

The Concept of Trust in Criminal Law – The Need for a Standard

Camil TĂNĂSESCU

*“Dimitrie Cantemir” Christian University of Bucharest, Bucharest, Romania
camiltanasescu@gmail.com*

ABSTRACT: Confidence, as the theme of interpersonal relations, business relations, relations between state institutions and citizens, must always be under the protection of the law. Considering that, anywhere in the world, confidence is affected and jeopardized by misleading, misleading, abusive behavior, States have an obligation to adopt common measures to defend this safety need by setting limits within to whom people manifest themselves freely. The freedom of the will of persons is reflected in their actions, which must not exceed the standard adopted and imposed by the states. Thus, trust must be recognized as a value protected by criminal law, becoming a special object of facts that exceed the accepted limit, leading to the adoption of a conduct as a result of sanctioning the changes and actions to the contrary.

KEYWORDS: abusive manifestations, business relations, need for safety, sanctions, trust

Introduction

By attributing merits, qualities, skills, skills and habits that they do not actually possess, the offender individualises and singles out the victim who will be subjected to deception. By multiplying the motivation to participate in an activity, the perpetrator offers to provide the characteristic material, absolutely indispensable to the victim, and the promise of obtaining a profit.

In order to gain confidence in the safety of the action mode, the scammer offers to reduce the expenses or the time required to complete the act, proposing types and forms of action, depending on the variety of concrete needs of the participants, it will singularize the mode of operation on which repeated it continuously.

As he adopts an exaggerated and false image, he considers himself to be a man and a man of knowledge, the routine activity being carried out not as the result of a special intelligence, but of the indifference of the victim to try to obtain something in a clandestine, advantageous or illicit way.

The scammer - a more and more prevalent typology

His entire concern, singular or group, expresses the will to attract and obey the victim to an absolute, concrete interest pursued by the whole community. The offender, following a concrete type of victim, associates with it, putting it in the shadow, progressively, through the intentions, the amplitude of firmness and docility in the execution of the mournful plan. Valorising the qualities that the victim possesses, the conqueror is left to dominate, and seems to be faithful in engagement, by contributing to the sudden, total change of the victim's ideas, and to the taking over of the particular way of thinking (Di Tullio 1940, 76).

The system of relationships and interests that it invokes in reality is limited to the hidden link with another crook or simply to a person who does not understand the meaning and meaning of disinterested acts.

Aggressive individual behaviours distance themselves from the unitary conception of the community, the committed acts having a significance that, although it can be understood (confirmed), will not be accepted and will not remain unanswered.

Human acts are determined and conditioned by political, ideological, economic, religious arguments that fit into the social fabric. In knowing the reality, individuals have the ability to understand and evaluate the non-unitary, complex social dynamics to integrate into a social ensemble, affirming or denying the viability of concrete social coordinates (Tănăsescu 2014a, 108).

The behaviour of the individual is directly related to the social phenomenon through the system of means appropriate to the achievement of an individual, concrete purpose. In the individual assessment of social behaviour, every person tends to amplify their importance, in their positive participation in the pursuit of an activity, pursuing an interest or an ideal.

Any human activity is based on the instinctual sense or the rational idea that urges to choose from the many possibilities, either the idea of self-preservation or the idea of self-affirmation, by accepting the privilege of the interests of others towards their own interests. The influence exerted by the environment is decisive in adopting individual behaviour, in limiting or not the freedom in relation to the individual's existence. The eighth of the dictated act of consciousness on reporting and acceptance of morality indicates the degree of social assessment of the way individual concentration on external stimulus responses.

Behavioural occurs as a result of the ability to understand, interpret and determine the meaning of an individual motivation imposed by proven competence in the experience of performing activities, acts, deeds, actions. The need to integrate individual behaviour into the social one is created by the concrete living conditions and aims to highlight the natural association of individuals, to ensure human existence (Butoi 2006, 234).

Relationships between individuals are the result of an improved and conditional adaptation to the social environment in which they live. Apart from dependence and adaptation to the environment, behaviour will be subjected to concrete assessment in a determined, social context. Relationships between individuals and societies or individuals integrated into a particular environment will be acceptable, perpetuating, aggressive, punishable.

The overcoming of difficulties arising from the identification of conflicts is based on primary pulses, on rational verifications and confrontations, on compliance with moral and legal norms. All norms of social behaviour are predictable and argue the concrete means of perfection, of all attitudes of the individual, which ensures both the most significant and the most common moments, progressively making the essential connection of man to society.

The alteration or degradation of this report by abandoning individual morality triggers the use of diversified principles of responsibility, applied in accordance with the consequences of individual action. In any conflict situation, the behaviour of those involved must be integrated into the social strategy, even if it appears to be restrictive and punishable.

The formation of rules that determine the behavioural stability of individuals is a complex process of permanent mediation of relations with society. Any behaviour involves a cause of action - individual inaction, imposed and executed by a particular thought, into a certain social reality, the act being the result of an uninterrupted process, consisting of repeated material acts, which interact permanently.

The relationship between the aggressor and the victim regarding the perception of aggression

The relationship between the aggressor (offender) and the victim also depends on the existing social structure that requires the mutual agreement between the independence of wills, the autonomy of morality, and the spontaneous agreement to adhere to the behavioural model rigorously, according to social conformism.

The complexity of the act can minimize the shock of aggression if the victim concerned engages in affirming the non-existence of the aggressive report. Therefore, in general, the person who has been victimized will say that the acts committed are aggressive, the aggression exists everywhere (the principle of ubiquity), and the person who has committed certain acts will find that they are not aggressive, but have the purpose defending one's own interests (Brehm 1992, 65).

By aggression, the individual sees himself as facing the victim directly, so that, as a result of incompetence, lack of necessary force, inconsistent effort, lack of fierceness, fails to overcome the victim. The initiation of aggression does not always lead to its favorable completion. And in this area, skill is needed. Avoiding the prejudice or defeat of the aggressor begins with the abandonment of the aggression plan (*iter criminis*), the victim's resolute opposition or the intervention of other opposition factors, attempts to reduce the severity of victimization by allowing for return to acts, correcting or changing their meaning.

Reassessment of activity is a necessity that the relatively absolute social requirements impose on human acts. This is not mandatory, so it can become extremely damaging to the aggressor confused by the change in the meaning of the committed acts, which will have to resort, through imitation, to known action models and improvisation, without elucidating the external contradictions and contradictions and without succeeding in detaching himself. There is a goal in any human activity, but perfect crime requires a behavioural equilibrium leading to austerity, which involves the removal of all incidental acts that may intervene (Palmiotto 1994, 205).

The state of aggression will impose a hierarchy of acts subordinated to the conflict, simultaneous interventions of the participants, forcing them to adopt the most appropriate acts to remove any oppositions, oppositions. The perception of the influence of aggression is different for the aggressor and the victim, being determined by the effects caused: the state of domination, for the aggressor and the defeat, for the victim. Aggressiveness, as an activity, becomes a process of restructuring inter-individual and collective relationships.

The social experience of the individual is objectively reflected in the aggressive act, stabilizing a certain authority, an individual practice, which by its singularity exacerbates the destructive capacity of the aggressor. If there is a conflicting report of dominance between the aggressor and the victim (the victim becomes subordinate), the rapporteurship is opposing between the aggressor and the authorities. The character of the aggressor is also formed in the face of hardening sufferings, so that he, in making harmful, illicit, injurious acts, has guilt in what he does.

Violent behaviour differentiates individuals into culpable or intentional aggressors. The targets pursued by the aggressors are different, as they committed the act to produce a certain result, accepted and pursued, or believed that following the engagement in an activity, harmful effects could be avoided through increased diligence. Negligence, imprudence, inaccuracy in the performance of an activity affects the ability to control behaviour in the sense that the option to act in a certain way is the factor that produces aggression, harm from fault.

The error of reason (error, incomprehension, rush) is not determined by ignorance or misunderstanding of the rules, but by the interest in exercising activity in any way

and under any circumstances (Stancu 2004, 197). The constants of error in action generate conflicts as a result of the fact that it is caused by a mistake, of delusion, in the realization of the normal order of things, the effects of which are obvious.

The aggressive tendency derives from the brief analysis of reality without adequate motivation for the competitive action process, so that the aggressor manifests his or her personal choices inappropriately or imperfectly. Without being able to correct the activity, which will cause harm to the victim, the culpable abuser abandons any criterion or restriction that would have led to the harmonization of the activity with the public interest (Cioclei 1999, 201). From the social point of view, the culpable act is considered inappropriate, immoral, being fought by the intervention of any person capable of adopting such a position, and of the state, which establishes and unites all forms of coercion and deprivation.

Most human acts are accomplished by constantly reporting to social restrictions, so that when the injury occurs, one or more people have a preponderance of penalizing, to restore as far as possible the previous situation. The violating act of guilty or intentional nature can not constitute a dominant form of manifestation of the individual's desire in relation to socially agreed acts, for the simple reason that the state protects the socially comfortable social requirements and interests without being subordinated to other interests or powers. Ensuring the rule of law is an important function of the state, which stimulates the regulation and self-regulation of private behaviours. Temporary, family or social dysfunctions cannot defeat the general, fundamental, tendency of individuals to impose a criminal policy of controlling and sanctioning aggressive behaviours (Reuchlin 1992, 54).

Aggressive aggression, even if it is frivolous or lethal, must be sanctioned by society if the aggressor is responsible for his acts. The victim, who has chosen his own oppression, is sometimes unable to avoid scandalous behaviour, harmful to cohabitation, damaging to public order (Tănăsescu 2014b, 67). Exercising power by the aggressor of the coercive power of family members has the purpose of causing them to give up the goals they are aiming to achieve and allow acceptance of the behavioural plan proposed by the aggressor. Physical strength creates vulnerability, and privatizations imposed by the offender determine behavioural discomfort. The aggressive instinct indicates to the individual what is worth to be considered from the social reaction to aggression. Aggressive specialization relieves the individual from reflecting on the destabilizing family and social role of serious acts.

The conscious intention of endangering the survival capacity of other family members requires the attacker to confront, expose and sanction the assailant to ensure their existence and to avoid serious social consequences. The aggressor has some influence from his power, which means he can direct or cancel the efforts of the victims by imposing his own interests that do not identify with the public interest. Choosing the aggression procedure is only appropriate for the aggressor, depending on the victim's reaction mode, which, for fear, helps stabilize aggressive behaviour.

Conclusion

The aggressor naturally seeks to influence the environment that he otherwise would have dominated. He intends to impose restrictive behavioural norms for the victims by removing by opposition or opposing threats any opposition, opposing attitudes, gaining control over others and annihilating competitors. These manifestations are appropriate means by which the aggressor tends to ignore, dominate and create supremacy over the victim's interests.

The aggressor remains faithful to the origin of the conflict, assigning a subsidiary role to participation in triggering the incident and its practical effectiveness. Aggressive

behaviour in the family can remain without a visible sanctioning effect, because sometimes a sudden re-assessment of the conflicting motivation by the victim produces an act with aggressive, deconcentrated and inhibiting effects for the aggressor. The uncertainty ascertained when responding to the aggressiveness of the victim and the advantageous conditions of his / her benefit determines the solidarity of other persons (the handicap of forces), the aggressive response of the victim accompanied by the collective judgment, will result in the stabilization of the conflict, under the conditions accepted by the majority individuals.

The high degree of aggression can be overcome by state intervention in the sense of imposing control and sanction on persons guilty of breaching behavioural safety. Acceptance of aggression by the victim becomes as dangerous as the constraining act, but it can be prevented, traced, and through the intervention of the authorities, restoring the general public interest in maintaining the lawfulness.

The imposition of certain individual or group interests, to the detriment of the victim, must be a form of manifestation of the act or of the conflicting activity. Exercise of the aggressor's control may also result from explanations in favour of aggression, from predictions expressed, and from possible warnings of serious consequences. The position of the aggressor as an agent of the conflict report is also based on the victim's disinterest in what can be achieved through aggression. Intuitively, the aggressor emanates apparently realistic threats, inspired by his fantasies, in favour of or at the expense of harmful ideas, capable of leading to obedience to the victim and the environment in which he lives (Dobrinouiu, Conea, Romitan, Tanasescu, Neagu and Dobrinouiu 2004, 88).

Aggressors constraints affect the victim's freedom of thought and action, even if there is no indication of how aggression will occur. The evasion of the aggressor's dominant behavior by removing attention from his concrete influence can be reflected in creating a behavioral uncertainty in the reduced use of individual initiatives in the low level of adaptation to social requirements otherwise than would be ideal.

References

- Brehm S. S. 1992. *Intimate relationships*. Mc Graw - Hil, New York.
- Butoi T., Butoi I.T. 2006. *University Treatise of Judicial Psychology*. Phobos Publishing House.
- Cioclei V. 1999. *The Crime Cell Phone*. Bucharest: All Beck Publishing House.
- Di Tullio B. 1940. *Criminal Anthropology*. Rome: Pozzi.
- Dobrinouiu V., Conea N., Romitan R.C., Tănăsescu C., Neagu N., Dobrinouiu N. 2004. *Criminal Law, Special part*. volume II. Bucharest: Lumina Lex Publishing House.
- Palmiotto M.J. 1994. *Criminal Investigation*. Chicago: Nelson Publishing House, Hall, Publishers.
- Reuchlin, M. 1990. *Psychology*. Paris: P.U.F.
- Stancu E. 2004. *Criminal Treaty*, 3rd Edition. Bucharest: Universul Juridic Publishing House.
- Tănăsescu Gabriel. 2014a. *Analytical Criminology*. Craiova: Sitech Publishing House.
- Tănăsescu Gabriel. 2014b. *Criminal Law. General Part*. Vol. I. Craiova: Sitech Publishing House.