

THE ESSENCE OF TRANSNATIONAL ORGANIZED CRIME AND THE NEED TO COMBAT IT

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Annotation. The article examines the essence of transnational organized crime as one of the most dangerous phenomena of the modern globalized world. The author analyzes the characteristic features, forms and methods of activity of transnational criminal organizations, their impact on the economic, political and social stability of states. Special attention is paid to the reasons for the stability of such structures and international counteraction mechanisms. The article substantiates the need to develop a coordinated international approach to combating transnational crime, as well as to strengthen legal and institutional measures at the national and global levels.

Keywords: transnational crime; organized crime; international security; criminal networks; combating crime; international cooperation; criminology; law enforcement agencies; globalization.

Аннотация. В статье рассматривается сущность транснациональной организованной преступности как одного из наиболее опасных явлений современного глобализированного мира. Автор анализирует характерные черты, формы и методы деятельности транснациональных преступных организаций, их влияние на экономическую, политическую и социальную стабильность государств. Особое внимание уделено причинам устойчивости таких структур и международным механизмам противодействия. Обосновывается необходимость выработки скоординированного международного подхода к борьбе с транснациональной преступностью, а также усиления правовых и институциональных мер на национальном и глобальном уровнях.

Ключевые слова: транснациональная преступность; организованная преступность; международная безопасность; криминальные сети; борьба с преступностью; международное сотрудничество; криминология; правоохранительные органы; глобализация.

The current stage of development of the world community is accompanied by intensive processes of globalization, the expansion of international economic, political and cultural ties, as well as the active spread of digital technologies. At the same time, these processes, despite the unconditional progress, create a favorable environment not only for the development of civilized forms of interaction, but also for the transformation of crime, which transcends national borders and acquires a stable, organized and transnational character.

Transnational organized crime (TOC) has become one of the most serious threats to international security and law and order in recent decades. Its activities cover such areas as drug trafficking, arms trafficking, human trafficking, organ trafficking, smuggling, cybercrime, money laundering and corruption. Criminal gangs actively use modern technologies, financial instruments, fictitious companies and offshore jurisdictions, providing a high degree of secrecy and resistance to law enforcement pressure.

The stability and high level of adaptability of transnational criminal organizations are due to a number of factors, including: weak legal institutions in a number of States, high levels of corruption, uneven socio-economic development, conflicts and instability in certain regions of the world. These conditions allow criminal structures to freely increase their influence, form shadow economies, and exert pressure on government agencies, law enforcement agencies, and judicial systems.

In addition, transnational crime has not only an economic, but also a political orientation. In some cases, its representatives are involved in financing armed conflicts, destabilizing power, interfering in the internal affairs of States, and even terrorist activities. Thus, TOP represents a systemic threat not only at the national level, but also in the context of global law and order and the sustainable development of States.

Given the above, the development of effective mechanisms to counter transnational organized crime is becoming particularly relevant, which requires an integrated, interdisciplinary and, most importantly, an international approach. Combating this phenomenon is impossible within the framework of exclusively national efforts, since criminal networks themselves operate cross-border, ignoring State jurisdictions and national legal systems.

President of the Republic of Uzbekistan Sh.M.Mirziyoyev, expressing his opinion on this issue, noted: "International terrorism, extremism, drug trafficking, religious confrontation, illegal migration, human trafficking, environmental problems, growing economic helplessness, unemployment and poverty in some regions are of serious concern to all mankind. The question of how to act in such extremely difficult and dangerous conditions, how to preserve peace and tranquility, and ensure sustainable development, should seriously make us all think."¹

Globalization is precisely the development of modern states.

They have become the leading directions of socio-economic processes. The process of globalization, in turn, has led to the nature of crime, that is, to actions affecting the interests and territories of two or more states, the volume of sales of various illegal goods (weapons, drugs, etc.) has increased, which, in turn, leads to an increase in income from cross-border criminal activities and, as a result, to the development of transnational crime.

Today, the problem of transnational organized crime is one of the urgent problems facing the world community. This is due to the fact that the strengthening of integration and cooperation ties between States and peoples, the creation of favorable conditions for the free movement of foreign investment, capital, goods and labor, which are considered positive aspects of the modern globalization process, lead to an increase in cases of certain types of crimes leaving the territory of one state for the territory of other States. In other words, some crimes rise to the level of transnational organized crime. These circumstances lead to serious obstacles for the economic development of any State.

Researchers approach the concept of transnational organized crime in different ways, in specialized literature and in international documents.

Several proposals on the use of the definition of transnational crime were discussed at the International Symposium of Interpol member Countries on Combating Organized Crime in St. Cloud in 1988. As a result of the discussion, an agreement was reached on the adoption and use of the definition of this crime as a basis.²

¹ **Mirziyoyev S.M.** Let's be more united and act decisively for the sake of the fate and future of our Motherland, Narodnoe Slovo.-16.06.2017.

² **Gurov A.I.** Organized crime is not a myth, but a reality. Moscow, 1990, p. 19.

It was recommended that transnational organized crime should be understood as the existence and participation in the activities of an organization that is constantly engaged in criminal activities and whose main purpose is to make a profit anywhere, regardless of national borders.³

According to A. G. Volevodz, transnational organized crime is a structurally complex, social, and legal phenomenon that represents a consistent, purposeful system of criminal actions (activism) by one or more criminal groups organized on the basis of national, religious, ethnic, and kinship ties. He defined it as regional or other connections carried out on the territory of two or more States for the purpose of committing a professional offense and obtaining profit or other prohibited income.⁴

On 15.11.2000, the UN Convention on Combating Transnational Organized Crime was signed and adopted, which was ratified by the Republic of Uzbekistan on August 30, 2003 and entered into force in Uzbekistan on November 8, 2004. Article 3 of this Convention provides that in order for an offence to be transnational in nature:⁵

- a) committed in several States;
- b) it was committed in one State, but a significant part of its preparation, planning, management or control is carried out in another State;
- c) committed by a criminal group (collective) in one State that has spread its criminal activities to several countries;
- e) if it was committed in one State, but its main consequences arose in another State.

The adoption of this convention has also opened up new opportunities for uniting States in the fight against transnational organized crime.

Based on the definitions given by transnational organized crime and international documents, I believe that transnational organized crime is a socially dangerous phenomenon, which is the activity of organized criminal groups (associations) that go beyond the borders of the State for the purpose of illicit enrichment and carry out criminal activities in several States.

Currently, it is known that cooperation between states, especially in the economic sphere, arises through a clash of mutual interests. Naturally, the parties study each other's internal capabilities, a stable social environment, and are also interested in and analyze factors that hinder development, including the state of crime.

Therefore, the state of organized crime at the international level and the situation in these countries are under constant monitoring by analysts. The international independent organization Global Initiative against Transnational Organized Crime, which carries out such monitoring with headquarters in Geneva, assessed the state of organized crime on a global scale according to the following criteria: - the scale of crime in the state and its impact on the management process; - The composition and influence of types of crime (mafia, criminal networks, criminal structures established in government agencies, and foreign criminal structures); - resistance of countries to organized crime. In the organization's rating published

³ *Repetskaya A.L.* Transnational organized crime: Dis.... doc. jurid. sciences'. Tashkent, 2020, p. 17.

⁴ *Volevodz A. G.* Legal foundations of new directions of international cooperation in the field of criminal procedure. Juridical. Dissertation of the Doctor of Sciences. - Moscow, 2002. -p. 68.

⁵ <https://lex.uz/docs/1304566?otherlang=1>.

according to these criteria, Uzbekistan scored 4.97 points and ranked 90th among 193 countries. For comparison, Tajikistan - 62 (5.62), Kyrgyzstan - 72 (5.33), Turkmenistan - 113 (4.62) and Kazakhstan - 133 (4.27).

Considering the activities of transnational organized criminal groups in the world, it can be seen that the existing "Triad", "Yakuza", "Bamboo Union" and "Yamaguchi-gumi" in East Asian countries, "Cosa Nostra", "Mara Salvatrucha" and "Creeps" in the USA, "Medellin Cortel" In Italy, the Mafia, the 'Ndrangheta and the Camorra, and in Africa, The Mungiki and The Area Boys have established anti-government governing bodies in their countries and are now trying to establish strongholds in other countries.⁶

To date, terrorism, drug trafficking, arms trafficking, illegal migration, and human trafficking are dangerous types of transnational organized crime for States and peoples. In combating these types of transnational organized crime, law enforcement agencies use interstate treaties and agreements in their official activities, and in operational investigative activities they manifest themselves in interaction, information exchange, prevention, detection and disclosure of crimes, search, detention, the extradition of criminals and the performance of other similar functions, and the operational search activities carried out in interstate cooperation belong to the National Central Bureau of Interpol.

This body is tasked with the interaction of law enforcement agencies of Uzbekistan with reputable authorities of foreign countries in the fight against various transnational crimes.

Also, on January 13, 2013, amendments to the Regulation on the Bureau for the Coordination of the Fight against Organized Crime and Other Dangerous Types of Crimes in the Territory of the CIS member States (BCOP) were agreed and adopted in Minsk.

The Bureau for the Coordination of the Fight against Organized Crime and Other Dangerous Types of Crimes (BCOP) is a permanent body established to ensure effective cooperation between the Ministries of Internal Affairs and government agencies of the CIS member States in the fight against organized crime, terrorism, illicit trafficking in narcotic drugs and psychotropic substances and other dangerous types of crimes.

The Bureau for the Coordination of the Fight against Organized Crime and Other Dangerous Types of Crimes (BCOP) assists in the preparation and conduct of operational search activities and comprehensive measures for the interstate search and extradition of fugitives from criminal prosecution or execution of punishment, is working on the formation of a specialized database on the leaders of the criminal world, organizers and active participants in international criminal communities and their criminal connections.

Provides relevant information to the interested Ministries of Internal Affairs of the CIS countries on the basis of a request or initiative. One of the Bureau's tasks is also to participate in the preparation and implementation of decisions of the Council of Heads of State of the CIS, the Council of Heads of Government of the CIS and the Minister of Internal Affairs in the field of combating organized crime, terrorism, drug trafficking and other dangerous types of crimes.

In conclusion, it should be noted that the fight against transnational organized crime yields positive results only if international cooperation is ensured and in cooperation with international organizations and law enforcement agencies of other States.

⁶ *Evstifeeva. V.* Organized crime and *torgovly lyudy*: criminological and augmentative-legal analysis archival copies from October 1, 2008 of the Apostille; criminology: textbook / Ed. V. N. Kudryavtseva and V. Well. Crimminova. 3rd ed. perab. and DOP. M., 2005. S. 366 - 368.



Transnational organized crime is one of the most complex and multifaceted threats of our time, undermining the foundations of law and order, State sovereignty and international security. Its cross-border nature requires not only national efforts, but also coordinated international cooperation. Effective counteraction is possible only if legal, political, and institutional resources are combined, unified strategies are formed, and information is exchanged.

Only an integrated and coordinated approach will help curb the growth of criminal networks and protect society from their destructive effects.