (Kennedy, 2020). They have been involved in highlighting its particular features in accordance with the entire criminal behavior meets in this field. In this matter, it has been pointed out that "The money-laundering phenomenon is often acknowledged as a type of "serious and organised crime" yet has traditionally been described as a complicated three-stage process, involving the "placement, layering and integration" of criminal proceeds" (Gilmour, 2023).

Table 2 Criminological analysis of the crime of money laundering

Criminal behavior	Risk factors	Consequences of crime
Organization	Financial	Terrorism financing
Links	International	Illicit funds
Diversification	Transnational	Developing criminality
Financing	Terrorism	Critical context
Avoiding	Deviation	Economic deficit

Source: own work

In Table 2, it is established the similitudes existed in the criminological approach of money laundering, viewed as a macro-phenomenon. The criminal behavior is characterized, in this context, by a series of circumstances focused on the issue of organized crime, linked to the criminal content, with diversified evolution, which works in a financial flow through avoiding legal framework. The risk factors which influence the criminological analysis are the result of the risk factors applied in circumstantial manner. They refer to financial transactions, international or transnational level, working with terrorism instruments through deviation from the abnormal routes. Hence, the consequences of these crimes cover a large nexus of terrorism financing, illicit funds, developing criminality in a critical context for the economic deficit of country.

Why Romania is so attractive in the area of money laundering? The answer is very easy to be understood by all individuals who are working in the field of business. First of all, it should be stated that the migration of business was viewed during the last decades as a natural unusual phenomenon, happened from this country to other EU Member States, although the criminal conduct of the persons involved has been committed in a transnational manner. Secondly, the situation regarding the business activities in Romania was a transitory one, during a period of several years, after the 90's, while this country was away from the European rules, authorities and policies. Actually, these ones have been implemented after 2007, when Romania become a member of the European Union. Even in this context, the European policy on anti-money laundering was implemented after a long time period in which the business companies have thriven within an uncertain legislative framework. Approaching the risk factors on developing the money laundering is, by law (Law no. 129 of 2019), referring to the following issues:

– Establishing the fields of analyzing the risk factors in the matter of money laundering
– Establishing the administrative duties for attenuating the risk of developing phenomenon
– Carrying out the duties in the matter of adopting solutions on verifying the risk factors
– Carrying out evaluations regarding the risk factors provided by the national rules

In this regard, the exponential system of assessing the risk factors is usually set up in accordance with the objectives of the legislative provisions adopted in the matter of fighting money laundering. Moreover, the judicial bodies have always plaid a significant role in the activity of fighting this phenomenon.

Case-Law Solutions on Money Laundering

The judicial bodies' involvement in the process of fighting criminality is a substantial one. The same is true in the field of combating money laundering by means of the judiciary. For this reason, analyzing the legal framework on anti-money laundering, without the appropriate judicial solutions came from the jurisprudence, would be unseasonable. The jurisprudence in the field of money laundering could be analyzed in two directions. One of them deals with the cases of money laundering free of other linked crimes, while other ones with the complex criminal cases of money laundering, also connected to terrorism financing, organized crime, corruption (Levi, 2021; HCCJ-Dec. pen. no. 232/A/2023) or other forms of serious crimes. The practice in this matter is very abundant of case-law solutions provided by the courts of law. They are mainly looking for submitting legal decisions, made in accordance with the evidence gathered by them during the judgment, on the one hand, and other judicial bodies, as investigative ones, on the other hands.

One of the serious actions committed by perpetrators is that of frauds with the European or national funds gathered by the Romanian officials in order to finance the public projects (HCCJ-Dec. pen. no. 232/A/2023). They inevitable lead to corruption crimes, in which more than two perpetrators are involved. It is really a crime scheme organized and managed by one or many persons, usually working in the ministries' departments. In this regard, the court of law should imperatively discover and establish the real *modus operandi* in which the criminal actions have been committed, as well as the circumstances in which the crimes of money laundering have been committed. At the same time, it is important to know if other crimes are connected to money laundering and committed in complex environment, as concurrent crimes, possible associated to corruption. The court of first instance has provided, based on the evidence administered, that, there were verifications made by the civil servants before transferring the amount of money to contracting beneficiary, justified by the local

administrative units (HCCJ-Dec. pen. no. 232/A/2023).

Analyzing the case-law presented from the point of view of the procedure of transferring money to beneficiary, it has been emphasized that "noticing procedure was established through internal order and provided that any document should be signed by the appropriate person from the specialty direction, by the director of such direction or by its deputy director, noticed by the financial and legal directions, in accordance with the type of document" (HCCJ-Dec. pen. no. 232/A/2023). In fact, all documents which supposed the operations of transferring funds, were finally signed by the minister itself or by an appropriate person, mandated by this one. Moreover, after verifying the admissibility conditions, including the local verifications, a financial control has been carried out by a qualified team delegated, which issued recommendations to be taken into account for the final decision. Consequently, in missing this legal way of obtaining approvals, the factual element of crimes is proved, as an essential one. Contrary to the statements declared by defendants, the legal procedure was deliberately avoided by the officials from ministry, and was not based on the possibility of prioritizing the transfer of funds, both required and justified from the local administrative units. Speaking about the nexus money laundering – corruption, the court of law frequently opined that the public officials usually receive bribery in order to carry out an activity which by law is in their duties. The judicial bodies have thus proved that the requirement of bribery is usually followed by receiving bribery by such officials (HCCJ-Dec. pen. no. 232/A/2023).

Equally, the crime of money laundering is associated to the crime of tax evasion, especially in continuous manner (HCCJ-Dec. pen. no. 479/RC/2022), in those criminal cases which involve legal entities or natural persons working in private area of business. In the matter of fact, the perpetrators set up more than two business companies, in purpose to transfer money, on the one hand, and hide or dissemble the illicit origin of money, on the other hand (HCCJ-Dec. pen. no. 534/RC/2022). Moreover, there are agreements between perpetrators which firstly suppose the action of gathering illegal money from diverse activities, and secondly transferring such illegal money from a business company to another one, in order for the judicial bodies to lose the money trail. In this matter, the business companies play a significant role and are both in the financial and judicial authorities' attention which should order appropriate procedural activities in order to gather evidence to prove the criminal activities of defendants. Such evidence consists in financial documents and fiscal orders, illegal stamps, banking cards and contracts. They are completed by the files with PIN codes, receipts of ATM cash processing, banking papers of bank accounts and passwords, PIN codes of different banks, used in transferring bank operations through online banking system (HCCJ-Dec. pen. no. 534/RC/2022).

From a technical perspective, the criminal activities of perpetrators are sometimes very difficult to be proved by the judicial bodies, because of the fact that they are usually committed by means of cyber-criminality (Zakaria, 2023; Hunton, 2011) and this criminal environment is primarily characterized by behavioral differentiation (Touzeau, 2017). Thus, the criminal activities of money laundering involve many perpetrators, many business companies, circular illegal operations and last, but not least, a huge amount of money to be gathered and divided among perpetrators. Nevertheless, once the cyber evidence was gathered by means of electronic data (McKay *et al.,* 2023), then the procedure of proving the criminal activity is very easy to be achieved.

A specific criminal action is also met in relation to the crime of constituting an organized crime group (HCCJ-Dec. pen. no. 577/RC/2022), whose leaders coordinate and manage the entire criminal activity based on the criminal conduct which characterizes the issue of serious crime. In this matter, the

organized crime groups are looking for gathering huge amount of illegal money under the umbrella of the politicians or civil servants they work in close collaboration with (HCCJ-Dec. pen. no. 297/RC/2022). Regarding the crime of money laundering, the court of law has noticed that there is no doubt on the illegal circulation of money among the companies involved, with the help of defendants, the circumstances resulting both from their and witnesses statements', as well as the evidence gathered from documents attached to the indictment act. It is remarkable that the first instance has correctly stated, based on the evidence administered, that the defendant committed the crime of money laundering. By *modus operandi*, he transferred illegal money to a company, under a criminal scheme, knowing that they are resulted from a criminal activity of corruption, in order to dissemble the illegal origin of the money (HCCJ-Dec. pen. no. 297/RC/2022). However, the defendant has ignored the incriminating evidence, submitted by the prosecution. The defendant's main argument was to submit the idea that there is no crime of money laundering, but the crime of tax evasion, or that the main element of the crime of money laundering – the predicate crime – is missing.

Indeed, the crime of money laundering is an autonomous crime, consequence of another crime which produces the illegal money, which should be laundered by the perpetrators. In fact, there is a conditional relation between the predicate crime and the money laundering, as the court of law has stated, based on the contracts signed by the defendants, the banking transfer documents, operations carried out within an illegal circuit, which characterizes the criminal activity. It should be pointed out that, taking into account the complex criminal environment, there is no confusion between the predicate crime (which produces the illegal money) and the money laundering itself, so that the defendants cannot misunderstand the object of crime with the product of crime. From a criminological perspective, there are differences between the source of money and trading goods, particularly their origin, and between the predicate crime and the crime of money laundering as well.

Conclusion

The evolutive process of the crimes of money laundering in Southeast Europe and in particular in Romania has been analyzed from the criminological points of view, one of them being structured around the idea of multi-directed actions of the phenomenon. In the end of the research activity conducted on this topic, some conclusive remarks have been expressed. The results gathered on this way lead to pertinent conclusions regarding the typology of the crime of money laundering, the development of the phenomenon in Southeast Europe, as well as the involvement of the Romanian law enforcement agencies in the field of preventing and combatting phenomenon.

The criminological perspective of the crimes of money laundering is a key factor in the process of apprehension of illegal phenomena connected within a comprehensive context. They firstly deal with the terrorism financing, which in fact means the action of providing illegal funds gathered from illegal activities, knowing that they will be used in terrorist attacks or in purpose to support a terrorist entity. The practical information stipulated by law on anti-money laundering, although unexhaustive regulated, should be considered a useful basis for consulting additional issues in a macro-environment.

The European context provides Member States with precise legal framework in the matter of fighting money laundering, which is considered as a serious threat for the contemporary society, not only at the European level, but at the local level as well. The joint effort has been strengthened by the European authorities and its Member States in order to diminish the phenomenon of money

laundering in the last period of time as much as possible. For this reason, the long series of Directives on Anti-money Laundering show the real danger in the framework of illegal activities connected to the serious and organized crime and terrorist attacks, which have been committed both in Europe and in the United States of America during the years.

In this context, the Romanian authorities, both legislative and judiciary, have been involved in harmonizing the European legislation with the domestic one, on the one hand, and solving those criminal cases of money laundering or linked to these ones, on the other hand. The joint effort has been made with the same purpose of finding appropriate solutions to disintegrate the organized crime groups which are involved in criminal activities of money laundering and possible connected to the issues of terrorist financing. It is obvious that the phenomenon of money laundering is, at the moment, viewed in a serious and rapid acceleration especially in the area of Southeast Europe. This is happened because of many reasons. One of these refers to the unstable tools of managing economy of the countries which still suffer because of the political interferences in the public authorities' duties. The experience of the Eastern European countries could be understood from the perspective of the unlawful regional context of which, in fact, exceeds one country's territorial borders. Although there are influences each other, the perpetrators do still respect their own *modus operandi* of committing money laundering.

Taken into account that the Pandemic has meant a stooping period in the activity of organized crime groups involved in money laundering, it could be considered that the phenomenon has been silenced during the crisis period, but accelerated subsequently, once the economy has progressively been picked up again. About the Romanian business companies, the situation seems to be just a little solved, in the context of the judicial bodies' efficient activity in the field of combating this scourge. Nevertheless, despite this intense involvement in fighting money laundering, the phenomenon still continues to be present in the economy and produces consequences in this matter. Some pertinent solutions could be achieved from the law enforcement agencies, on the one hand, and from the European authorities, working in close cooperation with the local ones, on the other hand.

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