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ESSENTIAL CHARACTERISTICS OF THE PHENOMENON OF ORGANIZED CRIME IN MODERN UKRAINE

The aim of the article is to identify and scientifically generalize the essential (systemic) features of modern organized crime in Ukraine, including those that arose or acquired threatening features for national statehood in wartime conditions. It is proved that organized criminal groups have turned into a symbiosis of shadow economy businessmen, armed groups serving them, and corrupt civil servants of various levels.

The following essential features of organized crime are broken: a high level of organization and conspiracy; a hierarchical structure, with clearly defined functions of organization, management and execution; the presence of corrupt connections in government and administration bodies, law enforcement agencies and the judicial system; the existence of structures that ensure the external and internal security of this structure; politicization of criminal activity, which consists in the attempt of members of criminal structures to enter government and administration bodies or in establishing close relations with representatives of such bodies; regional, interregional and international nature of criminal activity (usually by territorial or sectoral basis); the presence of a separate budget of an organized criminal group; the mercenary and violent orientation of criminal activity and its close connection with the "shadow" economy; the impact of organized crime on the legal sphere of the economy, the financial and credit and banking sectors, etc.

It is noted that the activities of organized extremist groups in Ukraine are becoming more active, and this poses a threat to national security, becomes a factor in the escalation of cruelty and violence, destabilization of the socio-political situation, threatens to disrupt the capacity of state authorities, and undermine the authority of the state among the population. The personal security of citizens is threatened by transnational forms of organized crime - drug trafficking, human trafficking, illegal migration, cybercrime, and environmental crimes.

Keywords: *national security; criminology; security studies; organized crime; organized criminal formations; transnational crime.*

Statement of the problem. The Strategy for Combating Organized Crime, approved by the Order of the Cabinet of Ministers of Ukraine No. 1126-p dated September 16, 2020, emphasizes that "under conditions of armed aggression against Ukraine and attempts to establish terrorist organizations within the country, organized crime poses a direct threat to national security." The document specifies leading factors of organized crime (OC) that directly and destructively affect Ukraine's national (state) security at a strategic level, including: the increase in the number of grave and particularly grave crimes committed by organized criminal groups (OCGs) with the use of firearms; entrenched corrupt relationships between organized criminal elements and officials of state authorities and local self-government bodies; disruption of the functioning of state authorities, compromising the reputation of the state and its law enforcement agencies among the population, destabilizing the internal socio-political situation; exploitation of organized crime by foreign special services as a tool for destabilizing the situation in Ukraine and undermining national security; the use of organized crime by certain public associations as a means of political struggle and suppression of democracy [1].

Considering the actual prevalence of organized crime and the overall criminogenic situation, as well as the complicated security environment surrounding Ukraine, the establishment of a systemic fight against organized crime has been declared one of the priority tasks of state policy, requiring coordinated interagency measures and enhanced international cooperation.

According to leading researchers of this phenomenon, organized criminal groups have transformed into a "symbiosis of shadow economy entrepreneurs, armed groups serving their interests, and corrupt public officials at various levels." The weakening of state control over the internal situation "allows criminal elements to set the tone, dictate their rules of behavior, ideology, and subculture, lobby for legal, organizational, and tactical decisions favorable to

them within legitimate authority, and actively counteract law enforcement agencies" [2, p. 58].

Analysis of Recent Scientific Research and Publications. Since the late 1980s, when the USSR officially recognized the socially dangerous phenomenon of organized crime, Ukrainian legal science, specialized disciplines, and related fields have developed a substantial research foundation on this issue, including generalized monographic works by scholars from domestic law enforcement and security structures (I. Hrynenko, P. Yepryntsev, M. Korniienko, D. Prokofieva-Yanchylenko, V. Sevruk, Y. Skulysh, and other security experts [3–7]). These studies have collectively established a clear criminological and security-oriented model of organized crime (OC) in Ukraine.

At the same time, contemporary socio-economic conditions in Ukrainian society, changes in criminological characteristics of the modern global order, the armed conflict in Eastern Ukraine (2014–2022), and its escalation into a full-scale Russian-Ukrainian war – with the emergence of new threats and dangerous phenomena within Ukraine and corresponding transformations in the country's criminogenic situation – have necessitated new research priorities on this issue.

In particular, one current aspect of research into organized crime and combating it under martial law is analyzing recent qualitative transformations in the nature and specific manifestations of organized criminal activity. The study of the contemporary state of OC and the development of comprehensive countermeasures have become central topics of discussion at representative scientific forums dedicated to law enforcement issues [see, in particular: 8–11]. Research by A. Bohatyriov, I. Bohatyriova, P. Bohutskyi, M. Voloshyn, Y. Kovalenko, V. Moroz, Yu. Orlov, P. Tkachenko, O. Shamara, and other scholars has focused on identifying shifts in factors determining the existence and novel essential characteristics of OC and organized criminal groups (OCGs), especially from the

perspective of improving strategies and tactics to combat them in wartime conditions [12–18 and others].

The purpose of this article is to identify and scientifically summarize the essential (systemic) characteristics of contemporary organized crime in Ukraine, including those that have emerged or acquired threatening features for national sovereignty under wartime conditions.

Presentation of the Main Material. Let us consider the nature of modern organized criminal groups in Ukraine in terms of their criminological characteristics in the context of current threats to Ukraine's national security. Specialized research typically defines organized crime (OC) as a consolidation of criminal elements operating within a specific region, sector of the economy (its production units), or certain administrative spheres through the formation of stable, cohesive, hierarchically structured criminal groups (communities) engaged in long-term joint criminal activity. Their goal is to obtain consistent, substantial income, often by covertly utilizing economic and organizational structures as well as corrupt elements within the state apparatus.

Researchers identify several factors that contribute to the spread of organized crime, including socio-economic (economic crises, collapse of business ties), political (lack of effective state control over national wealth distribution, poor functioning of oversight agencies), moral (deterioration of moral climate, devaluation of spiritual values), and legal (gaps in legislation). At the same time, many scholars emphasize corruption as the central danger in the genesis of OC, as its dominance fosters a sense of impunity among participants in organized criminal activities. The ability to resolve virtually any issue through bribery fuels further expansion and consolidation of OC [17, pp. 100–101].

The key features of modern organized criminal structures include: a high degree of organization and secrecy; a hierarchical structure with clearly defined functions for organization, management, and execution; the presence of corrupt connections in governmental

and administrative bodies, law enforcement, and the judiciary; the existence of units that ensure internal and external security (armed guards, enforcers, counterintelligence operatives); the politicization of criminal activity, i.e., attempts by group members to infiltrate state institutions or build strong ties with public officials to influence financial, economic, and criminal policy in their favor and avoid public scrutiny; regional, interregional, and international scope (typically along territorial or sectoral lines); the existence of a separate organizational budget; a profit- and violence-oriented agenda closely linked to the shadow economy; influence on the legal economy, financial and banking sectors; and control over illicit enterprises (e.g., drug trafficking, prostitution) [19, pp. 8–12].

Recent statistics reflect the evolving structure of organized crime in Ukraine. In 2022 alone, the Strategic Investigations Department of the National Police of Ukraine submitted 160 criminal cases involving organized criminal groups (OCGs) to the courts. Among these: 26 had interregional connections, 33 had ties to corrupt officials, 23 were implicated in embezzling budget funds, 24 were formed on an ethnic basis, and 7 had transnational links. A total of 641 individuals involved in the activities of these groups were identified – 174 of them were organizers and 445 were direct perpetrators.

Many essential characteristics of OCGs enhance their effectiveness in resisting law enforcement while simultaneously enabling them to exert increasing influence on the state governance system. These criminal communities are often highly structured (68% of studied groups); demonstrate clear internal division of functions (78%); and show an intentional lack of contact between members at different hierarchical levels, which significantly hampers detection and prosecution (58%). Notably, OCGs tend to develop a "special operations block": they possess extensive information-gathering capabilities; attempt to build their own intelligence and counterintelligence systems (44%); control substantial financial resources (53%);

maintain ties to high-ranking corrupt officials (32%); are equipped with advanced technical means (79%); and actively obstruct law enforcement efforts (61%) [20, pp. 18–19].

The fundamental criminological characteristics of modern OCGs, as identified by researchers, include: – Objective indicators: hierarchical structure (28% of analyzed cases); role distribution (46%); presence of formal structure (59%); both vertical and horizontal communication links (59%); stability (28%); – Subjective indicators: internal regulation of relationships (presence of a leader/organizer in 79% of cases); subordination depending on one's position within the hierarchy (46%); shared purpose (28%); obligation to comply with decisions (56%); shared system of values (28%); internal codes of conduct or "thieves' laws" (54%); secrecy of behavior (29%); – Technological indicators: presence of an operational plan (53% of groups); premeditated conspiracy (29%); at least ten accomplices (46%); existence of a shared criminal fund or "common treasury" (*obshchak*) (79%); and systems for evading detection (56%).

Criminal case materials and law enforcement surveys indicate a high level of public danger posed by these groups, which threaten both statehood and constitutional order. Particularly concerning characteristics include organizational stability, hierarchy, interregional and transnational scope, corruption networks and communication channels, ethnic composition, and socio-economic and criminal influence over certain regions of the country.

Among the basic criminological characteristics of the behavior of individuals belonging to criminal communities, the ideologization of the criminal community is distinguished (in 46% of the studied cases) [20, pp. 18–19]. Attention should be paid to this feature of modern OCGs, as certain important aspects of counteracting organized crime, which in pursuit of its unlawful interests seeks to exploit influential clusters of life activity in the modern information society, are addressed in conceptual documents in the field of ensuring Ukraine's national security. OCGs are capable,

through their self-serving engagement with the media, of influencing public sentiment opportunistically, shaping public opinion, promoting corrupt politicians, facilitating or blocking specific state decisions, etc. The Information Security Strategy of Ukraine (2021) acknowledges the imperfection of regulation in the field of information activity and the protection of journalists' professional work. This leads to frequent instances of interference in the professional activities of the media and in individual professional creative activity of journalists, as well as other encroachments on the freedom of information activity, including obstruction of professional activity, threats, violence against them, encroachments on their life and property [21].

A disturbing circumstance, according to leading criminologists, is the activity in Ukraine of organized extremist groups, which pose a threat to national security, act as a factor in escalating cruelty and violence, destabilize the socio-political situation, threaten the viability of public authorities, and undermine the authority of the state among the population. Transnational forms of organized crime—drug trafficking, human trafficking, illegal migration, cybercrime, environmental crimes—pose a threat to the personal security of citizens.

Attention is also drawn to the fact that the inherent features of domestic organized crime are themselves directed toward creating threats to national security, state order, and the governance system. Among them (based on the analysis of criminal offenses committed by organized groups and criminal organizations during 2015–2021): criminal influence on the economy and politics (62.4%); significant profits from criminal business (94.4%); attempts to assume certain state functions (46.5%); broad social base (33.7%); violent methods of resolving conflict situations (79.5%); aspiration for legalization in the economy and social sphere (46.5%); politicization of activity (33.7%) [20, p. 16].

Researchers of the organizational and functional structure of modern OCGs distinguish the following components in their composition: leaders (organizers) of organized groups or criminal organizations;

analytical block (advisors and consultants); security block (intelligence and counterintelligence); cover (protection) block, which includes corrupt officials and representatives of law enforcement agencies, as well as lawyers servicing criminal groups, and the keeper of the common fund; active members block: enforcers, direct perpetrators, guards, scouts and others; technical and auxiliary personnel [22, p. 24].

Modern organized crime, according to criminologists, is distinguished by a high level of adaptability to the environment, secrecy and mimicry, use of management technologies and intellectual resources. According to Europol, the use of corruption and parasitism on legal business structures are key features of organized crime in Europe. Two-thirds of criminals regularly maintain corrupt ties, and over 80% of criminal networks use legal businesses. Accordingly, this expands the opportunities of OC subjects to influence the public administration sphere, turning them into an “alternative contour of power” [23].

It should be emphasized that from the standpoint of forming threats to the national security of Ukraine, transnational and ethnically-linked organized crime becomes extremely dangerous. According to 70% of surveyed operational police officers, it has a real dynamic of growth in Ukraine. This is facilitated by certain essential features of ethnic OC. Among them are: a high level of latency due to the closed nature of ethnic groups and mutual cover-up that exists among their members, national solidarity, the threat of clan sanctions for “defectors”. In Ukraine, the latent process of forming so-called ethnic criminal communities of Chinese, Turkish, Chechen, Tajik, Syrian, Romani, Azerbaijani and other groups, which rely on their national diasporas, is accelerating. At the same time, migrants psychologically easily move away from legal forms of activity, forming a separate type of community based on group morality. Criminological features of organized ethnic OCGs include a significant proportion of recidivists and up to 80% of migrants among their ranks [6, pp. 243–253; 25].

Transnational and ethnic organized criminal activity

has certain system-forming features that determine its danger to national (state) security. The inherent features of transnational crime are: international scale (from several countries or regions of the world up to global scale); spread across all spheres of the economy, trade, finance; mobility, the ability to use international logistics corridors for rapid movement, transportation and communication; effective communication, rapid adaptation to the economic and legal conditions of particular countries and regions; the ability to bypass international and national law enforcement safeguards; the capacity to infiltrate legal institutions to gain advantages and privileges in implementing criminal schemes; complex structuring and hierarchy; international composition of criminal groups; “criminal innovation”: use of advanced informational and technical-technological resources to achieve mobility, effective communication, financial operations and control.

For Ukraine’s national security, a threat is also posed by the fact that ethnic OCGs include not only representatives of certain ethnic groups who live in Ukraine and are its citizens. Often, criminals are foreigners who were temporarily staying in the country, may leave after committing serious and particularly serious crimes, and later return to continue committing crimes. This also concerns “criminal authorities,” “thieves in law,” and “overseers,” who exercise control and leadership over the activities of ethnic OCGs without being physically present in Ukraine.

At the same time, there are many definitions of organized criminal groups formed on an ethnic basis: “ethnic criminal formations,” “ethnic groups,” “ethnic organized criminal groups,” “organized groups and criminal organizations formed on an ethnic basis.” There is a diverse classification of such OCGs according to their ethno-regional formation base. For example, B. Lysohub, based on the study of global experience in combating organized crime, distinguishes the following: 1) East European groups (Russian, Ukrainian, Polish, Lithuanian, etc.); 2) Italian groups (Sicilian, Calabrian, Neapolitan, Italo-American); 3)

African-American groups; 4) Nigerian groups; 5) Latin American and Central American groups; 6) Colombian groups; 7) Mexican groups; 8) Asian groups (Chinese, Korean, Japanese, Vietnamese, Caucasian, Chechen, Armenian, Azerbaijani, Dagestani, Central Asian, Afghan, Pakistani); 9) “international” [26, pp. 14–15].

At the same time, such classification suffers from flaws and inconsistencies. It has been proven that ethno-religious, cultural-mental, and historical factors largely determine the specifics, criminal specialization and tactics, corporate structure, and ethics of activity of certain ethnic OCGs. In the presented scheme, for example, members of the Chinese "triads" (which originated in the 17th century and transformed into ethnic transnational OCGs), the Japanese "yakuza" (which trace their roots to the disenfranchised samurai-ronin of the Tokugawa shogunate era, 1603–1868), and North Caucasian OCGs with the mental coloring of the Vainakh patriarchal “military-raid” society are placed into the same group. It also appears strange to separately categorize “Negroid” (racially Negro) and “Nigerian” OCGs (also racially Africanoid).

Organized crime constitutes a serious threat to national security and internal stability within the state and society. This occurs, in particular, due to its systemic violations of human rights, its all-encompassing nature and scale, and its transformation into an influential element of the social structure. The consequences include property stratification, “simplification” of social connections, consolidation and restructuring of relations in the system of social stratification. The criminal underworld becomes an active actor in public life and directly threatens national security [13].

Moreover, under conditions of globalization, the threat of OC and its transnational forms leads to the formation of the so-called global criminal space, which causes, in particular, restrictions on the real sovereignty of states, large-scale embezzlement of national wealth, legalization of criminal proceeds, the formation of a symbiosis of international corporatocracy (the replacement of the national state model with the

“corporate state” model ruled by powerful transnational corporations), transnational organized crime with its armed groups and intelligence-terrorist structures, international terrorist organizations of the network type, activities of intelligence services and private military companies interfering in the internal affairs of sovereign states.

Among the modern features of OCGs, it is also appropriate to mention their capacity to utilize high technology. A major challenge in the information and communication sphere is the emergence of the so-called Internet of Things (IoT), resulting from the synthesis of technological phenomena such as artificial intelligence and network communications. Systems have emerged that reproduce an imitation of mental functions, are capable of communicating with each other, and are integrated into a unified system operating under a single design. In the field of security and defense, this phenomenon has received the designation Internet of Battlefield Things (IoBT) – the use of special-purpose hardware and software devices and systems during the implementation of defense and law enforcement operations.

It is believed that in the foreseeable future, IoBT will claim the role of a dominant factor in the information support of national security. IoBT encompasses cybersecurity measures for special networks against cyber threats, ensures the security of data exchange, and enhances the effectiveness of communication between law enforcement units, contributing to the better organization of planned operations and activities. It is believed that law enforcement forces and assets, united in networks, are capable of gaining information superiority over criminal groups through accuracy, timeliness, objectivity, and general situational awareness. At the same time, the use of IoBT is associated with emerging risks, the main one being unauthorized access by “high-tech” criminals to critical communication systems, interception of information, damage to and destruction of special law enforcement equipment, which may result in serious complications during planned operations [see: 27; 28].

Clearly, under conditions of wartime and combat operations, the anti-state potential of OCGs contributes to their acquiring openly subversive features, transforming them into a strike tool of foreign intelligence services. Effective instruments used by foreign intelligence services to destabilize the situation and change the state-political system of Ukraine include private military companies, which create and finance corrupt circles and organized violent criminal groups. Thus, a factor threatening national security and defense capabilities during full-scale hostilities has become the involvement of foreign (transnational) OCGs in combat operations and intelligence-subversive activities in Ukraine – in particular, through the formation and military use of private military companies (PMCs).

According to researchers of the problem of combating organized crime, internal factors that determine the establishment of organized crime positions on the territory of Ukraine associated with Russian OCGs include their high level of resilience and secrecy, and the orientation of crime organizers toward extensive corruption and international ties of transnational criminal organizations. It is considered proven that Ukrainian criminal groups maintain direct ties with those Russian criminal organizations fully controlled by Russian intelligence services.

To conduct military operations on the territory of Ukraine, the Russian Federation actively employs private military companies (the most well-known being Wagner, E.N.O.T., Slav Corps, MS Group). The core personnel of such structures are composed of veterans of special operations forces and local conflicts, intelligence services, and military intelligence units; they operate under tight control of intelligence services and carry out their covert intelligence tasks. A specific feature of the Russian-Ukrainian war is the mass recruitment into the ranks of the Wagner PMC of individuals from correctional facilities, including those convicted of committing serious and especially serious violent crimes [29–31].

According to criminologists, the presence of such characteristics as resilience, hierarchy, unification of

five or more persons who, by prior agreement, organized themselves for joint activity with the aim of directly committing serious or especially serious crimes provides grounds for considering PMCs as one of the armed forms of organized crime. The provisions of the Criminal Code of Ukraine do not exclude the possibility of qualifying the actions of PMC members involved in military aggression against Ukraine as a terrorist act (Art. 258 of the Criminal Code of Ukraine), creation of a terrorist group or terrorist organization, leadership of such a group or organization or participation therein (Art. 258-3), facilitation of a terrorist act (Art. 258-4), financing of terrorism (Art. 258-5). In some countries, such PMCs have been recognized as international criminal and terrorist organizations.

Conclusions and prospects for further research.

Under current conditions, such essential characteristics of organized crime as the attempt to influence the socio-political and informational spheres of the state's existence, the internationalization of their unlawful activity, symbiosis with transnational crime, and cooperation with foreign intelligence services, terrorist organizations, and organized forms of mercenarism (PMCs) have significantly intensified. The positions of ethnic OCGs are also strengthening.

It is also worth noting the increasing technological level of OCGs, which necessitates stronger counteraction against their encroachments on the information security of the state and society. Taking into account the special significance of informational and psychological factors in the strategy of non-conventional ("hybrid") warfare and in the arsenal of modern subversive activity, the importance of resisting OCG attempts to exploit the media sphere and other levers of mass consciousness formation in order to influence the socio-political sphere, to establish their own positions within governmental and local self-government bodies, public associations, and the media, grows substantially.

The task of informational confrontation with OCGs, which aspire to seize instruments of political influence, must be taken into account when defining the functional

priorities and substantive guidelines for the development and operation of the national system of strategic communications (NSC) at its national and departmental levels, with the involvement of the capabilities of the humanities and civil society institutions.

Prospects for further research. First and foremost, researchers should devote increased attention to identifying qualitative changes in the nature of modern OCGs – in their organizational and functional structure, ethnic composition, international connections, forms and methods of unlawful activity – as well as to the latest mechanisms of interaction between organized crime and the corrupt segment of the administrative apparatus under conditions of substantial foreign financial inflows for Ukraine’s defense needs.

Further in-depth research is needed on the innovative informational and socio-psychological technologies employed by OCGs to strengthen their influence on the political establishment and society as a whole.

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