

# ORGANIZED CRIME - MODERN GLOBAL THREAT

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## ABSTRACT

The modern world is faced with new challenges, risks and threats to security that are increasingly unpredictable, asymmetrical and transnational in nature. Organized crime poses a global threat to the security and overall development of states and societies. The analysis is based on electronic sources and a review of domestic and foreign scientific literature.

In the preparation of the content of the paper, the author will apply the general scientific methods: the descriptive method and the normative method, and the Method of content analysis as a separate scientific method. In the paper, the author will define the term organized crime and define the types of organized crime. In the final part of the paper, the author will identify the detrimental effects of organized crime internally and externally.

The subject of research in this paper is organized crime and its threatening effects on national and international security.

The purpose of the research in this paper is to study organized crime as a global threat in the scientific literature with its particularities.

**Keywords:** *organized crime, threatening effects, prevention*

## INTRODUCTION

The modern world is faced with new challenges, risks and threats to security that are increasingly unpredictable, asymmetrical and transnational in nature. Organized crime poses a global threat to the security and overall development of states and societies. Organized crime poses a global threat to the security and overall development of states and societies. Its development is conditioned by the "emergence of poor countries" and the socio-economic transition; the impoverishment of states and the weakening of social programs have led to the crime of society in transition countries, encompassing not only the broader social strata but also party and political structures, the judiciary and public administration bodies. [5]

## **MATERIAL AND METHODOLOGY**

In the preparation of the content of the paper, the author will apply the general scientific methods: the descriptive method and the normative method, and the Method of content analysis as a separate scientific method.

## **THE TERM ORGANIZED CRIME**

In the scientific literature, there are different definitions of the term organized crime.

According to some authors, such as: Mijalkovic, Sasa, Keserovic, Dragomir, Boskovic Mico organized crime is broadly defined through forms of criminal activity characterized by the existence of criminal organizations and organized access to the commission of crimes, with the aim of unlawful property gain. In a narrower sense, organized crime is defined through forms of organized criminal activity that establish links between the heads of criminal organizations and individuals within the structure of state government. [2] [11]

It is obvious that these are acts of various forms of criminal association. "An organized criminal association or criminal organization is the secret association of several persons who meet the necessary conditions laid down in written or unwritten rules governing the functioning of organizations and agreeing to strict compliance with those conditions, established by professional and as a rule the planned commission of crimes. The organization should be of a lasting nature, with the aim of continually gaining property or power, further creating a monopoly in a particular area (and therefore prone to destroying competition). The organization is based on hierarchical principles and with the strict discipline of its members, as a rule, and on the principles of specialization and division of work in criminal activity, but the organization is also involved in certain legal activities (within which specialization exists) and division of labor within its membership).

In principle, the organization is not ideological in nature, and practices a variety of violence, which it uses both in relation to the external environment and to members who have violated its rules (its own sanctioning system), and in particular strives for corruptive methods to directly or indirect influence on the part of state authorities to enable or facilitate their own action and to spread direct or indirect influence. [11]

It is a permanent criminal act, which is rationally committed to profit from illegal activities, and its permanent existence is maintained by the use of force, threats, monopoly control and / or corruption of public servants. Thus, the primary elements of organized crime are: the existence of permanent criminal organizations; rational criminal activity; gaining profits as the ultimate goal of criminal activity and the use of force or threats and resorting to corruption

for the accomplishment of goals and the maintenance of immunity from the exercise of rights. [1]

From a legal point of view, the section of the United Nations Convention in Palermo which defines an "organized crime group" as "a structured group of three or more persons who persist for a specified period of time and act specifically to commit one or more serious crimes which are within the mandate of this Convention for the purpose of obtaining, directly or indirectly, financial or another material benefit. With the global spread of organized crime, several countries have begun to develop a more strategic response to this challenge. National risk assessments examine the links between international criminal networks and their impact on the country under investigation. In other words, while the threat is transnational, the focus is on the country concerned. [8]

In the scientific literature, special attention is drawn to the definition of organized crime by Joseph Albin and Jeffrey, who writes that organized crime is: "A form of criminal activity within a social system consisting of a centralized or decentralized social network (or networks) of at least three actors involved in an ongoing criminal association in which the size, scope, leadership and structure of the network are generated for a specific purpose. This goal is superior to the opportunities arising from laws, regulations and social habits and can be pursued for financial gain and / or to gain some form of power to cause social change and / or social movement". [9]

Organized crime in its many different forms, is presented as a threat to political, economic and social development; it can cause violence and corruption, undermine the rule of law, good governance and democratic processes; can endanger economic growth and poverty reduction, and pose significant risks to public health and environmental sustainability. [7]

The FBI defines organized crime as any group with a formalized structure of conduct whose primary purpose is to make money through illegal activities. Such groups maintain their positions through the use of fear or threatening violence, corruption of public figures, bribery or extortion and generally speaking, to have a significant impact on people in their place, region or state as a whole. [4]

Kambovski in his book *Organized Crime*, defines organized crime as "the commission of crimes by criminal associations for the purpose of profiting and / or gaining power, by using violence, or by using a special status in society, by reducing risk by engaging in legal economic, political and other activities, as well as a pre-made prosecution system".

Defining the term organized crime today has a particularly important criminal-political function: setting a penal framework for a proportionate response to increasingly severe and more organized forms of crime by increasing the effectiveness of prevention, detection and prosecution measures.

In addition, the definition of organized crime facilitates the work of law enforcement institutions, giving clearer direction and tends to increase their work efficiency and contributes to reducing the loss of human and financial resources.

## **THE PHENOMENOLOGY OF MODERN ORGANIZED CRIME**

There are numerous forms of organized crime. In principle, they can be divided into two groups:

[10] Crime related to the organization of criminal groups - association (which occurs in two forms: the organization of a criminal association for which the organizer is responsible and accession and action within the criminal association for which they are criminally responsible all members of the criminal association and Sum of crimes committed by members of the criminal association.

Article 394 of the Criminal Code of the Republic of North Macedonia defines the term criminal association. The term criminal association is a generic term for the joint commission of offenses by at least three persons: the organizer of that association and at least two other persons who have joined in the commission of the offenses. [3] In addition to associations, the Criminal Code of the State also includes other terms such as conspiracy, group, gang, network, service etc. Such criminal associations often aim to commit serious crimes, the profits of which are high. The consequences they cause are very big and dangerous both for individuals and for the state itself.

Modern organized crime has an international dimension and externally affects the security and stability of states.

It is obvious that it has evolved, so the threshold of the 21st century is characterized by: [10]

- Increasing destructiveness to the values and interests of individuals, communities, states and the international community;
- Networking of criminal groups at national borders - so-called criminal co-operation;
- “Raising” the activities of certain criminal groups or networks from national to supranational level - the so-called internationalization of criminal activities;
- Creation of transatlantic illegal organized markets crime, the so - called globalization of criminal markets and
- Establish a partnership between criminal groups and networks from one country with criminal groups and networks operating in the territory of other countries - the so-called internationalization of criminal cooperatives.

The emergence of new forms of crime, such as illegal trafficking in human beings, drugs or weapons, nuclear materials and waste, biogas agents, genetic materials, human tissues and organs, the emergence of high-tech crime, and so on. At the same time, some forms of security threat were restored, which were considered outdated, eradicated and long-forgotten, such as trafficking in human beings.

The types of contemporary organized crime are numerous, including: economic and corporate crime, drug trafficking, arms smuggling, human trafficking, migrant smuggling, "sex mafia" (prostitution, porn-mafia), auto-mafia, theft and smuggling of old and art objects, gambling mafia, urban and civic mafia, transplant mafia, baby-mafia, pharmacy mafia, funeral mafia, counterfeiting of money and securities, racketeering, robbery, a crime of war structures, bankruptcy mafia, customs mafia, cigarette mafia, oil mafia, current mafia, waste mafia and many more. [11]

The term mafia is used as a synonym for a certain type of organized crime. Organized crime is infiltrated in almost all spheres of social and state life.

Contemporary crime has different features than the former organized crime, whose primary motive was to make a profit.

The relation of organized crime with the political and economic elite, but also with the new centers of financial power (so-called tycoons), i.e. with certain forms of political, economic and environmental crime, is visible. Financial power and positions in the political, economic and local sectors are used for non-institutional, extracurricular, unethical, and other influences of the state, i.e. to take a position in the community that cannot be obtained through participation in regular democratic processes.

Legalization of illegal profits and the establishment and privatization of economic entities require the assistance of the state administration structure. It is about the representatives of the state authorities at all levels (from the government, ministries, police, courts, public prosecution, economic structures) that assist criminal groups in providing services and money. [10]

Their members are protected from state repression by avoiding prosecution, by acquitting acquittals, probation or minimum sentences and by reducing their prison sentences.

The most dangerous are the criminal cases of individuals, and even most members of the government (so-called state crime). High-crime decisions can protect and stimulate organized crime activity, making them "quasi-illegal" and immune from domestic law sanctions. [11]

That is why it is also clear that organized crime attempts to infiltrate the country's political system by funding campaigns of certain political currents, namely corruption or intimidation of the electorate and political factors. This transforms economic power into political, and uses the achieved political positions to increase economic power, while legalizing dirty money and "fertilizing" it. Of particular concern is the infiltration of organized crime in (international) NGOs and the misuse of their funds for illegal but also legal activities, primarily through various tenders.

It is also evident that organized crime carries out destructive psychological-propaganda activity through the media (radio, television, newspapers), which it establishes, finances and controls in various ways. This puts some pressure on public opinion, legislative, executive and judicial bodies, criminal network opponents, potential witnesses, and so on.

Some international criminal organizations have capital that is greater than the national gross income or the budget of many countries. It enables them to thwart the transition to democracy, restrict personal rights and freedoms, prevent the open market economy and the legal side of investment, restrict free elections and press freedom, and threaten the financial security of countries [13]

## **THEORY/CALCULATION**

### **TERM PREVENTION OF CRIMINALITY**

In the scientific literature when it comes to combating organized crime, many authors talk about the term prevention. Crime prevention means the use of all means and measures aimed at preventing the emergence of some forms of crime. [5]

There are different views of the authors regarding this term. Some crime prevention authors only understand those activities aimed at preventing crime that are undertaken by the public and the local community. Also, some authors believe that positive legislation is not the basis for crime prevention, but only the basis for preventive action by the public, authorities and the service. Other authors hold that criminal law is the basis of a preventive strategy.

In fact, "crime prevention" means the use of all measures and means to mobilize individuals, social groups, organizations and institutions aimed at preventing those which do not comply with criminal law and which in their nature are harmful individuals, social groups, or society at large". [14]

The purpose of prevention is to prevent the perpetration of criminal acts, so it is theoretically necessary to understand only the appearance of crime i.e. to penetrate its etiological and phenomenological aspects. On the other hand, the development of preventive strategies and their implementation depends on the

political movements in society and the political environment. In this regard, Mitric states that "the application of criminal law is based on the maxim" "nemo prudens punit quia peccatum est, sed ne peccetur", which in translation means that no one cleverly punishes for wrongdoing, but for wrongdoing. the future [12]

It is also important to look at relationship prevention and repression, because as criminal law emphasizes, repression is not an end in itself, it is always ultimately in the service of prevention.

Prevention as a basic form of crime prevention has been the subject of research by a large number of scientists and experts in various fields of science. The research mainly focuses on the theoretical determination of prevention, differentiation and classification of preventive measures and activities, delineation of subjects in the holders of preventive activities and analysis of the preventive role and function of those entities without the practical establishment of prevention programs. In fact, prevention is associated with a series of measures and activities that should prevent the occurrence of crime.

The European Crime Prevention Network (EUCPN), in 2001, gave the following definition of prevention as "measures that reduce or otherwise contribute to the quantitative and qualitative reduction of crime and the sense of insecurity among citizens, through direct deterrence" from criminal activities or through policies and interventions designed to reduce the potential for crime and the factors that make it a crime. This includes the work of the Government, the competent authorities, criminal law institutions, local authorities, associations of experts, the private, voluntary and civil sectors, scientists, the general public and the media".

In today's global environment, it is necessary for each nation-state to adopt a crime prevention strategy, which will stimulate expert and scientific public as well as state institutions, NGOs and the private security sector on future directions of action in the field of crime prevention the state.

The strategy aims to motivate and mobilize all legally obliged institutions, all governmental and non-governmental organizations, the citizens, especially the youth, to make efforts to organize crime prevention activities from local to national level.

The Strategy as a guiding principle should establish the convergence of the organizational, staffing, technical, financial, state and community efforts to increase the safety of citizens and in the exercise of the protection of citizens' property, as well as respect for human rights and freedoms.

Crime prevention is a set of measures, activities and actors that work together to achieve the goals set in this area. There are two levels in this action: [15]

Crime Prevention System - A set of general and specific measures and activities that guide the community at different levels of its organization and through different forms of work in the direction of crime prevention. The Crime Prevention System represents by legal acts a defined methodology and structure of connecting the participants in the process of preventive action.

An Act on the Establishment and Functioning of Working Bodies within the Public Administration Bodies and Organizational Units in the Ministry of the Interior should be adopted as carriers of activities in the Crime Prevention System and it is necessary to provide a unique approach in resolving the problems of the whole territory of the state.

In fact, it is necessary to adopt the Organized Crime Prevention Concept, which implies taking coordinated actions aimed at preventing incidents that are not in accordance with the law and which in essence harm the citizens, social groups or the community in the country whole.

The primary objective of prevention is to ensure the security of the state, the security of its citizens, the security of values, interests and resources, as well as respect for international norms that are integral to the national response to contemporary risks and threats. Prevention is the creation of such political, social and economic circumstances that remove the conditions for the creation and dissemination of contemporary risks and threats in all elements of their manifestation.

Prevention measures include the following: [6]

- recognizing and preventing forms of threat that may lead to threat or risk;
- Preventing abuse of civil society institutions and the non-profit sector for the purposes of terrorism, organized crime, etc.
- encouraging research, analysis, exchange of experience and best practice in the area where it is necessary to prevent the spread of extremist ideology and to increase understanding and tolerance in the country;
- development of human resources, devising new programs for education and training, creation of organizational and functional preconditions for the development of educational and professional work in this field;
- strengthening and developing all national capabilities for the prevention of modern risks and threats.



## CONCLUSION

At the foreign policy level, organized crime can indirectly encourage disintegration. But it can also hinder or hinder the integration of states into certain international institutions and organizations. The consequences of organized crime on the security of states are identified with the consequences of political and economic pressure.

Internally, the effects of organized crime are extremely complex, and pose a strategic risk to national security and the safety of citizens:

By analyzing the above content, the following conclusions can be finally reached:

- Establishing a legal and institutional framework for preventing and combating organized crime;
- Consistently establish criminal and moral responsibility for illegal activities;
- Establishment of ethnic standards;
- There is a need to promote cooperation and multidisciplinary within institutions, especially in terms of information exchange.
- Further systematic efforts are needed to establish a comprehensive statistical system and mechanisms for monitoring corruption-related and organized crime;
- Internal institutional capacity for disclosure needs to be improved through the establishment of internal investigative services and the improvement of the legal and institutional protection of reporters.
- Preventing conflicts of interest in the public sector;
- Legal and responsible implementation of decisions;
- Increasing the efficiency of law enforcement and oversight institutions;
- Reform of the state administration, aiming at greater professionalism and transparency;
- Transparent financing of political parties, elections, and election campaigns;
- Open and transparent procedures for the planning and use of budgetary funds, and public control over the use of budgetary funds;
- Training and assistance to the private sector in implementing measures against organized crime;
- Defining the role of the media in the fight against organized crime;
- Stimulating citizens to get involved in the fight against organized crime;

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