

COMBATING ORGANIZED ETHNIC CRIME: THEORETICAL AND APPLIED PROBLEMS

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ABSTRACT

Description: The aim of the article is to study theoretical and applied problems of the fight against organized ethnic crime.

The Subject of Study. The subject of research is theoretical and applied problems of the fight against organized ethnic crime.

Methodology. Taking into account the specifics of the topic, purpose and objectives of the study, the following methods are used: dialectical method; the method of analysis and synthesis; system and structural method; formal method; dogmatic method; sociological method.

Results of the Study. The current state of ethnic crime in Ukraine is analyzed. The structure of modern and outdated organized criminal groups is investigated. The peculiarities of combating the manifestations of ethnic crime in the territory of Ukraine are examined.

Practical Implications. The most common problems, both in the context of procedural consolidation and in proving guilt in proceedings involving ethnic groups are identified.

Value/Originality. The value of this scientific research is that law enforcement agencies that deal with organized groups and criminal organizations that are formed on an ethnic basis, have an opportunity to get a comprehensive picture of this negative phenomenon.

Key words: Counteraction, Ethnic Crime, Organized Criminal Groups, Structure, Diaspora.

INTRODUCTION

Ukraine is undergoing constant changes at the present stage of its development: the structure of economic relations is changing, new subjects of property and political activities are being formed, basic values, way of life, traditions are being transformed (Sevruk, 2017). This dynamism causes aggravation of problems of growth of ethnic crime in the relevant spheres of life of the Ukrainian society. With the deepening of interstate economic, social, and cultural ties, ethnic crime has become avalanche-like in its nature. Today, ethnic crime, in fact, poses a real threat to the security of all mankind in its scale and destructive impact (Skulysh, 2014).

Crime, like any human act, is the result of the interaction of individual traits of a person and an objective situation. It should be borne in mind that crime is governed mainly by statistical patterns, and to have the least impact on them is possible only by influencing the causes of crime and the conditions that contribute to the commission of specific crimes. History has shown that ethnic relations are a group of the most complex problems that affect the state of crime in the

countries (Medvediev, 2014). This investigation will provide an opportunity to identify the most important of them and focus on problematic aspects that remained outside the study of the predecessors.

MATERIALS AND METHODS

The methodological basis for the study is a system of general and special scientific methods and approaches that provided an objective analysis of the subject. Taking into account the specifics of the topic, purpose and objectives of the study, the following methods are used: dialectical method is applied for a complete and comprehensive study of organized ethnic crime; the method of analysis and synthesis helps to consider scientific views on the problem of organized ethnic crime and identify the main manifestations of organized ethnic crime; system and structural method is used to study the structure of modern and outdated organized criminal groups; formal method, as well as dogmatic method were useful when interpreting the main concepts of the studied phenomenon; sociological method makes it possible to analyze the necessary data of the State Statistics Service of Ukraine.

RESULTS AND DISCUSSION

The statement that crime has no nationality has long existed and no one denies it. Meanwhile, the term “*ethnic crime*” has become quite widespread in official documents issued by law enforcement officials, as well as in scientific and journalistic literature (Zhyrnov & Krashennikov, 2000). The problem of ethnic crime to some extent exists throughout the former Soviet Union. This phenomenon did not escape Ukraine either. Migrants, often illegal, are forming more and more criminal groups on national grounds (Sevruk, 2016).

The essence of an ethnic criminal group is the joint activities of leaders and active members of sustainable criminal groups, aimed at creating favorable conditions for the commission of crimes by others through the consolidation of the criminal environment (Sevruk, 2016).

Any conceptions of the origin of ethnic groups do not deny the very fact of their existence. According to the United Nations, there are now at least 3,000 ethnic communities in the world, which are part of more than 220 countries. Thus, there are no mono-ethnic countries in the world, i.e. those in which only one ethnic group lives. Moreover, all ethnic groups are “*doomed*” to mutual influence. This interaction can take many specific forms: from direct aggression and conquest to cultural borrowing and cooperation. Ethnic groups’ interactions always lead to certain changes, which are inherently ethno-social processes.

Recently, Ukraine has become an increasingly international country: thousands of people from other countries settle here every year. According to 2001 All-Ukrainian Population Census, there are 48 240 902 people living in Ukraine, 134 different ethnic groups who identify themselves as citizens of Ukraine (State Statistics Service of Ukraine, 2001). Some former foreigners have already settled and been naturalized, gradually creating strong ethnic diasporas, while other communities are still being formed. And everything would be good, but there are criminals along with honest workers almost in every such community. Thus, the reason for committing a particular crime by an ethnic group is considered to be those negative phenomena and processes, under the influence of which the perpetrator has a complex of arbitrariness and

illusions. The condition is those phenomena and processes as a result of which this complex manifested it in the form of a crime (Pavlenko, 2015).

Almost all strong ethnic Diasporas later have their own organized criminal groups. Modern ethnic crime is clearly structured-each nationality “*patronizes*” its region has its own sphere of influence and its own piece of “*criminal pie*”. Ethnic groups rarely intersect.

Ethnic crime appears primarily to protect and serve the business interests of the ethnic community. To some extent, it is a product of life of the diaspora. After all, this business requires both legal and physical protection under current conditions. Certainly, diaspora, as an independent organism, tries to protect itself from external influences. Organized criminal group is, on the one hand, an attempt to protect a closed community from strangers, and on the other hand, it begins to develop itself, and its victims are often compatriots. Most often, ethnic crime develops in those regions where a certain diaspora is strong.

Ethnic crime varies with the demands of the times. Classic criminal groups of the past had the structure of a pyramid, at the top of which was an organizer and a leader, below were executives, then the foremen, and the base of the pyramid was made up of ordinary fighters. Thus, having tracked down one fighter, it was possible to reach the organizer gradually on a chain. Now organized groups have the structure of “*beehives*”, which often are not connected with each other. The connections between these cells are formed chaotically, the combinations can be the most unexpected, and there seems to be no common focal point. And that’s where viability of modern organized criminal groups lies. Segregation of one cell does not lead to the death of the whole organism-it is extremely difficult to trace further connections. The pyramid is already the recent stage in the structure of organized crime. Clearly, those who are involved in petty crime are working as usual. But such groups are doomed to extinction. Most serious organized criminal groups are formed on a different principle, and they are the main problem for the society. Ethnic groups mostly belong to the groups of the second type.

In addition, the most serious problem in combating ethnic crime is the complete secrecy of most national communities-they distrust people from the outside and do not let them near. It is almost impossible for a person from another environment to enter the national organized criminal groups. Therefore, it is difficult for the police to organize intelligence work in this direction. Besides, when it comes to people from Southeast Asia or Africa, there are problems also some with translators.

Many members of national communities-the same Vietnamese or Iranians-stay illegally in the territory of Ukraine. Therefore, even if they are victims of crime, they do not always turn to the police. So ethnic crime is much more latent than common one. It is illegal migrants who create its base-they become either members of organized criminal groups or their victims. It should be noted that official statistics on ethnic crime are virtually non-existent.

Positive basis for the integration of domestic organized crime into ethnic organized create the following processes in international relations:

1. Expansion of economic and social ties, simplification of border crossing procedures, development of international trade, increase of international traffic;
2. Development of international electronic banking networks that enable fast financial transactions, while complicating the process of cash flow control and facilitating the concealment or legalization of illegally obtained money;
3. Spreading the process of population migration in the world and formation of ethnic diasporas in different countries;

4. Significant differences in criminal law and judicial proceedings of different States;
5. Democratic transformations in many countries, which have led to the destruction of old control systems with the slow formation of adequate democratic regulation, political and economic instability;
6. Rapid growth of the list of new consumer goods and services, and consequently-the spread of the psychology of consumer society; commercialization of social relations (Skulysh, 2014).

It should be noted that organized groups and criminal organizations continue to control the lion's share of shadow capital, illegal activities related to the theft of budget funds, legalization (laundering) of proceeds from crime, drug trafficking, illegal migration, etc. (Pavlenko, 2016).

Ethnic crime largely depends on external factors, for example, on the situation in neighboring countries. For example, there was a period when Russia had difficult relations with Chechnya, and it began actively expel Chechens from its territory; they flocked to Ukraine and began to form criminal groups in this country. When Georgia legally increased the requirements for thieves in the law, their criminals also attempted to enter the territory of Ukraine. In our opinion, there will be an escalation of this problem in the near future. After transition to more open borders and signing a readmission agreement with the European Union, Ukraine can change its status of a transit State for illegal migrants to the status of a storage State. The number of national Diasporas as well as illegal migrants is likely to increase. And this is the basis for ethnic crime.

At the same time, there is a diversification of criminal activity. Organized crime groups seek to take control of all new areas. Alliances are being formed between criminal structures at the supranational level; the exchange of experience is practicing and the practice of illegal activities is being improved. There is a transition from a rigid internal hierarchy to the organization based on the principle of "*complementary chains*", by which higher viability of organized structures is achieved (Skulysh, 2014).

Nowadays, Ukraine prioritizes the work of the National Police in combating latent, organized, interregional and ethnic crime. Previously, counteracting crime on ethnic basis was the task of the Organized Crime Control Department. A number of units for combating ethnic organized crime and extremism were created within the Organized Crime Control Department. One of the main activities of such special units was to combat crimes committed by organized groups and criminal organizations that are formed on an ethnic basis. Sadly, on February 12, 2015, the Verkhovna Rada of Ukraine decided to liquidate the Organized Crime Control Department and to transfer part of the functions in this area to operational units of the National Police of Ukraine.

At present, only operational units of the National Police of Ukraine actually counteract crimes committed by organized groups and criminal organizations formed on an ethnic basis. Thus, according to the Law of Ukraine "*on Investigative Activities*" (Law of Ukraine, 1992) the following criminal and special police units in the system of the National Police of Ukraine are engaged in investigative activities: criminal police, which includes criminal investigation units, internal security units, cyber police units, economic protection units, criminal intelligence units, human trafficking units, units for combating drug crime, units of operational service, units of operational and technical measures, units for detection of hazardous materials and environmental crimes).

Analyzing the statistics on the detection of crimes committed by organized groups and criminal organizations, which are formed on an ethnic basis, by the relevant units of the National

Police of Ukraine, it should be noted that with the liquidation of the Organized Crime Control Department since 2015 such activities are completely eliminated. Thus, in 2012, 19 organizations formed on an ethnic basis were identified; in 2013-21, in 2014-19, in 2015-8, in 2016-6 (Sevruk, 2017). The statistics shows that the operational units of the National Police of Ukraine do not have relevant experience in this area, and do not cope with the task assigned to them. So, there is an urgent task for our State to create a special unit in the structure of the National Police, whose only mission will be prevention and counteracting crime on ethnic basis.

Ethnic crime is a great problem in our country nowadays, which is becoming more and more dangerous, no matter how badly our government and the media pretend that this unpleasant phenomenon does not exist in our State. Clearly, it is not about the criminality of national minorities in Ukraine as such. Of course, there is no crime out of context and nationality, but we cannot eradicate the problem of ethnic crime from national relations, no matter how much you want to get rid of it. Therefore, the omission of this problem, unfortunately, cannot smooth out the problem, but, conversely, in the most reliable way to exacerbate it in the future.

The most common problems, both in the context of procedural consolidation and in proving guilt in proceedings involving ethnic groups, are the lack of any identification documents (birth certificates, passports, etc.), which complicates identification and conducting investigative (search) and other procedural activities. Therefore, the only correct and possible step on the part of the investigator should be activities in the form of inquiries to the places of residence of such persons, obtaining extracts from church books, baptism registers, etc., as such information will help to identify a person and document them in criminal proceedings (Sevruk, 2017).

CONCLUSION

Summing up, it should be noted that the detection of crimes committed by ethnic criminal groups requires special organizational and tactical measures. It should be specific direction of police operations, formed on the basis of theoretical provisions and practical experience of entities carrying out these activities in a manner prescribed by law in order to perform the tasks provided by the Law of Ukraine “*On police operations*”. An important condition for timeliness as a requirement for operational and tactical decision is to ensure the principle of aggressiveness (act quickly, suddenly, actively, proactively, consistently, decisively, etc.).

Thus, effective counteraction to crime by the National Police is possible only if the employees of investigative and operational units acquire the relevant theoretical knowledge and practical skills on the tactical features of detecting, documenting and investigating such crimes.

The value of our scientific research is that law enforcement agencies that deal with organized groups and criminal organizations that are formed on an ethnic basis, have an opportunity to get a comprehensive picture of this negative phenomenon. Also, the collected original empirical material will give the opportunity to continue research in this area.

In conclusion, it should be noted that there is ethnic crime in Ukraine, whether we like it or not; and whatever it is called, it is an extremely dangerous phenomenon that must be adequately countered by the State.

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