

ORGANIZED CRIME AS A CURRENT POLITICAL - SECURITY CHALLENGE

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Abstract: Undoubtedly today one of the most current topics in the world is organized crime. A topic regularly represented in the dialogues at the political, economic and security level. The world is increasingly occupied by threats from this criminal form, which seems to be gaining in intensity with the process of globalization and technological development. Crime itself and its organization are complex to analyse, let alone to combine and form a whole, and that whole to be scientifically defined. It is to be expected that discussions and definitions will be controversial i.e., no unified definition would be possible.

Organized crime in modern society is a threat to the legal order and undermines democratic institutions in every society. Its influence cannot be limited to criminal groups and crime, but must be seen in the context of the state and society as a whole. Some scholars define it as a supranational and overstate organization with exceptional power, increasingly perceived as a security issue. Despite numerous different views on the definition, there is scientific consensus that it is a relatively recent form of crime. From today's perspective, there is hardly a country without organized crime as a focus of interest. Globalization and the more numerous international institutions also have this phenomenon high on their agendas. There is a common interest in creating effective methods and mechanisms to act preventively and counter all forms of organised crime. Organized crime is approached as a security issue rather than isolated criminal acts, reaching into the area of terrorism as the highest form of security threat. In many cases terrorism uses the groups, the methods, and the means of organized crime. Having in mind its internationality and the question of global security, this type of crime like no other form of crime is transnational.

Keywords: organised crime, society, security, prevention, influence.

1. Introduction

German sociologist Max Weber defines statehood as "a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory". Violence occupies one of the central places in the system of a state, linked to the construction of order in a society. Crime as a negative social phenomenon has always been a serious threat to social cohesion, cleverly taking advantage of the benefits of evolution and globalization.

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On one occasion, Antonio Maria Costa, former executive director of the United Nations Office on Drugs and Crime, said: "Organized crime is globalizing and has become one of the world's greatest economic and armed forces". UN reports note over 140.000 victims of human trafficking in Europe alone, and an illegal income of about \$3 billion. About 6.6 billion U.S. dollars is the black balance for migrant smuggling. Europe heroin market has reached a \$20 billion. The annual global illegal arms trade has reached a value of between \$170 and \$320 million. Piracy is still a hot topic today, as cybercrime is once again experiencing its "perfection". Nearly every report concludes by pointing out that as crime becomes global, national responses are inadequate.⁵⁸

The relevance of the problem at national level is also present, our country as a candidate for full membership of the European Union has long been trying to start EU membership negotiations. In those negotiations one of the most important negotiating chapters is chapter 23 - justice and fundamental rights. The importance of this chapter can be seen from the fact that there are more and more indications that we should start the negotiations with this chapter, as an intention to emphasize the performance of our society in the area of justice.

2. The Influence of Organized Crime on the Socio-Political Level

Organized crime as a relatively new phenomenon is specific to analyse because despite being a new and insufficiently studied phenomenon, its forms and structure are in constant and rapid transformation that science strives to follow. Several scientific theories find application in the study of organized crime, in addition to the theory of functionalism, conflict theory and labelling theory.

A key theory that analyses the impact of crime on society is the anomie theory. A state of anomie develops when there is a break between social structure and culture, or in other words when the social status of individuals is not correlated with normative values i.e., culture demands one thing and individuals behave differently. It analyses social deviations, how they are affected by society, in other words how the immune system affects the virus it catches in order to break it down.

Negative phenomena such as violence, labour exploitation and other negative social acts directed towards the individual and society are considered as criminal acts. Social phenomena that disrupt generally accepted collective or individual values are defined as sociopathological phenomena. Deviant behaviour is the behaviour of an individual or group that conflicts with common values and norms and that deviates from generally accepted standards, it is basically disintegrating and dysfunctional. The cause of criminal behaviour is the momentum that determines the change in behaviour from normal and ethical to deviant behaviour. The crime factor encompasses all the relationships between the factors that create crime. They are, in fact, major

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determinants of criminal behaviour. The delinquent or the persona causing the deviations is at the heart of the study of the etiology of crime, which has a strong social context. Deviations consist of problematizing goals or ways of achieving them. Collective goals differ from society to society, from culture to culture. Goal attainment is not a simple process, through socialization norms and skills are created by which each individual positions himself/herself in function of goal attainment. According to social Darwinian theory humans are different in many ways, and this put in the context of collectivity, raises questions about its complexity. In today's societies an important element is surveillance, which in order to carry out its tasks is sensitive to human rights and freedoms. The state is perceived as a supreme authority that maintains order, having self-defence mechanisms in case of any threat to it. Favourable conditions for the emergence and functioning of organized crime lie in the dysfunction of the rule of law and the development of the grey economy. A transformation of the socio-political arrangement, which inevitably leads to a great class stratification and insufficiently built institutions to suppress it, is also a prerequisite for this type of crime.

In a socio-economic system in which profound changes occur with marked social differentiation, some people are left without a basic existence. With many businesses going bankrupt, the growth of poverty is progressing on the one hand and the formation of an elite in society at an unprecedented rate of rapid enrichment on the other. It is present in developed capitalist countries, but also in newer post-communist countries, especially in the latter because they have abandoned the system that created any such equality and are building market societies in which the accumulation of capital is questionable.

In principle, organized criminals initially operate through legal means such as persuasion and negotiation, but force, intimidation, kidnapping, and other violent methods of action are later used. Since it is a more serious form of organized crime, the victims of this type of crime often go to state institutions such as the prosecutor's office, the court, the police, and generally to politics. It shows remarkable adaptability to the suppression mechanisms and each time invents new forms and ways of acting according to the civilizational development of mankind. It is increasingly internationalized, transcending the borders of host countries without choosing nation, religion, race, gender, etc.

Globalization provides an additional catalyst for the emergence of organized crime because it facilitates communication and interaction between criminals trying to hide by "playing" into global markets. There are also instances of organized crime running entire states or large parts of a state. At the same time this type of crime is a multidimensional phenomenon, in terms of its sociological, psychological, economic, cultural and other dimensions.

Market i.e., capitalist societies influence the changing psychology of people and the moral and ethical norms that determine their behaviour towards gaining socio-economic status. Violent methods of pursuing individual or group interests that violate generally

agreed norms of behaviour is defined as violent crime. In modern societies violence has deeply hedonistic motives. Democracy, on the other hand, sanctions all forms of violence against the person and material goods. The latest forms of corporate crime include tax fraud, unsafe working conditions, the manufacture of harmful products, illegal trade, and the like. Ideologically predisposed scientists at this point see it as a downside of capitalism i.e., illegal ways to increase profitability that are not always linked to increased productivity. Competition in business and politics can also be seen as control on this type of crime.

There are certain theories that define corporate crime as less criminal than ordinary crime, analysing the methods and techniques of carrying out this type of crime. There is a high consensus about the mechanisms for controlling this type of crime that they largely depend on the political will to build a social system that is able to minimize crime. In that context, there is a two-way influence between crime and politics. Crime can happen to help gain power, and politics can spur crime.

The way in which the institutions in charge of monitoring crime influence is determined by socio-cultural factors, which differ in terms of what period they occur in and what country. Such an approach, which is conditioned by the value system, leads to a situation in certain societies where killing people is justified as part of civil or general wars. It's seen as a positive, i.e., patriotic act. Many scholars have studied violence within and outside ethnic and religious groups. In this context, whole concepts of risk assessment are being developed. Risk correlates with victimization, so the intensity of occurrence of certain acts of violence is related to their severity.

Globalization and the increasing number of international institutions also have this phenomenon high on their agendas. There is a common interest in creating effective methods and mechanisms to act pre-emptively and counter all forms of organised crime. One of the biggest problems for an effective international approach in suppressing it is the specificity of its definition. The risk of differing understanding of the etiology and forms of organised crime in science is reflected in its different definition in the national legislation. The solution to this problem is the better and more effective international identification and prevention of it.

3. The impact of organized crime on security

Crime mobilizes a multitude of deviant behaviours committed by individuals or groups, endangering the personal safety as well as the material goods of individuals and society in general. Thus, crime has increasingly been seen as a security threat that is cleverly exploiting the process of globalization and upgrading its ways and forms of operation with it. Human history has always remembered violence as a present phenomenon at the beginning in an explicit and rudimentary form, while today violence takes new modern forms. The motive for violence often starts from the individual, spreads through the group and takes on global dimensions.

The current measures and activities do not guarantee that this phenomenon can be controlled and reduced to a minimum. Very often every intervention is repressed, the creativity of criminals is stronger than the repressive measures of the competent institutions. Among other things, this form of criminality has "its" people in the elites who create the strategies for its suppression, and every time they find weaknesses

in the plans that are skilfully used. These phenomena are typical class phenomena because they have an economic and political motive at their core, conditioned by the desire for material domination. Their suppression implies a stronger and more integrated response, above all by international organisations with their own networks and at national level.

The social environment in which violent crime exists is also enriched by the media, which has a two-way effect, i.e., in the direction of stimulation and in the function of its suppression. The impact of individual campaigns related to violent crime is evident. The way of influence of the institutions responsible for monitoring violent crime is determined by the socio-cultural influences which are different in terms of the period in which they occur and in which country. In the context of the dualism that speaks of the influence of culture in society and the concept of organized crime, the degree and mechanisms of societies for its control also belong here. Societies that are more tolerant of crime have weaker control mechanisms and vice versa, societies that have a higher degree of crime awareness have built stronger mechanisms to suppress it. The example of the FBI in the United States speaks of that country's approach to higher forms of organized crime, a special institution was formed to prevent this type of crime.

The most explicit correlation exists between violence and alcohol and drug abuse. There is almost no research where these indicators do not have a strong influence on deviant behaviour of individuals and groups. Terrorism is considered a global form of violence that carries the most invasive consequences. Very often there is a link between organized crime and terrorism, between terrorist organizations and criminal organizations. What both phenomena have in common is the existence of an organizational structure and influence and the conditions for their existence, using part similar part different methods and means to achieve their goals. In both America and Europe, mafias i.e., criminal gangs, were most briefly defined as linearly-managed groups, vertically integrated and horizontally coordinated organizations. Terrorism uses violent means and methods, unlike criminals, for whom the use of force is not necessary.

There are no studies that explicitly link crime and terrorism, but the logical conclusions of the intelligence community point to a correlation between them. Religious terrorism is increasingly a challenge to science, because of its observation as a form of deviant behaviour. In a word, the "range" of activities of criminals and terrorists is becoming richer and more numerous, which implies a much better approach to suppressing them. Organized crime and terrorism are expanding their presence and use of "more invasive" methods, thus multiplying their importance as a negative social phenomenon. One of the differences between organized crime and terrorism is their ideological motivation. A dominant role in organized crime is commercial in nature, often accompanied by corruption and all other forms of property crime.

Modern criminological theory analyses violent crime as the subject of its research through the conventional types of assault that dominate such as assault on the person. In that context, all forms of organized crime, regardless of whether it is violent crime, money laundering, computer crime, illegal smuggling and trafficking of drugs and people or the financing of terrorism, is directly correlated with endangering personal and collective security. Very often the degree of organization of a society is measured, among other things, by the struggle to suppress this most serious form of crime.

Its internationality implies joint activity, therefore international institutions regularly treat this area. Because even the most developed country does not have the capacity to deal with this evil on its own. There are numerous documents signed between the police, prosecutors and other authorities of the countries of the region and beyond to fight against all forms of crime. Following the example at the national level and on the basis of the signed international documents, international institutions for fighting crime have been established. How important this topic is for humanity is shown by the fact that it is often on the agenda of the UN, the Council of Europe and other international organizations, with analyses of the current situation, its growth, as well as plans to suppress this phenomenon. One of the main objectives in ratifying international conventions, protocols, directives and other similar documents is to limit the space in which various forms of security threats may occur. In that context, these acts regulate the production and trafficking of arms, legal travel, forms and purposes of associations and activities of individuals and groups, etc.

4. Treatment of organized crime in RNM

Macedonia has implemented all international protocols and conventions up to the level of a formal legal framework. One of the first challenges of the fragile state, which affected crime, was the privatization process. The privatization process is still considered one of the most controversial in terms of its legality. In most of the former state companies, it happened that the old business elite was transformed into a new social elite with the help of imprecise legislation and fragile institutions. The entire economy, which was previously contractual and part of one large market, was forced to seek for new ways and markets for trade.

Such disorganization at the beginning of independence on the economic level caused tectonic movements on the social level. Unemployment in the country increased, citizens became increasingly impoverished, there was no inflow of fresh capital, the grey economy grew, and a strong social differentiation took place in society. The illegal acquisition of property benefits and the emergence of corruption influenced the emergence of violence, criminal activities in the area of public procurement, fiscal evasion, dubious sponsorships in politics, etc. An additional challenge to this internal situation was globalization and everything that it brought with it, which only complicated the organization of society. This situation led to the appearance of almost all forms of crime known to science and practice to be present in Macedonia.

4.1 Legal regulation in the area of organized crime

The Criminal Code is one of the key laws that incriminate acts related to organized crime such as criminal association, money laundering, drug trafficking, human trafficking, smuggling, illegal trade, and others. Since one of the essential characteristics of organized crime is its organization, the Criminal Code pays a lot of attention to this problem and elaborates in detail on all the incriminating acts mentioned above. It contains the crime of criminal association (Article 394), one of the crucial articles related to the prevention of organized crime.

The Law on Criminal Procedure primarily refers to the definition of the method for fair conduct of the criminal procedure provided by the Criminal Code. This law deals with the presumption of innocence, the principles of legality and proportionality, a fair trial, etc. It defines the competence of the courts, the modalities of conducting the procedure, the competence of the public prosecutor and the judicial police, the status of the accused and the defender, the way of executing the decisions, the means of evidence, the detention, and the search as mechanisms in the procedure.

The Narcotic Drugs and Psychotropic Substances Law regulates the competence of the state institutions responsible for the control of the production and sale of narcotic drugs and psychotropic substances. It defines the preventive measures for the use and abuse of these substances, and prohibits the cultivation, production, trade, brokering, and use of substances, plants and prepared substances from them, except for medical or scientific purposes.

The Law on the Prevention of Money Laundering and Financing of Terrorism regulates the measures, the activities and the procedures that the competent bodies should take for detecting and preventing money laundering, connected crimes, and financing of terrorism.

The Law on Prevention of Corruption and Conflict of Interests regulates the measures and activities of the institutions of the system for the prevention of corruption in the exercise of power, official duty and public authorizations. The changes refer to specifying certain provisions and strengthening the competence of the State Commission for the Prevention of Corruption.

The Financial Police Law regulates the organization, management, competence, and authorizations of the Financial Police, its rights and obligations, as well as responsibilities, the manner and type of records, data processing, and the financing of the Financial Police. The purpose of this law is to protect the financial interests of the state.

The Law on Protection of Witnesses regulates the procedure and conditions for the protection of witnesses and their assistance. It defines the measures to provide for the protection of witnesses and establishes the Witness Protection Council and the Witness Protection Department.

The Law on the Monitoring of Communications regulates the problems related to communications, their security, and legality, as well as the use of communications in investigative, i.e. evidentiary procedures.

The Law on Offences against Public Order and Peace determines the offenses against public order and peace, the sanctions that follow, the competent bodies for imposing the sanctions, special criminal measures, and the conditions in which fireworks or similar events can be organized.

4.2 Institutional Setting in the field of organized crime

The Ministry of Internal Affairs has, as its main competence, the fight against crime, through detection, prevention, and further forwarding to the Public Prosecutor's Office.

Within the framework of the Administration for Public Security in the Department of Criminal Police, there is a special organizational unit for organized crime, which includes economic and financial crime, as well as a section dealing with corruption, smuggling, money laundering, tax evasion, extortion, racketeering, and computer crime.

Internal control and professional standards have an important role within the Ministry. Without that, the anti-corruption culture among employees and professionalism in operations, which are maintained with plans for implementation of an anti-corruption program, is not possible. The Ministry has rich international communication and cooperation, mostly with INTERPOL and EUROPOL.

The Ministry of Finance, under its authority, has the Financial Police, which has great powers in the area of suppression of financial crime. The main mechanisms of operation of the Financial Police are the collection and analysis of cash transactions, monitoring of the money trail, reviewing accounting data, and performing forensics on electronic and computer systems.

The Public Revenue Office, which is also a body of the Ministry of Finance with the main responsibility in the area of taxes, operationally implements the tax policy.

The Customs Administration has jurisdiction over land and air within the country's borders, and is responsible for preventing smuggling, illegal trade to and from the country.

The Financial Intelligence Unit within the Ministry of Finance serves as the national agency for receiving, requesting, analyzing, investigating and disseminating information concerning all suspected proceeds of crime, in order to prevent money laundering and terrorist financing.

The Ministry of Defense fulfills its role in the fight against crime through intelligence and counter-intelligence activities carried out by the Military Security and Intelligence Service, it is in communication with other institutions in the field of security in the country and abroad.

The Intelligence Agency according to Article 3 of the Intelligence Agency Law is authorized to collect, process, analyse, exchange, store and protect data and information of significance to the security, defence, foreign policy and economic interests of the country.

The Public Prosecutor's Office with its structure of Basic and Higher Public Prosecutor's Offices as well as the Prosecutor's Office for the Prosecution of Perpetrators of Organized Crime is one of the most important institutions for fighting crime. In the definition of jurisdiction itself it explicitly indicates that it is a jurisdiction for crimes committed by a structured group of three or more persons, acting for a prolonged period of time with the aim of committing one or more crimes.

The main priority of The State Commission for the Prevention of Corruption prosecuting corrupt conduct of holders of public office or authority. It is independent of public and state administration. It carries out anti-corruption monitoring of laws and regulations.

The courts with their structure of Basic and Appellate Courts and the Court of Criminal Cases in the field of organized crime conduct investigations and determine penalties for crimes committed.

The Court aims at the impartial application of the law, regardless of the status of the parties, protection and respect for human rights and freedoms, ensuring equality of all citizens.

The State Administrative Inspectorate, which is part of the Ministry of Justice, is responsible for implementing the Administrative Procedure Law and other laws and regulations necessary for the lawful and efficient functioning of the public administration.

4.3 Strategic documents in the field of organized crime

The National Strategy for Combating Organized Crime and Corruption is one of the most important planning documents that sets out the objectives and tasks of the institutions to deal with it. This act makes projections for the possible development of organized crime and on this basis notes measures and mechanisms for its prevention. In this strategy, one of the main focuses is the coordination of all relevant institutions in the field of crime.

The National Drug Strategy, which includes the drug action plans, is based on the international Conventions and Protocols for drug control. It represents the implementation of the UN and EU General Assembly Conventions. It is in accordance with both the UN Charter and EU International Law.

The National Strategy for Integrated Border Management is a document that transferred border security from the army to the police through the establishment of a separate border police service within the Ministry of Internal Affairs. According to this strategy, a National Coordinating Mechanism for Border Management was created, which coordinates all institutions that have any connection with the state border. There is also a National Commission for Integrated Border Management which is an advisory body to the Government.

The National Strategy for Prevention of Money Laundering and Financing of Terrorism is a document that unites activities in the area of money laundering and terrorism, it represents harmonization and implementation of domestic legislation with EU legislation. The goal of the strategy is stronger coordination within the country as well as building mechanisms for efficient international cooperation in the fight against terrorist financing. The body that coordinates the activities of this plan is the Council for Combating Money Laundering and Terrorist Financing.

The purpose of The Strategy for Combatting Trafficking in Human Beings and Illegal Migration, is to set out the guidelines and priorities for dealing with this criminal phenomenon. As the previous strategies, this one also represents the harmonization and implementation of international Conventions and Protocols, above all, harmonization with the UN Convention against Transnational Organized Crime and the protocols that refer to it, and also according to the Stabilization and Association Agreement signed with the EU. On the basis of these documents, a National Commission for Combating Trafficking in Human Beings and Illegal Migration in The Republic of North Macedonia was established and a National Coordinator was chosen.

Conclusion

The fight against organized crime is a top priority and a prerequisite for the realization of the ideal of a legal state. This is especially important for the integration of the Western Balkans in Europe, something that should not be seen as rewriting the laws and rules, but in parallel work on the culture and behaviour of the population for the consistent implementation of those laws and norms. Simply rewriting legislation is the easier part of integration, the harder part is sharing common values. This is increasingly being seen by the EU and the new mechanisms it creates are to analyse the state of societies from the broadest perspective, not only from a legislative one but also from the perspective of overall values that are important for integration. One of the most common questions that can be heard in terms of sharing common values is what is behind the frequent occurrence of the same people in different countries with similar legislations behaving differently? Can we talk about true integration when this issue will no longer exist and all differences in terms of values will be levelled to the maximum.

The societies of the Western Balkans, especially ours, which for a longer period of time is constantly in some kind of transition, completely not integrated into international institutions, with a high poverty threshold, a high culture of corruption and fragile institutions, requires a major overall commitment to achieve competitiveness with societies we aspire to be integrated into. The paradox of such situations is also monitored here, which consists in the two-way influence between situations and integrations.

In the government's strategic document, the National Program for the Adoption of EU Law 2021 - 2025, a special chapter is dedicated to organized crime. In this document, priorities in the field of police cooperation, investigative centres, strengthening of capacities for conducting financial investigations are noted. The work of the National Coordination Centre against organized crime, the new legal and institutional framework with short-term and medium-term priorities for the same are further underlined.

The solution lies in the continuous implementation of strategies to combat organized crime. They essentially represent the creation of quality regional and international cooperation in the fight against this evil, which has a strong impact on policy and security.

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