

Artículo de investigación

An overview of some manifestations of transnational organized crime in Ukraine**ОГЛЯД ОКРЕМИХ ПРОЯВІВ ТРАНСНАЦІОНАЛЬНОЇ ОРГАНІЗОВАНОЇ ЗЛОЧИННОЇ ДІЯЛЬНОСТІ В УКРАЇНІ**

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Ihor Zahorodnii¹⁷⁹ORCID ID: <https://orcid.org/0000-0002-9550-1179>**Kateryna Manuyilova**¹⁸⁰ORCID ID: <https://orcid.org/0000-0003-3066-4900>**Oksana Belogubova**¹⁸¹ORCID ID: <https://orcid.org/0000-0002-0030-6478>**Abstract**

In the article, the authors express their view on the peculiarities of the use of certain territories in Ukraine in transnational organized criminal activity. The purpose of the study is to identify and structure the major trends in the impact of the political situation in Ukraine (from 2014 to 2019) on the emergence of new manifestations of transnational organized crime. Special attention is paid to the coverage and systematization of modern manifestations of criminal activity in the areas of drug trafficking, psychotropic substances, their analogs or precursors, the circulation of firearms, explosives, and devices, as well as the circulation and operation of vehicles.

Through the use of systematic analysis and formal-logical methods, based on the processing of the results of the activities of law enforcement agencies, as well as the materials contained in the media, the authors analyzed the main ways of implementing the outlined manifestations of transnational organized criminal activity in Ukraine in recent years.

As a result of the conducted research, a set of the most effective measures to counteract the outlined manifestations of transnational organized criminal activity, taking into account the changes taking place in Ukraine, on the background of step-by-step implementation of

Анотація

У статті автори висловлюють власне бачення щодо особливостей використання окремих територій в Україні у транснаціональній організованій злочинній діяльності. Метою дослідження є виявлення та структурування основних тенденцій впливу політичної ситуації в Україні (з 2014 по 2019 роки) на виникнення нових проявів здійснення транснаціональної організованої злочинної діяльності. Особливу увагу при цьому приділено висвітленню та систематизуванню сучасних проявів злочинної діяльності у сферах обігу наркотичних засобів, психотропних речовин, їх аналогів або прекурсорів, обігу вогнепальної зброї, вибухових речовин та пристроїв, а також обігу та експлуатації автотранспорту.

Завдяки використанню методу системного аналізу та комплекс методів формальної логіки, на підставі обробки результатів діяльності правоохоронних органів, а також матеріалів, які містяться у засобах масової інформації, авторами проаналізовані основні способи здійснення окреслених проявів транснаціональної організованої злочинної діяльності в Україні за останні роки.

У результаті здійсненого дослідження запропоновано комплекс найбільш ефективних заходів протидії окресленим

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the Minsk agreements (agreements), was proposed.

Keywords: Criminal activity, transnational organized crime, illicit firearms trafficking, illicit trafficking in narcotic substances, the sphere of trafficking and operation of motor vehicles.

Introduction

According to Article 3 of the UN Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 25 November 2000 (ratified by Ukraine on 4.11.2014), “a crime is transnational if (a) it is committed in more than one State; (b) it is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) It is committed in one State but with the participation of an organized criminal group that carries out criminal activity in more than one State; or (d) it is committed in one State but its material consequences are in another State" (United Nations Convention against Transnational Economic Crime..., 2019).

In addition, according to an interim report by the UN Secretariat for 1995, transnational organized crime was characterized by: money laundering, terrorist activity, theft of arts and culture products, theft of intellectual property, illicit arms trade, aircraft hijacking, maritime piracy, fraud, computer crimes, environmental crimes, trafficking in human beings, trafficking in human organs, drug trafficking.

Each of the outlined categories of crimes deserves special attention from researchers and not just the field of law. However, of particular concern are the crimes that fall into the category outlined in the territory of not only a few states

проявам транснаціональної організованої злочинної діяльності з урахуванням змін, які відбуваються в Україні, на фоні покорокового виконання Мінських угод (домовленостей).

Ключові слова: злочинна діяльність, транснаціональна організована злочинна діяльність, незаконний обіг зброї, незаконний обіг наркотичних речовин, сфера обігу та експлуатації автотранспорту.

but also in the territories not controlled by the authorities of a particular state. These concerns territories with frozen military conflict, in a state of permanent war, which traces signs of separatism and attempts to create new states whose non-recognition by the international community creates favorable conditions for unimpeded transnational organized crime. The situation is exacerbated by the inability to regulate the processes of countering transnational organized criminal activities through the application of international law. The features of this situation have been observed in Ukraine since 2014.

If we analyze the state of detection of organized crime groups and organizations in Ukraine for the period 2016 – beginning of 2019 (The Prosecutor General's Office of Ukraine, 2019), then it is possible to confirm the trend of increasing their number (Figure 1). The trend in the number of detected organized crime groups and organizations with transnational and interregional ties is not sustainable. The decrease in the number of detected organized crime groups with transnational links can be explained by the constant reformation of the Ukrainian law enforcement system, as well as by the latency of such activities and the increase of professionalism of participants of the identified criminal groups and organizations.

	2016	2017	2018	beginning of 2019
Organized groups and criminal organizations have been identified	598	210	288	270
among them				
with transnational connections	30	11	7	5
with interregional connections	85	27	41	22

Figure 1. The organized crime groups in Ukraine for the period 2016-2019.

Besides, it should be emphasized that the analysis of mass media and social networks confirms the latency of organized criminal activity accompanied by transnational connections in Ukraine. These statements, in our view, require research and documentary evidence.

Methodology

The research is based on the generalization of the results of the application of special methods of scientific research such as the method of system analysis, methods of formal logic (deduction, induction, analogy, analysis, synthesis, etc.), as well as a statistical method. Thus, the system analysis method made it possible to analyze the results of the work of law enforcement agencies of Ukraine, the content of various mass media, the public introductions of the results of the available scientific researches. Formal logic methods have made it possible to determine the range of causes for transnational organized crime and to propose specific ways of counteracting its manifestations. The statistical method was used in the analysis of statistical reporting of the Prosecutor General of Ukraine for the 2016 – beginning of 2019.

Analysis of recent research

Transnational organized crime is a worldwide problem. Each country takes measures to combat transnational organized crime. Therefore, the scientific study of the problem is performed by prominent scientists both in Ukraine and in other countries of the world. For the preparation of this study, statistical data and indicators of official state bodies trying to combat transnational organized crime were used. Thus, in this study, the events of recent years related to transnational crimes were analyzed in detail. Besides, when writing the article, the authors used the works of the following domestic scientists Arkusha & Chipko (2018); Kropyvnytskyi (2018).

Presentation of key research findings

Among the manifestations (crimes) of transnational organized criminal activity, in our opinion, the manifestation of criminal activity in the sphere of narcotic drugs, psychotropic substances, their analogs or precursors, in the field of circulation of firearms, explosives, and devices, as well as in the sphere of traffic and operation of motor vehicles

If we talk about criminal activity in the sphere of trafficking of narcotic drugs, psychotropic substances, their analogs or precursors, then, as evidenced by the results of the work of law enforcement agencies, narcotics, psychotropic substances or precursors are imported by criminals from both the uncontrolled and controlled territories.

When it comes to the movement of drugs to European countries (for example, heroin), in Ukraine a small party forwarding scheme applies (up to 0.5 kg) (When the news broke who controls the smuggling of medicine and drugs..., 2017).

Thus, in 2016, a special vehicle of the State Fiscal Service of Ukraine "Phantom" in Verkhnyogrets'ke village detained a Toyota Corolla car driven by a woman (Ukrainian), in which medicines whose names are included in the list of narcotic drugs, psychotropic substances and their precursors have been identified and seized. The total cost of the seized substances is UAH 183 thousand (Security services identify consignment of drugs attempted to import..., 2016).

Another type of transnational organized criminal activity, which is becoming widespread, is a criminal activity in the field of trafficking in firearms, explosives, and devices.

According to the Ministry of Internal Affairs of Ukraine, as of 2017, there are about 1 million legally registered firearms (Criminal schemes of criminal business of soldiers of anti-terrorist operation are uncovered, 2017), and 500 thousand of them are used in professional activity. Moreover, according to the media, the number of weapons in Ukraine exceeds the number of people living in the country. According to the Swiss company "Small Arms Survey" for 2018, more than 4.5 million unaccounted weapons are in the hands of Ukrainian citizens (Small Arms Survey reveals: More than one billion firearms in the world, 2019).

Furthermore, in addition to demobilized military, law enforcement officials who can bring with them either a grenade or a submachine gun (Kropyvnytskyi, 2018) or an explosive (More than 16 kilograms of explosives were confiscated in the Rivne region, 2018), for the most part for their own use, the scope of firearms, explosives and devices – is a very lucrative criminal business that, unfortunately, involves active military personnel of various levels.

It should be noted that weapons of various types are also transported to Europe and Asia.

For example, in January 2019, in an attempt to transfer to the Czech Republic, operational units of the State Bureau of Investigation seized 250 Scorpion carbines, which were certified as hunting weapons. Officials of the National Police and the State Investigation and Forensic Expert Center of the Ministry of Internal Affairs of Ukraine were involved in the criminal scheme (State Bureau of Investigation exposed a fact of Odesa policemen smuggling of 250 carbines..., 2018).

Among the methods of transportation of weapons, the most common is the transportation of different vehicles, both from places of war and from military depots.

There are widespread cases of alteration of traumatic weapons in combat; the legalization of weapons and sports weapons that have been converted to "hunting" and "certification" through their certification using corrupt links in the Ministry of Internal Affairs of Ukraine (State Bureau of Investigation exposed a fact of Odesa policemen smuggling of 250 carbines..., 2018). Another direction of criminal activity can be considered theft of weapons and other military equipment from military units. For example, in September 2018, Ukrainian law enforcement agencies stopped supplying missile control systems, navigation and communications systems that were stolen directly from military depots (from storage sites or removed from military equipment) (In Ukraine, criminal group that sold strategic equipment..., 2018).

The number of different types of weapons seized is increasing in Ukraine every month. The National Police of Ukraine (Since the beginning of special measures police..., 2019) conducts a monthly preventive operation "Weapons and Explosives". It can help to seize a certain amount of unarmed firearms and explosives, but in our opinion it will not help to eliminate the channels of its illegal receipt, and sometimes it can only create appropriate obstacles (when it comes to long-term search operations aimed at identifying all the components of the "channel scheme").

Signs of transnational organized criminal activity are acquired by criminal activity in the field of traffic and operation of vehicles.

Criminal activity in this area is aimed at committing unlawful seizure of vehicles using uncontrolled territories in Ukraine. It should be

noted that the lack of a unified account (which is not possible under objective conditions) creates grounds for the emergence of new ways of fraudulent activity in the sale of cars, etc. (Arkusha, & Chipko, 2018).

Thus, fraudsters use political inconsistencies. They buy Ukrainian state numbers and registration certificates of the vehicle, after which from abroad they "drive" cars from other countries, which correspond to the data with the purchased certificates. Then the VIN code is interrupted and the "clean" car with the original vehicle registration certificate and state license plate gets from the outside of Ukraine. At the same time, quite often the sale is carried out on behalf and at a reduced cost (Car fraud from Crimea, 2019).

The results of counteracting such manifestations of transnational criminal activity indicate that, for the most part, only certain links in the criminal chain are identified and eliminated. Such methods of counteraction cannot be considered effective, since high-level criminal organizations with a well-established system of restoration of lost "elements" remain unaccounted for, as it indicates the presence of corrupt links in the higher levels of state and executive power, as well as in law enforcement agencies bodies of Ukraine that ensure such existence.

Unfortunately, new manifestations may emerge over time, which should be constantly monitored not only by scientists but above all by law enforcement agencies and the Armed Forces of Ukraine.

Conclusions

As a result of the study of such manifestations of transnational organized criminal activity as illicit trafficking in firearms and narcotic substances, as well as crimes committed in the sphere of traffic and operation of vehicles, it is possible to propose certain measures to counter the outlined manifestations:

First, even if the Steinmeier formula is followed, and after the step-by-step implementation of the Minsk agreements (agreements), it is possible to predict the continued existence of ongoing criminal activities by organized crime groups and organizations using international relations, which will adapt to the new conditions. This requires the law enforcement authorities of Ukraine to work together through joint operational and tactical combinations and preventive operations,

as well as establishing links, with the mutual exchange of relevant information, with law enforcement authorities of neighboring countries.

It is the variability (flexibility) and adaptability of such organized crime groups and criminal organizations, their undeniable social danger, that threatens the integrity and sovereignty of Ukraine in modern conditions.

And secondly, the existing manifestations of transnational organized crime indicate the need to establish a permanent interagency headquarters to counteract transnational organized crime. It is advisable to include qualified personnel (with a specialty of work in the relevant units for at least 5 years) of the units of the National Police (Department of Trafficking in Human Beings, Department of Drug Trafficking, Department of Criminal Investigation, etc.), Security Service of Ukraine, State Bureau of Investigation, National Anti-Corruption Bureau of Ukraine, Ministry of Defense of Ukraine, Prosecutor General's Office of Ukraine, etc. The activities of the designated interagency headquarters can be considered as a temporary organizational structure, through which it is possible to establish interaction and coordination of the activities of different agencies, which, in our view, can provide an adequate response to the challenges of transnational organized crime groups and criminal organizations.

References

- Arkusha, L., & Chipko, N. (2018). Methods Of Committing And Investigation Of Fraudulent Motor Vehicle Transactions. *Russian Law Journal*, 6 (4), 126-153. Retrieved from <https://www.russianlawjournal.org/jour/issue/vi ew/23>.
- Car fraud from Crimea. (2019). *CarlifUkraine*. Retrieved from <https://carlife.in.ua/ua/blog/9-1442566396>.
- Criminal schemes of criminal business of soldiers of anti-terrorist operation are uncovered. (2017). *Monytor Yuh*. Retrieved from <https://mnyug.com/1137-raskryty-prestupnye-shemy-kriminalnogo-biznesa-voinov-ato.html>.
- In Ukraine, criminal group that sold strategic was detected. (2018). *Apostrof*. Retrieved from <https://apostrophe.ua/ua/news/society/accidents/2018-09-22/ukrainets-voroval-u-armii-tehniku-i-prodaval-ee-v-rossiyu-podrobnosti-zaderjaniya-i-foto/141527>.
- Kropyvnytskyi, D. (2018). SSU blocked illegal arms traffick in various regions of Ukraine. *UNN*. Retrieved from <https://www.unn.com.ua/ru/news/1721697-sbu-blokuvala-nezakonny-obig-zbroiy-u-riznikh-regionakh-ukrayini>.
- More than 16 kilograms of explosives were confiscated in the Rivne region. (2018). *UNIAN.NET*. Retrieved from <https://www.unian.ua/incidents/10108316-na-rivnenshchini-u-pomeshkanni-uchasnika-atoviluchili-ponad-16-kilogramiv-vibuhivki-foto.html>.
- Security services identify consignment of drugs attempted to import in the amount of 183 thousand hryvnas. (2016). *Bez tabu*. Retrieved from https://beztabu.net/na-okkupirovannuyuterritoriyu-v-ato-vezli-narkotikov-na-183-tys-griven_n8889.
- Since the beginning of special measures police seized almost 5.5 thousand ammunition. (2019). Retrieved from <http://police.dn.ua/news/view/z-pochatku-spetszahodiv-politsejski-donechchini-viluchili-majzhe-55-tisyach-boepripasiv-foto>.
- Small Arms Survey reveals: More than one billion firearms in the world. (2019). *Small Arms Survey*. Retrieved from <http://www.smallarmssurvey.org/about-us/highlights/2018/highlight-bp-firearms-holdings.html>.
- State Bureau of Investigation exposed a fact of Odesa policemen smuggling of 250 carbines "SCORPION". (2018). *5 Kanal*. Retrieved from <https://www.5.ua/regiony/dbr-vykryla-odeskykh-politseiskykh-na-kontrabandi-250-karabiniv-scorpion-185724.html>.
- The Prosecutor General's Office of Ukraine. (2019). Official website. Retrieved from at: <https://www.gp.gov.ua/ua/statinfo.html>
- United Nations Convention against Transnational Economic Crime of 15.11.2000 (ratified by Ukraine on 04.02.2004). (2019). *Verkhovna Rada (Ukrainain Parlament)*. Retrieved from http://zakon.rada.gov.ua/laws/show/995_789.
- When the news broke who controls the smuggling of medicine and drugs. (2017). *Strana.ua*. Retrieved from <https://strana.ua/news/55449-stalo-izvestno-kto-kontroliruet-kontrabandu-lekarstv-i-narkotikov-v-zone-ato.html>.