

STATE CRIME: EXPLORING THE NEXUS BETWEEN POWER, POLITICS AND ORGANIZED CRIMINAL NETWORKS

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ABSTRACT

The article analyses crime in contemporary society, shedding light on state crime involving the criminal network. Crime is a social construct that varies from state to state, often making it difficult to determine whether the state has committed a crime against its people. As the state makes the law, it can define what is and isn't a crime when committed. This has led many sociologists to adopt a *zemiological* approach to state crimes. In other words, it focuses on the harm caused rather than the legality of the actions. The article aims to explain how the state harms and damages humans, the natural environment, and local economies to advance its interests. The article begins by defining 'state crime' and what types of categories and legal frameworks can be used in determining wrongful actions committed by the state. Secondly, the article focuses on defining the identities of individuals and government actors complicit in committing state crimes. Often, the state colludes with other interests, such as criminal networks and influential elites. State-organized crime emerges from the nexus between the state and organized crime. This concept is further explained by drawing on the case study of the Yakuza, also known as *gokudo*. This transnational organized crime syndicate has dominated Japan's underworld for over a century through brutality, extortion rackets, and gambling.

INTRODUCTION

The primary conceptual issue addressed in this article pertains to the definition of ‘state crime’ and various categories and legal frameworks applicable to describing unlawful actions committed by the state. Typically, when people think about crime, they envision an individual or group of individuals engaging in deliberate activities that result in bodily or mental harm to another or the property. However, a darker side exists to this definition of crime, encompassing heinous acts carried out by the governments and their officials. Scholars such as Ronald Kramer and Ray Michalowski assert that the state does not consistently fulfil its role of protecting the rights and freedom of its people. At times, the state abuses its power, contrarily harming its people by participating in criminal activities alongside corporations or criminal organizations.ⁱ “Modern states perpetrate or instigate most of the world’s serious illegitimate violence, that is, the infliction of pain, injury or death in contravention of legal or moral norms.”ⁱⁱ For Chambliss, state crime is defined as “acts defined by law as criminal and committed by state officials in the pursuit of their job as representatives of the state, which benefits more than just the individual officeholders.”ⁱⁱⁱ This form of organizational misconduct plays a pivotal role in criminology, as it examines the relationship between the state government and the crimes committed within the nation. Strikingly, these state actions are frequently not recognized or acknowledged as crimes by prominent academic authors.

Prominent examples of state crimes are ongoing genocide in Gaza, terror caused by Gadaffi in Libya, torture of Iraqi prisoners in Abu Gharib, widespread and systematic murder and rape of Rohingya Muslims in Myanmar, torture of political detainees by the President Abdel Fattah al-Sisi in Egypt, to name just a few. Often, the state colludes with other interests, such as criminal networks and powerful elites. State-organized crime emerges from the nexus between the state and organized crime. This concept is further explained by drawing on the case study of the Yakuza, also known as *gokudo*. This transnational organized crime syndicate has dominated Japan's underworld for over a century through brutality, extortion rackets, and gambling. The case study of Yakuza would allow us to understand the actual situation of state crime from various angles and perspectives.

UNDERSTANDING THE DYNAMICS OF ORGANIZED CRIME: AN INTERNATIONAL PERSPECTIVE

As the title suggests, organized crimes encompass unlawful activities carried out by organized groups engaged in international business transactions involving drugs, weapons, human trafficking for the slave trade, and more. These criminal activities are often associated with what is commonly referred to as a criminal syndicate. The formation of these groups can be attributed to financial motives or political agendas.

To gain a clear understand of the concept of organized crime, it can be beneficial to examine examples of well-known organizations around the world. Notable instances include the activities of the Corleone family in “*The Godfather*” movies and the more recent Netflix series based on cocaine trade and drug wars in Mexico and Colombia in *Narcos*.

Organized crimes often exhibit affiliations with particular ethnic groups such as Italian *Mafia*, *Yakuza* in Japan, *18th street gang* in the US, *Mungiki* in Kenya, *Russian Mafia*, and so forth. These organized group exhibit distinct characteristics that set them apart from other criminal activities. They are often considered “professional” criminals, as their primary occupation involves engaging in illegal activities for profit, as opposed to occasional involvement. Additionally, what unites members within the organized groups are shared plans and rules. For example, a mafia typically comprises individuals from the same family. Another means of forming network is through business. A well-known example is the Medellín cartel, a Colombian drug cartel operated by Pablo Escobar.

State crime and its association with criminal organizations have remained relatively unexplored within the criminological research. This specific category of crime, involving the state and criminal organizations, is often referred to as ‘State-Organized Crime.’ When examining crimes perpetrated by organized groups, it becomes evident that corrupt politicians or other state officials often play a role in these activities. In fact, in many states, systematic corruption indirectly encourages and incentivized criminal groups to engage in such illicit activities, as it can boost the state’s economy. State crime is a form of organizational deviance, with one of its most significant manifestations being acts that are legally characterized as criminal and carried out by state officials.^{iv} This includes the state acting as an accessory in crimes like robbery, smuggling, and assassinations. State organized crimes also include an illegal way of

spying on the citizens and diverting state funds in illegal ways like selling arms to organized groups.

Two prominent approaches for examining state crime are the ‘integrated theory’ and ‘crime of obedience’ model. According to integrated theory, developed in the US by Ron Kramer, state crime is not a mere individual committing a crime but it is a crime committed by people who are in power or working for an organizational unit that is a part of the state. This theory emphasizes that the primary factors behind any crime are motive, opportunity, and the state’s failure to prevent it.^v Although Lasslett (2010) has critiqued and challenged this theory as ‘orthodox’, it draws a parallel between state crime and street crimes. The ‘crime of obedience’ theory, that emphasizes the difference between state crime and street crime is presented by Smeuler. By referring to deviant rules, Smeuler poses a crucial question: a crime qualifies as a crime of obedience when it is supported by the authority structure. These perceptive challenges the foundational framework that underlies criminological theory, as mainstream criminology typically studies individuals who break the law or deviate from societal norms. However, within a malignant government system, military organization, or police unit, those who adhere to the rules become perpetrator. The focus then shifts to understanding on the question of why individuals are obedient, why they followed the group, why they conform to the rule.^{vi} This notion aligns with members of the mafia groups who are believed to adhere to deviant rules of organization. They face pressure to comply with their gang’s rules, and simultaneously, this commitment to the gang is organized as criminal behaviour.

ORGANIZED CRIME IN JAPAN: YAKUZA

To battle the upsurge of organized groups, understanding the history, structure, business practice, and strategies of the ethnic criminal organizations is imperative.

With more than 50,000 members, the Japanese Mafia, *Yakuza*, is one of the world’s largest and oldest crime syndicates. Originating during the Tokugawa Period (1603-1868) in Japan, the group evolved from a shadowy presence to a prominent position, marked by rich 300-year history. This 300-year-old criminal organization is one of the wealthiest and most organized criminal groups. The exact origin of the *yakuza* is not known, but the beginnings can be dated

to the Tokugawa Period Initially keeping to the shadows, after the Meiji Revolution and then post-war they took a more central position. The name *ya-ku-za* translated to 8-9-3, denoting a losing card combination akin to blackjack. A distinctive feature of Yakuza members is the intricate samurai warriors, flowers, and dragon tattoos adorning their bodies from neck to calf, each symbolizing events in their lives or the character traits.

The another identifying feature is the missing finger, with the last two fingers often mutilated and presented to the leader as a mark of atonement. Although Yakuza lore includes stories of them portraying Japanese Robin Hood figures, law enforcement agencies and most researchers contest the accuracy of these tales, asserting that Yakuza retains ill-gotten gains without redistributing the wealth.

Despite their criminal activities, Japanese society hold into belief in the noble past of organized crime. The Yakuza operates as a family with a strong father-son dynamic and strict hierarchy. Primarily active in Japan, the group, however has various factions expanding operations beyond the country's borders.. The group mainly engaged in activities such as prostitution, drug trafficking, money laundering, gun trade, gambling, and bribery. Their highly sophisticated financial crimes impacted Japan's economy.

The syndicate's influence and profit further intensified as it formed gangs and employed security personnel, gaining control over the streets and infiltrating every facet of Japan's economy. This increased involvement led to the international expansion of their transactions in guns and drugs, showcasing the potential impact on foreign state's economy. Unique to organized groups globally, Japanese society readily accepted the yakuza syndicates to a certain level, making its elimination challenging due to strong connections with high-level state officials and other authorities, rendering it a well-financed, highly structured, and resilient corporation.

By the 20th century, Japan had evolved into a complex and rapidly modernizing society, and as the country modernized, the Yakuza expanded their activities.^{vii} In Japan, Yakuza not only dominates organized crime but also holds sway over most criminal activities. The Yamaguchi-Gumi- is the largest yakuza gang, boasting an estimate annual revenue of \$80 billion, surpassing Italy's 'Ndrangheta mafia,' which had a turnover of around \$60 billion in 2013.

The yakuza in Japan are legally permitted to operate companies. Yakuza bosses established legitimate business to serve as cover for the group's criminal activities. They initiated a practice that continues today: bribing local police and government officials.^{viii} While traditional rackets like receiving security money persisted, they seemed less attractive compared to new ventures pioneered by top syndicates like the Yamaguchi-Gumi. Yakuza expanded into money laundering, smuggling, and pornography in big ways. Their front companies made bids on huge public works, projects such as subways, and airport construction. Additionally, they engaged in rigging baseball games, horse races, and public auctions for foreclosed property.^{ix}

Yakuza rapidly started growing their business outside Japan, gaining control of schools, hospitals, amusement parks, real estate, and gaming companies. They also delved into trading counterfeit Japanese and US stamps and bills. As per the National Police Agency survey, between the years 60's-the 90s, the yakuza was accountable for 20% of all homicide cases, 40% of blackmail, and 50% of intimidation cases in Japan. 40% of the prison population encompassed the members of yakuza gangs. In the 1980s NRIPS surveyed 917 members of the gangs on yakuza income. As per the report of this survey, around 1.3 trillion yen was recorded as annual income in the year 1989. Since then, no new survey was conducted nor were new figures released by the NPA. The primary source of income for the Yakuza are traditional rackets and drug sales. In addition to traditional crimes like gambling, prostitution, and extortion, the yakuza expanded their involvement in the drug trade, white-collar crime, money laundering, and defrauding the public.

Why yakuza don't need to hide?

In the post-war period, yakuza gangs operated openly and were embraced by society, used by authorities and influential politicians, with their criminal activities shielded by state police. The members have their own business cards, logos, and offices proudly displaying their gang name. They can't be convicted just for being a member of the yakuza. The major reason why yakuza is tolerated and supported by the government and people is because of their deep entrenchment in the business and politics of the country.

Major political force:

Robert Whiting's book, *Tokyo Underworld*, recounts how Yoshio Kodama, a yakuza associate, and racketeer, was instrumental in the formation of the LDP.

Political corruption has been a persistent problem in Japan, with nearly every very politician having deep connections with Yakuza. The Yakuza established an age-old political coalition with right-wing nationalists, aligning with right-wing ideologues who condoned violence for political puposes. Over time, Yakuza evolved into significant political force, forging close aligns with those in power. Whenever the government faced opposition, be it from politicians, protestors, or striking workers, the yakuza would step in to support the government.

In 1892, the Minister of Home Affairs enlisted policemen to join forces with the gangsters to harass the anti-government opponents. The yakuza member contributed manpower for patriotic causes such as occupying Manchuria and China in the land development program and assisting Japanese Opium Monopoly Bureau in raising funds while weakening public resistance through drug addiction.^x

The ultranationalist secret society known as the Dark Ocean Society, along with 300 members of yakuza played a role in the assassination of the queen of Korea in 1895, facilitating Japan's invasion of Korea. In the 1970s, several politician-yakuza scandals came to light. Prime minister Tanaka Kakuei, implicated in one the biggest scandals, the Lockheed Sale scandals, was accused for accepting millions of dollars in bribes from the yakuza. The government also employed the gang to suppress the employment unrest. Specializing in trafficking and blackmailing, the DJP utilized the yakuza to uncover faults and undermine political parties. Political parties began hiring the members of the gangs to intimidate or to commit severe acts of violence. To this day, the yakuza had maintained links with right-wing nationalists.

Public relation mastermind:

Despite their origin, the yakuza are determined to present themselves as honorable vigilantes rather than crime gangs. In times of crisis, such as Great Hanshin earthquake in 1995 and Tsunami in 2011, yakuza groups swiftly and efficiently assisted victims, often outperforming the state government.^{xi} As per the article published in *Slate*, Yakuza group: Yamaguchi-Gumi, the Sumiyoshi-kai, and the Inagawa-Kai operate defacto-police to patrol the streets to prevent robbery and looting.^{xii} In exchange for these efforts, yakuza were largely left untouched by officials. This tolerance allowed yakuza to expand their business and dominate the country's economy, investing in legitimate enterprises and serving as a conduit for individuals entering

politics and high-profile business. And in all this, the yakuza made money from activities, like intimidation, trafficking, prostitution, gambling, and money laundering.

Both police and the government viewed the yakuza as a necessary evil that kept petty criminals off the street. Many individuals would sought assistance from the yakuza members before turning to the courts. As Yakuza largely comprise of Korean-Japanese members, the garnered huge support from the Korean ethnic groups and received political funding from Korean industries. As long as the yakuza played ball with the authorities and have the public on their side, there was no need to hide. While, the yakuza played a role in solving civil disputes and maintaining order in the past, their focus shifted to profit making. To compensate, the groups have ploughed into financial fraud, stock manipulation, and cybercrime, giving rise to a new generation of gangster-nerds, more interested in business than traditional criminal activities.

Observing the decades-long connection between the *yakuza* and the state reveals several key points. Firstly, the yakuza maintained a dynamic relationship with the state, it also had a cooperative approach towards the police, like exchanging information, surrendering suspects to the police, and keeping petty criminals off the streets. But this was mostly done to prevent the potential rivals from rising and keeping the police away from their territory. Secondly, the yakuza played a unique role in the politics of the country, forming strong ties with the ruling Liberal Democratic Party. It was a great irony when the man in charge of the criminal justice system of the country, was forced to step down after an uproar of his links with the yakuza gang. Although, referred to as “anti-social forces,” the yakuza is still a semi-legal entity with fan magazines sold in public. Kaishu Tanaka, the former justice minister had close ties with Inagawa-kai, one of the important yakuza groups. The leader of Inagawa-kai, Kazuo Uchibori was arrested in 2012 for money laundering but was soon released without any charges. In 1994, Shizuka Kaei, minister of LDP admitted to taking six million dollars from the Yakuza leader. The relationship between the yakuza and the party in power worked out well till 2012. But this was not used as a ground for political dismissal. Again in 2009, DPJ’s minister Kamei was appointed as finance minister to ensure the financial market of Japan is clean. According to [Shoji Nishida](#), who has [written in-depth](#) about DPJ ties to organized crime, “*Tanaka is the fourth DPJ cabinet member to have been shown to have yakuza ties. Japan has always had a vibrant underworld, and it’s always had a normal society. The current ruling government is the underworld and overworld put together. I believe that they’ve been a conduit for the*

underworld in the political sphere. The problem has been very underreported here.”^{xiii} During elections, members of the yakuza gangs were summoned to the party’s headquarter and were given instruction to support the DPJ. In return for votes and financial support from the yakuza, the party would keep the members protected from criminal cases. Unlike U.S and Italy, Japan dint have any law against such corrupt organizations.

Countermeasures against Yakuza

With the increasing in connection to other nations, a strong anti-Yakuza movement emerged. The once cosy relationship between the yakuza and the police dried up and worsened. Due to international pressure and domestic politics, government was continuously criticized for not complying with anti-drug conventions and with no substantial effort to curb organized crime in Japan. The yakuza’s public image suffered as mob violence, gang wars, and the death of innocent people increased, leading people became less accepting of yakuza’s involvement in society.

In 1991, Prime Minister Kaifu Toshiki announced the Anti-Boryokudan law in an attempt to restore confidence. The law clearly defined the illegal behaviour and punished companies establishing ties with yakuza. However, the law still required the Yakuza member to commit a crime before becoming subject to the law’s provisions. In 2000, Japan also signed the U.N Convention against Transnational Organised Crime but couldn’t implement it either. The DPJ opposed the framing of laws against criminal conspiracy, under which prosecution of Yakuza members would be easier. As per the report published in Sankei Shimbun newspaper, in 2006, the party refused to even discuss the new legislation against yakuza.

Even after twenty years of implementation of the law, there was continuous turf between Yakuza and other gangs. In 2007, the Mayor of Nagasaki was murdered by the yakuza gang after attempting to keep them away from public work projects. The log running gang wars escalated fear and the hand grenade was used as a weapon claiming the life of civilians in the crossfire. The Japanese government’s failure to outlaw the membership of yakuza drew widespread criticism. In 2011, U.S declared yakuza as a threat to the U.S following their ties to drug trafficking and other crimes in Hawaii and California. The international embarrassment and assassination of the mayor brought yakuza money and violence to public attention.

National Police Agency issued a warning that “the yakuza have made such incursions into the financial markets that they threaten the very basis of the Japanese economy.”^{xiv} The public sentiment turned against politicians and companies with ties to yakuza, leading to the “*United in a Circle We Can Move Forward the Elimination of the Yakuza!*” movement in 2011. Responding to criticism, in 2012, the revised law against organized crime in Japan was approved. The new law empower the state police to designate yakuza as “extremely dangerous” and allows for the arrest of member making illegal demands to the citizen without the order from the court, thereby restricting the open operations and freedoms of the members.

CONCLUSION

Louis Proal, recognized as the first state crime scholar, asserted, “*There are no greater malefactors than the political malefactors who foment divisions and hatred by their ambition, cupidity, and rivalries. Ordinary evildoers who are judged by the courts are only guilty of killing or robbing some few individuals, a number of their victims is restricted. Political malefactors, on the contrary, count their victims by thousand. They corrupt and ruin their entire nation.*”^{xv}

The aim of the article was to establish a link between organized crime and abuse of power by the state, examining the case of Yakuza in Japan. It illustrated how states themselves are contributes to the emergence of criminal networks. The yakuza were different from the *Mafia* in Italy. It had more influence and authority than the Mafia ever did. This perception is rooted in the tolerance and cooperation of both the people and the government with the yakuza gangs for decades. The members proudly displayed the name of their gangs outside their homes and offices. As yakuza were protected by the politicians and police, yakuza provided financial support to the political parties. Morgan Stanley Japan declared Yamaguchi-Gumi as the largest private equity group in Japan, suggesting that if the crime group were listed on the stock exchange, it would rival Toyota.^{xvi}

The prevalence of state crimes worldwide is high. However, efforts are predominately taken to prevent the conventional and traditional forms of crime rather than focusing on or preventing state crimes. While political corruption is well-studied in political science, crimes committed

by state government receive less attention in criminology. While studying state crime, one must consider the role of the state, whether explicit or implicit, in the crime committed in that country. Friedrichs gave four types of state involved in crime: a criminal state, a repressive state, a corrupt state, or a negligent state. Criminal or repressive states are more likely to imitate the crime, while a negligent state merely facilitates the crimes.^{xvii} This typology proves useful in connecting the crimes committed by the yakuza gang, with the state facilitating the crime for its own interest. Meanwhile, the government for decades, shaped legislation in favor of the gang, providing financial support, influencing votes, and oppressing the opposition rather than working for the interest of the public as a whole. As mentioned above, even if the state merely facilitated the crime, it would still be considered a corrupt state.

The challenge lies in identifying the perpetrators and victims. It is difficult to determine who should be blamed- the criminal organization or the politicians. Blaming an entire organization or corporation involved in these crime is not as straightforward as blaming an individual.. Although the state and the organizations are comprised of individuals, their actions are collective. In the complicity continuum of Kauzlarich, Mullins, and Matthews (2003), explicit omission might involve state agencies failing to perform their regulatory functions, while the explicit commission would involve the state itself engaging in crimes.^{xviii} Another unresolved issue is to understand where victimology stands in state crime. It is challenging to ascertain how many people are affected by the state associated with organized criminal groups- it could be a small number or an entire society. Victims under state crimes differ from individual victimization resulting from other crimes. There is a conflict of interest, as a state, responsible for protecting the interest of its people, tends to work for its own interest, especially where the powerful commits crime. The harm to people rendered is directly proportionate to how corrupt and selfish state authorities are.

Controlling state crime poses numerous challenges. Firstly, it is difficult to identify the victims and the perpetrator of state crime. Secondly, there is a conflict of interest when an entity that is responsible for framing laws and controlling criminal behaviour engages in the crime itself. Thirdly, there is a lack of external oversight. Japan framed Anti-Boryokudan law only after international pressure. Though some argue that yakuza was accepted by society and protected the people, the truth is yakuza did not make Japan safer, they just made it seem safer. Yakuza in Japan is just an example of state crime. Many other states are responsible for causing an adverse

effect on society such as the Challenger space shuttle disaster where proper safety protocol was not followed, resulting in the death of astronauts and left the entire nation in shock. Other examples include genocide, slavery, and mass execution, all fitting into the broader theme of connection between state and organized criminal group around this case. In Holocaust, 6 million Jews are killed by the Nazi government in Germany. This takes us back to the beginning of this article, the connection between state and organized criminal groups.

After looking into the issue of the state's connection with the organized criminal groups and corporations, we need to move beyond the definitional and conceptual issues of state crime. Such offenses and harms are invisible or purposely buried. This is why we need to follow Chambliss and develop a better methodological approach through which such crimes can be traced more efficiently, bringing clarity to the blurred image of perpetrators and victims in this offense.

ENDNOTES

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