DOI: 10.21564/2225-6555.2024.1(25).301243

Countering Organized Crime in the European Context

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Abstract

The importance of the topic is determined by the study of issues related to combating organized crime in the context of world security policy. The purpose of the article is to analyze foreign experience of combating crime in Italy and Great Britain at the current stage of their development. In the course of the study, attention was drawn to the fact that organized crime arises from a complex causal complex, the fight against which will be effective only when there are appropriate conditions for the formation of a system of measures (economic, social, legal, organizational, etc.), which will be aimed at blocking, neutralization of these socially dangerous modern phenomena on the basis of special law enforcement activities. The center of such activity should be represented by a law enforcement structure capable of promptly and effectively responding to existing challenges and threats that emerge from the organized crime, including at the transnational level. The paper states that the issue of socio-legal control of the activities of transnational criminal structures directly depends on the level of adaptation of national legislation to changes in crime and, first of all, its highly organized forms. When studying foreign experience of fighting crime, including in Italy, it has been found that all issues related to the fight against organized crime are under the responsibility of the Ministry of Internal Affairs. The main areas of activity of organized crime in Italy are: drug smuggling, extortion, corruption and fraud, robberies, etc. While analyzing fight against organized crime in the United Kingdom, attention has been drawn to the fact that the main areas of activity of organized crime are drug business, illegal migration, laundering of "dirty" money, corruption, fraud, illegal circulation of weapons and other explosive items, cybercrime, etc. In the course of the study, it has been emphasized that the peculiarity of such crime is its transnational and global nature. In this context, all efforts to combat organized crime in Great Britain are put into a comprehensive fight against this socially dangerous phenomenon today.

Keywords: latency; fraud; abuse of power; thief in law; criminal influence; drug trafficking; illegal migration; interaction with law enforcement agencies.

Протидія організованій злочинності в європейському контексті

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Анотація

Актуальність теми зумовлена дослідженням питань протидії організованій злочинності в контексті світової безпекової політики. Метою статті є аналіз зарубіжного досвіду протидії злочинності в Італії та Великій Британії в сучасних умовах. У роботі, зокрема, наголошено, що організована злочинність виступає складним причинним комплексом, боротьба з якою буде ефективною лише за умови існування відповідних умов формування системи заходів (економічних, соціальних, правових, організаційних та ін.), спрямованих на блокування та нейтралізацію цих суспільно небезпечних явищ на засадах здійснення спеціальної правоохоронної діяльності. Головним центром такої діяльності має стати правоохоронна структура, яка здатна оперативно й ефективно реагувати на наявні виклики й загрози з боку організованої злочинності, в тому числі на транснаціональному рівні. У статті наголошено, що питання соціально-правового контролю діяльності транснаціональних злочинних структур безпосередньо залежить від рівня адаптації національного законодавства до змін злочинності та насамперед її високоорганізованих форм. При вивченні зарубіжного досвіду боротьби із злочинністю в Італії з'ясовано, що всі питання, пов'язані з протидією організованій злочинності, перебувають у віданні Міністерства внутрішніх справ. Основними сферами діяльності організованої злочинності в Італії є: контрабанда наркотиків, вимагання, корупція та шахрайство, розбійні напади та ін. Досліджуючи протидію організованій злочинності у Великій Британії, звернено увагу, що основними сферами діяльності організованої злочинності є наркобізнес, нелегальна міграція, відмивання «брудних» грошей, корупція, шахрайство, незаконний обіг зброї та інших вибухонебезпечних предметів, кіберзлочинність тощо. У ході дослідження наголошено, що особливістю такої злочинності є її транснаціональний і глобальний характер. У цьому контексті всі зусилля протидії організованій злочинності у Великій Британії спрямовані на комплексну боротьбу з цим суспільно небезпечним явишем сьогодення.

Ключові слова: латентність; шахрайство; зловживання владою; злодій у законі; злочинний вплив; незаконний обіг наркотиків; нелегальна міграція; взаємодія з правоохоронними органами.

Introduction

The large-scale war waged by the Russian Federation against Ukraine has continued the effect of the existing negative factors in the international security environment and launched additional destructive processes, thus destroying legal foundations of the world legal order.

In this regard, the rapid development of social and legal relations, the democratization of state institutions is impossible without an offensive fight against crime in its various manifestations. The state, represented by the competent authorities, determines the rules of conduct aimed at guaranteeing the safety of each person, as well as establishing the state of protection of society and the state from various types of illegal encroachments on protected interests. Violation of these provisions can lead to irreparable damage to the effective functioning of the state in its various spheres.

In the conditions of globalization, transnational organized crime is a natural result of the development of criminal activity in society, its organized spheres and it embodies the most highly latent and dangerous system of organized criminal activity.

Issues of socio-legal control of the activities of transnational criminal structures directly depend on the level of adaptation of national legislation to changes in crime and, first of all, in its highly organized forms. A number of scientists note that such changes mainly relate to the provisions on criminal liability for participation in the activities of criminal organizations and issues of confiscation of criminal assets [1, p. 11].

Before the full-scale invasion of the Russian Federation to the territory of Ukraine, Ukraine ranked 34th among 193 countries in the world and third in Europe based on the Global Initiative against Transnational Organized Crime (GI-TOC) crime rating.

The following types of activities connect Ukraine with global criminal markets: 1) smuggling routes connecting Russia and Ukraine and passing through the occupied territories; 2) world smuggling hubs in Odessa and other ports on the Black Sea; 3) factories in Ukraine that manufacture prohibited export goods; 4) crimes related to the violation of human rights, namely those involving "human trafficking", "white slavery", "migrant smuggling", etc. Various types of criminal elements, including "thieves in law", who try to retain a criminal influence on the security situation in the southern region of Ukraine, control such areas of illegal activity.

As time has demonstrated, today this issue continues to remain acute and relevant for the entire world community. This is a well-established transnational type of illegal activity, which brings enormous income to criminals and occupies a leading position in the criminal world in terms of profitability [2, p. 195].

This infrastructure supported various "business models" for the implementation of criminal designs and the transportation of various goods.

Before the full-scale invasion, Ukraine was a transit route for heroin from Afghanistan, thus supplementing routes through the Balkans and the Caucasus. Cocaine from Latin America traveled through the Black Sea. From Mykolaiv, mafiosi exported weapons to Asia and Africa.

In 2020, Ukraine became the largest source of illegal tobacco supply in Europe, effectively overtaking China. Ukrainian amphetamine production was on the rise: 67 criminal laboratories were closed – the highest mark in history for all countries combined [3].

The above requires law enforcement agencies to intensify their fight against transnational crime in modern conditions.

Literature review

Recently, issues related to fighting organized crime in its various manifestations have become the subject of scientific research in the works of A. Vozniuk [4, pp. 54-56; 5, pp. 52-56], B. Golovkin [6, pp. 75-87], D. Kamensky [7, pp. 64-75], R. Orlovskyi [8, pp. 197-230] V. Shevchuk [9, pp. 119-136] etc.

Thus, the issue of combating crime was and remains a pressing one for both scholars and practitioners.

Materials and Methods

Based on the defined research subject, I have chosen a comprehensive approach to the application of scientific knowledge methods. In the course of this research, I employed the comparative method, which allowed to compare existing issues of the existence and development of the law enforcement system of the studied countries, the process of establishing and fixing relations of identity, similarity, opposites, differences of existing social phenomena, as well as comparing different legal systems and theoretical concepts. The formal legal method was used to establish the content of legal norms and to analyze the practice of their application by the law enforcement agencies under review. The application of the formal-logical method became the basis for identifying shortcomings in the regulation of foreign legislation and finding ways to overcome them.

Results and Discussion

Problems of combating organized crime: Ukrainian context

The systemic reorganization of law enforcement agencies of Ukraine, the creation of new law enforcement units, the improvement of existing legal acts in the field of combating organized crime, including transnational crime, have once again confirmed that such fight is a global issue which cannot be solved at a separate state level, law enforcement agency or of the normative legal act [10, pp. 283-292; 11, pp. 61-66]. That is why the fight against crime in many countries of the world plays a decisive role in the formation of security policy in various spheres of public administration [12, pp. 825-838].

When considering the fact that organized crime arises from a complex causal chain, the fight against it will become effective only when there are appropriate conditions for the formation of a system of measures (economic, social, legal, organizational, etc.) aimed at blocking and neutralizing such dangerous modern phenomena on the basis of special law enforcement activities. The main center of such activity should be a law enforcement structure capable of promptly and effectively responding to the challenges and threats that arise from organized crime, including at the transnational level [13, p. 111; 14, p. 209; 15, pp. 893-910].

The war in Ukraine has changed everything by creating an "atmosphere of unacceptable risk for international criminal business". According to the U.S. government report, international criminality faced such obstacles in Ukraine as: closed ports, mined areas, part of the population has gone to defend the country, curfew largely prevents criminals from operating during the night period.

It should also be noted that a large number of criminal organizations have stopped cooperating with Russian "colleagues" [16].

After Ukraine fell out of the smuggling routes, criminals found other supply routes. For example, the flow of heroin and methamphetamine across the Turkey-Iran border has increased.

In the first quarter of 2022, Lithuanian border guards recorded a fourfold increase in the volume of illegal tobacco transportation compared to the previous year. In 2023, Estonian officials together with Europol seized 3.5 tons of Latin American cocaine worth half a billion euros in the port of Muuga.

The blockade of Ukrainian ports and the strengthening of control over the western borders have influenced the increase in cases of seizures in Russia: smuggling of luxury goods, especially designer goods, has increased.

Currently, criminals in Ukraine have additional earning opportunities, such as human trafficking [17, pp. 202-218] and cross-border transportation of army evaders.

Thus, SBU counter-intelligence agents blocked the channel of illegal migration of foreigners through Ukraine to the European Union. According to preliminary data, more than 100 people have used the illegal mechanism.

As the SBU established, Kyiv residents and their foreign accomplices have been organizers of the scheme. They created a mechanism for the illegal stay of persons from South Asian countries in Ukraine.

The perpetrators created a number of fictitious companies and, under the international student exchange program, issued fictitious invitations to foreigners allegedly to study at Ukrainian universities. However, instead of studying, on the basis of the invitations received, "students" had the opportunity to travel to EU countries, using Ukraine as a crossing point.

According to the investigation, members of the group were active throughout the territory of Ukraine. They met migrants, provided them with housing and "pre-legalized" them in Ukraine under fictitious documents. In the future, these "entrepreneurs" formed groups and transported "students" abroad.

According to preliminary estimates, the perpetrators transported over 100 foreigners using the channel of illegal migration. The cost of "services" depended on the country of destination and ranged from \$4,000 to \$8,000. The countries of Western Europe were in the greatest "demand" among migrants.

A number of searches were conducted in Kyiv and Kyiv region, as a result of which law enforcement officers have discovered a group of 15 people who were being prepared for transportation to Europe. In addition, fictitious documents used to legalize foreigners and vehicles used to transport criminals had been seized.

As part of the criminal proceedings, one of the organizers has been charged under Part 2 of Art. 332 (illegal transportation of persons across the state border of Ukraine) of the Criminal Code of Ukraine [18].

As one can see, despite the large-scale aggression of the Russian Federation against Ukraine, law enforcement agencies continue to oppose socially dangerous acts which encroach on the protected interests of the state.

When studying organized crime related to transnational crime, it is impossible to ignore foreign countries where the fight against crime (including transnational crime) remains quite effective.

Fighting organized crime in Italy

In Italy, all issues of combating organized crime are under the responsibility of the Ministry of Internal Affairs. Police has been particularly active in the last decade. As an example, it is necessary to pay attention to a number of seizures carried out by law enforcement agencies based on a court verdict. So, in Sicily alone, mafia property worth of 300 million euros, has been confiscated. At the same time, a large number of shares in various companies, 60 hectares of land and 220 buildings were confiscated. All this belonged to the mafia boss from the Sicilian city of Trapani, Matteo Messina Denaro, and was registered in the name of a local businessman, Giuseppe Grigoli.

In recent years, Italian authorities have confiscated nearly 10,000 real estate properties from the mafia. Confiscated buildings, as a rule, are transferred to public and state organizations engaged in social support of low-income families. Italian justice hands down harsh sentences to members of criminal communities.

Thus, police of a number of European countries, as well as Brazil and Panama, led by representatives of German law enforcement agencies, exposed and arrested about a hundred suspects of cocaine smuggling, money laundering and tax crimes [19]. The main target of the largescale operation, which was conducted in cooperation with Eurojust and Europol agents and involved law enforcement officers, were the leaders of the "Ndrangheta" group. The detained persons are suspected of money laundering, drug trafficking, tax evasion and fraud. This mafia syndicate is considered to be one of the most powerful in the world. Currently it receives a significant part of its income from the drug trade.

Activities of the "Ndrangheta" syndicate, in addition to Europe, have spread to the USA, Mexico and Latin American countries. According to law enforcement officers, representatives of the "Ndrangheta" have set up a large hub for "laundering" money in this country.

The "Ndrangheta" clan originates from Calabria, the poorest province in Italy. According to experts, it includes about 150 Calabrian families. Drug and arms trade, robberies, fraud and siphoning of public funds annually provides the clan with a profit of over 50 billion euros. Activities of the "Ndrangheta" are spread throughout Italy, as well as the USA, Australia, Belgium, Canada, Germany, Austria, the Netherlands, Argentina, Colombia and Mexico. The clan is considered to be the biggest distributor of cocaine in Europe [19].

Tackling organized crime in the United Kingdom

In Great Britain, the National Crime Agency (NCA) is required by law to combat organized crime (including transnational). The main tasks of the

national agency include: countering illegal trafficking of weapons and drugs, cybercrime, fraud, bribery and corruption, human trafficking, illegal migration, laundering of "dirty" money, etc.

The NCA's primary mission is to protect the public from organized crime (including transnational crime) by targeting and prosecuting those criminals, who pose the greatest public danger to the UK.

Today, the NCA employs over 5,000 officers who have a wide range of expertise and carry out various tasks to protect the public from organized crime (including transnational). Officers collect and analyze information in order to make an objective assessment of the threats the UK may face in both short and long term. NCA officers use different types of forensic knowledge and innovative technologies to prevent, stop and solve criminal offenses that have already been committed, which in turn ensures the safety of citizens and the country from criminal offenses of various types [20].

As one illustrative case, in February of 2024, a person was convicted for participating in an organized criminal group, which was active in the business of the illegal transportation of migrants to Great Britain by trucks. During the investigation, it was determined that the person, who has been arrested as part of a long investigation, was a member of an organized crime group that used GPS trackers to track vehicles in which they secretly hid people with a goal to illegally cross the state border.

This individual was arrested during an NCA operation in South Mimms on March 30, 2021, where he was caught red-handed while attempting to break into a truck to transport four migrants, without the knowledge and consent of the driver.

At the time of his arrest, this person worked for an organized criminal group specializing in illegal border crossing. A search and seizure of the criminal's personal belongings uncovered evidence of the individual's involvement in a separate criminal network that has extorted 7,000 pounds per person from migrants for the services to smuggle them into the UK [21].

Also, the NCA effectively counters international drug trade. Thus, the head of a drug gang received a prison term in March 2023, after an investigation involving NCA officers.

The criminal, by using conspiracy methods, engaged in illegal activities related to drug trafficking using an encrypted communications platform. His closed network consisted of more than 50 criminal contacts, including those abroad. Within the course of the investigation, irrefutable evidence was obtained that he supplied drugs to criminal groups, in conjunction with drug gangs, in the North West, as well as in Plymouth and Southampton in the UK. The offender disguised his criminal activities as a legitimate business, since he owned a car company in Wavertree and Liverpool. This company was engaged in transportation both in Great Britain and abroad.

According to the judgment of the British court, in addition to the imprisonment of the leader of the drug gang, his property worth almost 400 thousand pounds was also confiscated to the state treasury. The criminal proceeds from multi-year criminal activity total about 3 million pounds [22].

Conclusions

Organized crime, in particular in its transnational form, poses a threat to global security policy as it represents an alternative system of social construction, which is based on criminal relations.

In the near future, organized crime will primarily retain its transnational character, its socially dangerous activities will be concentrated primarily in the social, economic and criminal spheres. In this regard, the greatest threats to world security policy are seen as the following phenomena: illegal migration and human trafficking, the spread of drugs and the rise of the drug business against this background, organized crime of a transnational nature and crime in the information space, illegal circulation of weapons and other explosive objects.

Thus, having studied the work of authorized bodies to combat organized crime in Italy and Great Britain, it should be noted that the law enforcement agencies of these countries effectively apply the fight against crime not only at the national, but also at the international level, thereby creating new units and looking for new approaches, methods and crime prevention technologies and also widely using the experience of the developed world jurisdictions.

While summarizing the expertise of the studied countries in the field of combating organized crime, it is necessary to pay attention to the fact that both Italy and Great Britain have developed sufficiently effective mechanisms for combating organized crime. Among the progressive points, the following should be noted: legislators in Italy and Great Britain are quite active in lawmaking in the area of combating crime; law enforcement agencies of Italy and Great Britain are provided with great authority in terms of combating crime, which makes it possible to effectively counter socially dangerous acts caused by manifestations of international organized crime; presence of separate law enforcement agencies, which are aimed at fighting organized crime on a national and global scale, deserves special attention.

We hope that positive experience of Italy and Great Britain will be useful in the fight against organized crime not only in Ukraine, but also beyond its borders.

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ISSN 2225-6555. Theory and Practice of Jurisprudence. 2024. Issue 1(25)

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Suggested Citation: Lutsenko, Yu.V., & Kharytonov, S.O. (2024). Countering Organized Crime in the European Context. *Theory and Practice of Jurisprudence*, *1*(25), 141-152. https://doi.org10.21564/2225-6555.2024.1(25).301243.

Submitted: 19.02.2024 Revised: 24.05.2024 Approved: 04.06.2024 Published online: 28.06.2024