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Osservando l'ordine mondiale sistemico e sovranazionale

Observant l'ordre mondial systémique et supranational

Observing the Supernational Systemic World Order

Reza Eftekhari•

Riassunto
L'approccio penale nella legge transnazionale si è principalmente basato sulle norme sostanziali affrontando serie sfide tra le quali spiccano ingannevoli teorici ordini del giorno, variazioni veloci e repentine nei modelli comportamentali del reato e controversie sui meccanismi globali della descrizione normativa. Il presente articolo suggerisce che i meccanismi criminosi esistenti sono principalmente incrementati dalle politiche procedurali senza ulteriori riferimenti alla confusa diversità di nuovi modelli criminosi. Il suo tema centrale è disegnare una cornice teorica affidabile di una rete sovranazionale che agisce su norme procedurali relative ai reati. La flessibilità e la contabilità nelle politiche amministrative e negli standard procedurali dovrebbero essere sviluppatr pazientemente per quanto riguarda i risultati penali attuali. L'autore sostiene che l'implicazione e l'istituzionalizzazione delle norme sostanziali nel progetto sovranazionale sono due obiettivi facilmente raggiungibili grazie ad un'assistenza capillare. In altre parole, il teorema o i discorsi mancanti in grado di rivolgersi alle norme sostanziali, o che possono essere volte alla creazione di un dibattito fecondo che produca standard normativi penali per i reati globali, devono essere elaborati in una rete di cooperazione sistemica. C'è chi ribatterà citando il bisogno di una esplorazione tematica delle norme sostanziali le quali costituiranno la rete sovranazionale come approccio teorico con priorità sui meccanismi procedurali.

Résumé
Les approches pénales dans le cadre législatif transnational se sont focalisées sur les lois essentielles et ont été confrontées à d'importants problèmes tels que de programmes conceptuels fallacieux, de changements brusques et violents des modèles culturels et comportementaux de la criminalité, et de nombreuses controverses dérivant des mécanismes mondiaux de description normative ont surgi. Cette étude suggère que les mécanismes criminels existants sont favorisés à la base par des politiques procédurales démunies face à la confuse diversité de la nouvelle criminalité. Il est indispensable de définir un cadre théorique fiable avec un réseau supranational permettant d'agir sur les règles des procédures pénales. Flexibilité et responsabilité dans le cadre des politiques administratives et des normes procédurales devraient être les maîtres mots dans les décisions pénales actuelles. L'auteur pense que la réussite de l'implication et de l'institutionnalisation des normes substantielles dans le projet supranational est possible à l'aide d'un réseau de soutien. En d'autres mots, le manque de principes ou de discussions pouvant orienter les règles de fond ou aider à créer un débat fructueux aboutissant à un ensemble de normes pénales pour affronter la criminalité globale doit être affronté à travers un réseau de coopération systémique. Il faut également prendre en considération le besoin d'une exploration thématique des règles de fond qui pourraient former le réseau supranational d'approches conceptuelles donnant la priorité aux mécanismes procéduraux.

Abstract
Penal approaches in transnational law have basically focused on substantial rules and faced serious challenges of which the misleading conceptual agendas, fast and furious shifts in cultural and behavioral patterns of crime, and controversies about global mechanisms of normative description are remarkable. My paper suggests that the existing criminal mechanisms are, basically fostered by procedural policies without further references to the confusingly diversity of new crime patterns. Its central theme is to draw a reliable theoretical framework of a supranational network that acts upon procedural criminal rules. Flexibility and accountability in administrative policies and procedural standards should be patiently developed in relevant with the current penal findings. I argue that the successful implication and institutionalization of substantial norms in the supranational project is positively achievable through network assistance. In other words, the missing theorem or discourses that might address the substantial rules or be directed toward creating a fruitful debate that ends in normative penal standards for dealing global crimes must be reflected in a network of systemic cooperation. There will be also an argumentation regarding the need for a thematic exploration of substantial rules that would form the supranational network as conceptual approaches with priority over procedural mechanisms.

Key words: transnational law; penal approaches; supranational network; global crimes.

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1. Introduction.

International law represents a long history of collaborative thoughtfulness in Twenties to generate normative systems through frustrating meetings and communications. States' penal policies normally take divergent approaches and may argue convincingly that their independent norms do not allow an international legal treaty compromising their jurisdiction and sovereignty. Penal Law is substantially the law of boundaries and sovereign disciplines.

Legal systems respectively depend on the local mechanisms and jurisdiction, and states assume themselves constitutionally bound to revise and improve legal policies and procedures systematically. Approaches dealing with crime ranges in transnational level have basically focused on substantial rules and faced serious challenges of which the misleading conceptual agendas, fast and furious shifts in cultural and behavioral patterns of crime, and controversies about global mechanisms of normative description are remarkable. Generally two sets of legal thought have been advised for addressing crimes that are beyond the borderlines, International Criminal Law (ICL) and Transnational Criminal Law (TCL). States overwhelmingly articulate their increasing concerns about paradigm shifts in crime patterns both within and abroad their territories; concerns that are considered legitimate by legal thinkers and represent positivistic thoughts in criminology and objectivistic penal policy. The attempts to outline a theoretical frame for penal policy-modeling are deemed to focus on 'widespread use on generic concepts covering a multiplicity of different kinds of criminal activity'. Approaches dealing with these problems and focus intellectually on substantial rules have faced serious challenges of which we may refer to misleading conceptual agendas, fast and furious shifts in cultural and behavioral patterns of crime, and controversies about global mechanisms of normative description.

A comprehensive dialogue to resolve the practical deficiencies arising from the dichotomy of procedural rules and substantial law in international level is proposed. Revising and redefining patterns that govern international criminal system as well as those related to civil justice is the prerequisite for every supranational mechanism of policy modelling in penal procedures. Existing patterns of network cooperation suggest a critical-analytical pathway to theorizing this intellectual discourse. Penal policies need to address the challenges that relentlessly confront the process of setting up normative penal instruments. The instrumental package may include the proper transnational responses to threats against legitimacy measures and enforcement mechanisms. There are argumentations regarding the thematic exploration of substantial rules that have formed the international treaties as conceptual approaches with priority over procedural mechanisms. The discourse is primarily supposed to be redirected toward comparative studies specially, discussing the prevailing patterns. Importantly, criminological studies with a diagnostic trend should examine the nature and effects of the so-called widespread crime patterns in international arena.

2. The Backgrounds of Supranational Penal Regime.

Basically the indispensable domination of empiricism and objectivism in policy-making approaches related to the criminal issues dictates practical challenges both locally and internationally. Besides, framing theoretical findings to prepare regional or international settings lead us to a

comprehensive study of criminological phenomena such as behavior patterns, social norms and institutional standards. That is the case with substantive rules which are significantly related to legal rights and are ends in themselves. The other aspect direct our attention toward procedural rules and doctrines that represent instrumental approaches (Mac Mahon, 2013).

Social changes in different arenas, globalization and the virtual environment that encompasses our real world have caused new crime pattern to rise with mostly a global nature. Actually, from a criminological perspective we, in our multicultural milieus, are continuously moving toward experiencing akin and common patterns of crimes. Paradigm shifts in times of relentless efforts for developing international systems of cooperation have created coexisting systems in the form of international treaties, international criminal justice systems and corresponding tribunals that exclusively rely on analogy for their justification, and at the same time, have created legal territories with their own laws and policies 'rather than being a mere substitute or complementary part of a national system (Tallgren, 2002). The singularity of criminal behavior as a matter of domestic law and jurisdiction has faded in modern social studies and found a comparative nature. Similar patterns, specially, those related to terrorist attacks and cyber-crimes are found everywhere, inspiring potential offenders and dormant mentalities. They simply pass over the boundaries and are beyond the state's predictive philosophy in laying down substantial codes of law.

The other part of the debate is domestic system normally interwoven with restrictive policies. They tend to deal with the crimes based on local policies. They administer the processes and resort respectively to different and self-made methods. States enthusiastically legitimize their approaches like resort to violence and to means associated with extra-legal acts, targeting and killing suspects of terrorism (Cassese, 2001). The elimination or revision of such approaches in inevitably the prerequisite for setting up every supranational or international toolkit. In a nutshell, supranational agreements as a ground for some kind of international cooperation are considered among useful approaches for combating the uprising evil crimes that have brought about crisis in national security and global peace. International criminality is characterized by state involvement which may require to be addressed by the state itself and precisely the exceptional measure of international law superseding national law (Boister, 2003).

2.1. The Conceptual Framework.

Criminal law as an instrument or in the form of administrative toolkit that internationally directed toward attempts to shape supranational systemic order may face considerable challenges. One important challenge stems from the fact that the criminal law and global penal procedures are supposed to be positivistic disciplines of law "based on the fundamental importance of legality, the principle of *nullum crimen sine lege, nulla poena sine lege"* (Tallgren, 2002).

Basically procedural issues should be discussed in early stages of establishing any legal system (Mac Mahon, 2013). States and individuals concerned with the rules and regulations governing international legal institutions normally rely on substantial law as the philosophy and then deal with the mechanisms of administration. Therefore, the first steps toward forming or reframing structures for co-operation or anti-crime activities will lead us to the necessity of a conceptual framework of

prospective penal policies. The conceptual analysis referring to the substantial law is the idea of Transnational Criminal Law as a system of inter-state observations that is supposed to advise national penal laws (Boister, 2003). However, any supranational system for addressing criminal issues in that level should be necessarily a system of procedural law subsidiary to the national jurisdiction.

Apparently there are conflicting trends between sovereign states about how to deal with the different types of crimes that trespass general interest of involving ones. They also think and act distinctively in response to the transnational criminal acts. On the other side, they may find themselves legally bound to reform and administrative revision. States need to reorganize their institutions and policies to take effective steps for helping global society in combatting against terrorism. Penal policies that will provide the context for legal cooperation are accordingly a proper ground for creating a systemic network of procedural and administrative rules related to varying sets of transnational crimes. Among areas in which supranational agenda may suggest coordinative policies are the followings.

1. Prevention approaches are thought to include socio-legal observations that can encompass the common interests of involving states. Crime prevention programs and actions are apparently a matter of scientific and social concerns. Scholars and policy-makers that belong to different domestic systems can participate and exchange knowledge and experience through these inter-state programs. Unfortunately we cannot ascertain scientifically how much international institutions like UN Security Council or International Criminal Court have been successful in preventing transnational or international crimes. Plus, it is not easy to predict or estimate realistically the prevention effects of these bodies (Tallgren, 2002).

2. Prosecution as a procedural practice will be administered in accordance with conventional policies and aligned with the rules outlined in bilateral agreements. States should be able to politically declare whether they are prefer to be a part of an international jurisdiction. Apparently regarding one of the most threatening crimes to local and global security, terrorism, sovereign states have shown their reluctance to defer to international jurisdiction dealing every act of terrorism (Megret, 2003). Hopefully such a willingness to agreed system of jurisdiction via supranational order seems likely to be achieved.

3. States involved in the program will adopt constructive policies toward supranational agreements. They would presumably attend gatherings and assemblies to foster inter-state cooperation. However, national sovereignty in some degrees has to be surrendered voluntarily when participating in a supranational order (Ouwerkerk, 2015).

2.2. Examined International Approaches.

International legal institutions have a comprehensive history of criminal law and procedures with a variety of penal issues. They resorted to the systemic legal measures in multiple situations to serve the justice and to be representative of the nations' willingness to execute transnational rules and obligations. In the second half of 20th century in particular, the world observed periods of development and expansion in the grounds of international cooperation between states regarding criminal matters (Tallgren, 2002) as a result of remarkable international tribunals. The preliminary movements has started in the 19th

century when international society tried to decisively respond to the major criminal acts and harmful behaviors in the form of obligatory conventions and this approach found a very strong and significant support from the involved states (Boister, 2003).

Considerable development and improvement were attained in the closing decades of 20th century including the complementary revision in the conceptual frameworks. Procedural rule like those related to fact-finding were clearly and positively reappraised (Peters, 2003). Additionally, the establishment of commissions for mutual cooperation in penal subjects and reconciliation of conflicting trends in procedural policies are very important though, as observed by scholarly works, financing of such bodies remain a serious issue (Peters, 2003). International institutions have been primarily engaged with the highly evaluated mission of creating normative standards for activities directed toward justice. Their laws tended to be the obligatory rules and as a basis for human rights and civil and criminal justice. Their procedures were supposed to be aligned with the global administrative approaches and with local jurisdictions. The effectiveness of criminal trials to serve as a historical and memorial foundation has inevitably been a cornerstone in contention of international criminal justice since its first experiments (Stahn, 2012).

3. Rethinking the Fragments of Supranational System.

Supranational order is a system based on procedures primarily. Substantial rules will be applied when we are in need of theoretical discourses to address the basic definitions. Criminal activities in international arena are confusingly diverse in nature. Supranational order engage thematically with the concept of transnational crime. The remarkable advances in information and communication technologies have made states confronting and treating many kinds of criminal acts that substantially involve cross-border policies (Ouwerkerk, 2015).

According to Mueller, "transnational crime" is a criminological rather than a juridical term, articulated by the UN Crime Prevention and Criminal Justice branch (Boister, 2003). From a criminal legal point of view, it has been invented 'in order to identify certain criminal phenomena transcending international borders, transgressing the laws of several states or having an impact on another country' (Mueller, 2001). Generally, this branch of international law includes approaches that help us find the concepts which are agreed upon. That may be one step forward in creating a system that rely mostly on procedures.

Revising and redefining patterns that govern international criminal system, as well as those of the civil justice, is the prerequisite for every supranational mechanism. This paper suggests a critical-analytical pathway to theorizing this intellectual discourse. It will review the challenges that relentlessly confronts the process of setting up normative penal instruments. In a supranational level states basically search for new and effective policymaking models that would enjoy a cooperative theme while being able to address the needs for combating transnational crimes. The proposed system is very flexible and is plausibly able to make substitutions between national and supranational procedure patterns. The ideal proposition of supranational system has been once stated scholarly as "the establishment of a supra-national institution in the area of penal law, ICC, which suggests that the traditional rejection of

supranational authority has been modifies fundamentally and we are moving toward a society to which all individuals belong and through which all interests are expressed" (Mueller, 2001). The normative framework for penal law and policy provided by international institutions has showed periodical divergence from socio-legal standards that are constitutionally preferred by involving states. The proponents of efficacy of supranational system have to be advised about this challenge.

3.1. Civil Justice, Penal Procedures and Constitutional Concerns.

Should supranational penal system normatively adoptable with national substantial law and be subsidiary to rules of sovereignty? Can the involved states rely primarily on their rules of law and policy models to be a part of an inter-state legal entity? Since the supranational penal system executes the goals centrally defined as the way to international criminal justice it will work upon legal standards that are intrinsically unnegotiable in the sense of an agreement. First, the normative basics of human rights law, civil justice and constitutional maxims should be regarded in conformance with the procedural rules in any inter-state arrangement. In this new order states involved in this new order must, as it is expected politically, represent the rights and interests of their citizens (Megret, 2003) as well as other states. Secondly, sovereign states while confirming their status as parties in an agreement regarding penal system should have in advance gain a common understanding of what I refer to as the normative description of action policies which were principally theorized prior to any international engagement. And third, there is a significant difference between agreements concluded in penal justice or human rights law or any other international legal domain and contracts related to political, military or economic subjects. Basically, in the former, state party needs to have the legitimate status and minimum standards of justice and right-protecting policies in its history affirmed prior to joining the convention. It has been wisely argued that a democratic society would lose the war against these enemies when it abandons its fundamental and constitutional principles (Gross, 2003).

Furthermore, corrective and restorative policies that have been practiced successfully in the local communities can provide a very useful and applicable agenda for the states that tend to participate in a supranational program. Currently, restorative, welfare-oriented and retributive approaches in criminology areas coexist and act in the United Kingdom, Australia and the United States (Barker, 2007). International and supranational agreements that have formed around substantial penal law can equally be rearranged based on those approaches. Restorative practices are dynamic circles in national penal law that can produce an interactive frame for dialogue and cooperation in supranational systems. These frameworks set external boundaries in healthy communities while fostering inner control and social discipline (Bailie, 2009). As a matter of fact, through these states may come into an arrangement for exchanging penal policies and achievements through these local experiences.

There also serious concerns about observing civil and constitutional rights that stem in the extra-legal measures and practices in dealing with international criminal threats. Terrorist attacks of September 11 and the afterward move toward war against terrorism raised the issues previously were at the edge of legal universe such as how a constitutional regime should respond to violent challenges (Gross,

2003), a question that has found a sharp reference to civil justice and human rights law.

3.2. Theoretical Response to the Queries about Efficacy.

The supranational system can perform its complementary task in cross-border penal issues and do the investigation and prosecution activities within a normative set of regulations. This is also the case with international criminal law whose norms lies in a space between traditional areas of international law and domestic jurisdiction (Stahn, 2012). However, the International Criminal system would not have responded to all of the expectations.

Some area of international criminal system concerned with institutional architecture are in need of a procedural reform. "They include, inter alia, the relationship between pre-trial and trail, the scope and use of live testimony, the timing of disclosure, use of interlocutory appeals, judicial management and interpretation/translation" (Stahn, 2012). The supranational system is not only supposed to lack these weaknesses but also enjoys the following features.

1. There are concerns about national policies that may be influenced procedurally by transnational codes. As an example, the fear to lose control over practices of criminal justice urged United Kingdom to decide to partially withdraw from EU programs for cooperation in criminal affairs (Ouwerkerk, 2015). In contrary, a prospect supranational order outline in the form an agreement for inter-state penal and procedural rules enjoy more efficacy and legitimacy among its actors. Supranational agreements can create an atmosphere of trust and reliability in which, like ell-operated EU conventions 'based on the assumption of high level of mutual trust in each other's criminal justice system, judicial decisions that are handed down in other EU member state have to be recognized and enforced as if they would have been handed down in the domestic legal order' (Ouwerkerk, 2015).

2. Institutions which are created to act as the powerful mediums related to a supranational penal order are precisely open to systemic interpretation, partly because there is no conflict between themes and objectives they are supposed to serve them (Robinson, 2003). Additionally, it can be very helpful in keeping global peace. Supranational system will limit the trends to use military power and particularly obligate the involved states to refrain from resorting to violent reactions against targeted criminals. It is said that states politically incorporate restrictions on their policies in use of force against prospect criminals within normal military operations (Goodman, 2013). This restrictions, if fostered by supranational penal system, would increase the possibility of keeping peace in conflict areas.

3. Developing some appropriate standards in the form of supranational system to serve the interests of justice and criminal prosecution may be a very frustrating affair. In this regard, there are similar arguments that international institutions like International Criminal Court have faced serious challenges both politically and philosophically in developing such standards for institutional justice mechanisms (Goodman, 2013).

4. Prosecution and the process of trial in International Criminal Law has been traditionally a matter of procedural law among divergent systems and predictably very slow and costly. The United Nations, the Assembly of State Parties and even judges and individual scholars have criticized the turtle-like speed of their procedures specially, the significant delay in bringing suspects to trial (Stahn,

2012). Supranational systems that are affiliated to the common legal institutions created by states or unions can act for prosecutions and related procedural activities more speedily and effectively because of their realistic nature.

4. Conclusion.

Addressing divers-range crimes that cover cross-border activities is constantly appealing for new approaches in transnational level. In this regard, scholars have many critical points to discuss; the misleading conceptual agendas, fast and furious shifts in cultural and behavioral patterns of crime, and controversies about global mechanisms of normative description. Here I suggest that the supranational paradigm in forming penal system has proved more helpful than the two sets of institutions advised for addressing crimes that are beyond the borderlines, International Criminal Law (ICL) and Transnational Criminal Law (TCL).

Furthermore, states present their increasing concerns about paradigm shifts in crime patterns both within and abroad their territories and the need for supranational agreements. Approaches dealing with these problems and focus intellectually on substantial rules have faced serious challenges of which we may refer to misleading conceptual agendas, fast and furious shifts in cultural and behavioral patterns of crime, and controversies about global mechanisms of normative description. Revising and redefining patterns that govern international criminal system as well as those related to civil justice is the prerequisite for every supranational mechanism of policy modelling in penal procedures. Existing patterns of network cooperation suggest a critical-analytical pathway to theorizing this intellectual discourse. In this paper, I try to portray theoretically a framework for penal cooperation. International Criminal System and Transnational Criminal law have their own deficits both in theory and practice. Generally speaking, a supranational system may be activated based on bilateral or multilateral agreements. The supranational system can perform its complementary task in cross-border penal issues and do the investigation and prosecution activities within a normative set of regulations. It is characterized as having efficacy in enforcement mechanism, legitimacy doctrine, a handful of agreed upon agendas for interpretation and translation, and finally, a set of procedural rules.

References.

- Bailie J., "Power, Authority and Restorative Practices", *Restorative Practices EFORUM*, 2009. Available at: www.iirp.org
- Barker V., "The politics of Pain: A Political Institutionalist Analysis of crime Victims' Moral Protest", *Law and Society Review*, Vol. 41, No. 3, 2007, pp. 619-664.
- Boister N., "Transnational Criminal Law", *European Journal of International Law*, Vol. 14, No. 5, 2003, pp. 953-976. Available at: http://ejil.oxfordjournals.org
- Cassese A., "Terrorism Is Also Disrupting: Some Crucial legal Categories of International Law", *European Journal of International Law*, Vol. 12, No. 5, 2001, pp. 993-1001. Available at: http://ejil.oxfordjournals.org
- Goodman R., "The Power to Kill or Capture Enemy Combatants", *European Journal of International Law*, Vol. 24, No. 3, 2013, pp. 819-853. Available at: http://ejil.oxfordjournals.org
- Gross O., "Chaos and Rules: Should Responses to Violent Crisis Always Be Constitutional", *Yale Law Journal*, Vol. 112, 2003, pp. 1011-1134.
- Mac Mahon P., "Proceduralism, Civil Justice, and American Legal Thought", *University of Pennisylvania Journal of International Law*, Vol. 43, No. 3, 2013, pp. 545-610.
- Megret F., "Justice in Times of Violence", *European Journal of International Law*, Vol. 14, No. 2, 2003, pp. 327-345. Available at: http://ejil.oxfordjournals.org
- Mueller G., "Transnational Crime: Definitions and Concepts", in Williams P., Vlassis D. (eds),

Combating Transnational Crime, Routledge, London, 2001.

- Ouwerkerk J., "Criminal Justice beyond National Sovereignty: An Alternative Perspective on the Europeanization of Criminal Law", *European Journal of Crime, Criminal Law and Criminal Justice*, No. 23, 2015, pp. 11-31. Available at: www.pure.uvt.nl/ws/files/5213695
- Peters A., "International Dispute Settlement: A Network of Co-operational Duties", *European Journal of International Law*, Vol. 14, No. 1, 2003, pp. 1-34. Available at: http://ejil.oxfordjournals.org
- Robinson D., "Serving the Interests of justice: Amnesties, Truth Commissions and the International Criminal Court", *European Journal of International Law*, Vol. 14, No. 3, 2003, pp. 481-505. Available at: http://ejil.oxfordjournals.org
- Stahn C., "Between Faith and Facts: By What Standards Should We Assess International Criminal Justice", *Leiden Journal of International Law*, No. 25, 2012, pp. 251-282.
- Tallgren I., "The Sensibility and Sense of International Criminal Law", *European Journal of International Law*, Vol. 13, No. 3, 2002, pp. 561-595. Available at: http://ejil.oxfordjournals.org