

**HIGHER SCHOOL OF INSURANCE AND FINANCE - SOFIA**



**DOCTORAL DISSERTATION**

**FINANCIAL AND LEGAL ASPECTS OF THE FIGHT  
AGAINST ORGANIZED CRIME IN THE WORLD AND THE  
BALKAN COUNTRIES BULGARIA, ALBANIA AND  
NORTHERN MACEDONIA**

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**Financial and legal aspects of the fight against organized crime in the world  
and the Balkan countries Bulgaria, Albania and Northern Macedonia**

## ❖ **ABSTRACT**

Organized crime is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals, who intend to engage in illegal activity, most commonly for monetary profit. Organized crime has taken on an increasingly transnational nature. Organized crime could weaken the economy with illegal activities, national security, and other interests of countries.

Organised criminal has specifically which may involve, structure, restricted membership, continuity, violence or the threat of violence, illegal enterprises, legitimate business penetration, corruption. A criminal enterprise as a group of individuals with an identified hierarchy, or comparable structure, engaged in significant criminal activity. These organizations often engage in multiple criminal activities and have extensive supporting networks.

Organized crime threatens peace and human security, violates human rights and around the world. Transnational organized crime manifests in many forms, including as trafficking in drugs, firearms and even persons. At the same time, organized crime groups exploit human mobility to smuggle migrants and undermine financial systems through money laundering.

The central legal instrument for fighting transnational organized crime is the UN Convention of Transnational Organized Crime (UNTOC).

For fighting against organized crime it is necessary provides technical assistance and training in constructing legal frameworks and enhancing national enforcement capacity. Organized crime knows no boundaries and has always had an international dimension. Globalization and the technological revolution have made it possible for criminal organizations to expand and to exert even greater influence on an international scale. For this reason, international cooperation is essential in order to combat this phenomenon effectively.

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❖ **INTRODUCTION**

**METHODOLOGICAL APPROACH TO RESEARCH**

**1. SOCIAL JUSTICE FOR STUDYING THE TOPIC**

Organized crime is a special form of professional crime, which developed in developed countries in the 20th century, and which is increasingly present in transition countries that did not have or did not feel it with such intensity as in recent years (late nineties), and now its presence is noticed in all spheres of social life and poses a dangerous and real threat to the further development of democratic relations.

The protection of the international and national order from modern forms of crime is not possible without the organization of continuous and synchronized measures. This protection

from organized crime, as a negative phenomenon that has the ability to use favorable conditions for development and infiltration in social life and to adapt to a specific socio-political and economic situation not only within a country but also internationally.

The emerging forms and forms of organized crime (special form of professional crime) are not the same in all countries, but they are adapted to the existing social relations and external conditions that enable easier realization of specific criminal activities. This type of organized crime undermines every state installed in the system by compromising the necessary civil servants who facilitate their criminal activity. Thus, organized crime and corruption take on enormous proportions and seriously jeopardize the economic development and legal order of the country.

Organized forms of criminal activity appear differently, so that when committing more serious crimes in the field of general crime, political crime and environmental crime, the activity of a criminal organization is present, without established links with the state, its bodies and other relevant entities.

Organized crime knows no regions, borders, continents, it extends wherever it can be earned. It is an illegal criminal activity by structured groups for a long period of time by committing serious criminal offenses using threats, violence, corruption and other means in order to gain greater financial or other material benefit.

At the state level, new emerging forms of organized crime are emerging where the bearers are senior state officials who use their institutional positions to acquire large material assets. These are professional perpetrators who are organized in various groups and other forms of association, in order to commit crimes. They are firmly organized, with a hierarchical relationship and high speed, caution and resourcefulness in the execution of criminal offenses. Relationships in these organizations by strict discipline, obedience and personal loyalty, great operability and ability to quickly maneuver and move their activities to large spaces.

Characteristics of organized crime force all countries in the world are focused on building a strategy to fight organized crime and institutional crime and corruption. Almost all countries have joined the fight against organized crime on a systematic basis, building a system for prevention and eradication of institutional organized crime, drug crime, illicit trade in weapons, oil, human trafficking, smuggling of excisable goods, especially cigarettes and more.

In building a concept of criminal law protection from organized crime, it starts from its basic characteristics: criminal profitability, violence and intimidation, corruption, sophistication, organization, synchronization, coordination, internationality, technical staffing, multispecialization. The last feature of this crime is the close connection with terrorism, money laundering, corruption, illicit trade, production and distribution of drugs, cybercrime, espionage (from all areas) and scientific and technical development.

The fight against organized crime can be conducted by building a comprehensive institutional and effective system for combating organized crime. This means building an entire system of state organization in the fight against organized crime, with subsystems closely interconnected and with a single and joint performance for more effective protection and suppression of all modern forms of organized crime.

Due to the multidimensionality and internationality of this crime, the national system and its subsystems must fit into the international system. Accordingly, the national system should be harmonized and supplemented with international criminal law protection.

○ **2. SUBJECT OF RESEARCH**

The paper starts from the assumption that "without precisely defined legal and financial aspects as an institutional legal national framework there is no successful fight against organized crime". In building a concept of criminal-legal protection against organized crime, one starts from its basic characteristics:

criminal profitability, violence and intimidation, corruption, sophistication, organization, synchronization, coordination, internationality, technical equipment, multi-specialization.

Subject of elaboration of the doctoral dissertation legal and financial aspects of organized crime in the world and the Balkan countries Bulgaria, Albania and Macedonia and establishment of an effective national institutional system for protection from organized crime.

As a special subject of research, which serves as a basis for building an institutional system for combating organized crime, the concept, forms, conditions and causes that lead to the emergence of organized crime are investigated. Balkan countries Bulgaria, Albania and Northern Macedonia.

As a basis for building an institutional system for combating organized crime, the knowledge obtained by applying comparative methods of analysis of several national systems for combating organized crime are used.

An additional subject of research of this paper is the development of effective means and methods of work of entities working on combating organized crime.

The obtained results from these researches are the basis for preparation and giving directions for proper and legal action of the subjects within the institutional protection, of the Balkan countries Bulgaria, Albania and Northern Macedonia as a final subject of the research of this paper.

### **3. PURPOSE OF THE RESEARCH**

What are the basic problems related to the legal and financial aspects of organized crime, especially in the Balkan countries Bulgaria, Albania and North

Macedonia. The obtained results and the research of the work represent the basis for preparation and giving directions for the correct and legal behavior of the subjects within the framework of the institutional protection of the Balkan countries Bulgaria, Albania and North Macedonia. As a basis for developing the tasks of the doctoral dissertation, the knowledge for building an institutional system to fight against organized crime is used, and the knowledge obtained by applying comparative methods of analysis of several national systems for the fight against organized crime is also used.

The additional purpose of research of this paper is to determine guidelines for legal action of entities in charge of combating organized crime. in the Balkan countries Bulgaria, Macedonia and Northern Macedonia. The guidelines are given as guidelines for action by the police, intelligence services, customs, financial position, anti-money laundering institutions, prosecutors and judges to facilitate the management of organized crime.

#### ○ **4. HYPOTHESIS**

##### **Basic (general) hypothesis:**

Organized forms of criminal activity appear differently, so that in the execution of more serious crimes in the field of general crime, political crime and environmental crime, the action of a criminal organization is present, without established ties with the state, its organs and other relevant entities. The characteristics of organized crime force all countries in the world to focus on building a strategy to fight organized crime and institutional crime and corruption. The fight against organized crime can be conducted by building a well-rounded institutional and efficient system to fight against organized crime.

*First special hypothesis:*

What are the main problems related to the legal and financial aspects of organized crime, especially in the Balkan countries Bulgaria, Albania and Northern Macedonia.

*Second special hypothesis:*

Ensuring adequate legislation for governments and banking and other financial institutions to combat organized crime.

Third special hypothesis:

A stable system for combating organized crime enables countries, their governments and institutions to plan and direct the activities of their structural elements in terms of their expansion and strengthening in order to reach the highest possible level that enables them to successfully counter of organized crime.

**Auxiliary hypothesis:**

- There are legal gaps for proper institutional fight against organized crime.

## **5. RESEARCH METHODS**

For the purpose of successful processing and elaboration of the topic of the doctoral dissertation that requires a multidimensional approach, a number of research methods are used, which are:

- *historical* - by applying this method, the beginnings of institutional protection from organized crime are historically determined;
- *Content analysis* - using this method, the provisions of the Law on Police, the Law on Courts, the Law on Public Prosecution, the Customs Law, the Law on Customs Administration, the Law on Internal Affairs, the Law on Financial Police, which regulate institutional protection are analyzed. from organized crime;

- *comparative method (comparative)* - with the application of this comparative perception of the experiences, methodology and differences of institutional protection from organized crime in several countries;
- *statistical method* - by applying this method the efficiency of the national system for protection against organized crime is processed in different periods of the development of the Balkan countries Bulgaria, Albania and Northern Macedonia;
- *synthesis* - using this method the data obtained using the previous methods are combined.

○ **6. TIME FRAMEWORK OF THE RESEARCH**

Due to the nature of the matter processed in the doctoral dissertation, time matter is researched in the period from 2001 to 2021 to determine how institutional protection against organized crime has developed.

**7. INFORMATION BASE OF THE DOCTORAL DISSERTATION**

The information base during the preparation of the dissertation was based on the legislative acts of the Republic of Northern Macedonia, materials from the statistical yearbooks, statistical bulletins, materials of the Government and government bodies, materials of the World and European Bank, world organizations for fighting organized crime and the results of the research conducted in the dissertation on current topics financing and legal aspects of organized crime.

○ **8. DEGREE OF PROBLEM DEVELOPMENT**

There are numerous studies in the literature on organized crime. In recent years, a number of theoretical and practical aspects of the characteristics of organized crime have been considered.

Significant progress in the study of this problem does not diminish its importance. Specific financial and normative issues related to organized crime, primarily through

International Financial Institutions and banks, are used as a model for building their own experience in finding solutions to the fight against organized crime.

## ❖ **CHAPTER ONE: ANALYSIS OF THE SITUATION AND FINANCIAL CHALLENGES OF ORGANIZED CRIME**

### ○ **1.1. DEFINITION AND ESSENTIAL CHARACTERISTICS OF ORGANIZED CRIME**

Organized crime is a non-ideologically organized structure involving a large number of people in close social interaction, organized on a hierarchical basis, with at least three levels / ranks, in order to secure profit and power by engaging in illegal and legal activities. Positions in the hierarchy and positions that involve functional specialization can be assigned on the basis of kinship or friendship or rationally assigned on the basis of skills. Positions do not depend on the individuals they occupy at a given time. Consistency is taken over by members who strive to maintain the organizational structure integrally and actively in achieving their goals. Such an organizational structure avoids competition and seeks a monopoly on an industrial or territorial basis. There is a willingness to use violence or bribery to achieve goals or maintain discipline. Membership is limited, although non-members may be involved on an unforeseen basis. There are explicit rules, oral or written, that are enforced with sanctions that include murder: <sup>1</sup>

- ❖ Organised criminal:
- No political goals,
- It is set up hierarchically,
- Has limited or exclusive membership,
- It is a unique subculture,
- It is immortalized,

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<sup>1</sup> Organized Crime Defined, (2021), <http://www.organized-crime.de> › OCDEF1, p.3

- Demonstrates readiness to use illegal violence,
- It has a monopoly position,
- Explicit rules and regulations are governed.

❖ In a very broad sense, organized crime can be defined as any criminal activity involving two or more persons, specialized or non-specialized, involving some form of social structure, some form of leadership, using certain ways of working, in which the ultimate goal of the organization is located in the enterprises of a certain group. This definition allows organized crime to be seen as a huge continuum that allows freedom of analysis and definition of a particular criminal group as an entity that possesses different characteristics, as opposed to a rigid classification based on certain specific attributes. Seen from this broad perspective, there are many forms that organized crime can take, with variations, of course, to be found in each form.

❖ Organized crime means a crime of a conspiratorial nature or is of an organized nature and which seeks to provide illegal goods and services such as narcotics, prostitution, lending, gambling and pornography, or by planning and coordinating individual efforts, seeks to carry out illegal activities for arson for profit, kidnapping, insurance fraud, smuggling, vehicle theft management or systematic encumbrance of business property in order to defraud creditors.

❖ Organized crime has the following characteristics:

- totalitarian organization;
- immunity and protection from the law through professional advice or fear or corruption, or whatever, in order to ensure the continuation of their activities;
- durability and shape;
- activities that are highly profitable, relatively low risk and based on human weakness
- use of fear against members of the organization, victims and, often, members of the public

- continuous attempt to overthrow the legitimate government;
- isolation of the leadership from criminal acts; and
- rigid discipline in a hierarchy of ranks.

❖ The criminal organizations that commit crimes commit organized crime include criminal sophistication, structure, self-identification, and reputation authority, as well as size and continuity. Criminal organizations exist to a large extent to profit from providing illicit goods and services on public demand or providing legal goods and services in an illicit manner. But they can also enter the legitimate economy, or in the case of the mafia, take on quasi-government roles. However, they decide to do it, and whatever they choose to do, their goal remains the same - to make as much money as they can. Sometimes it may mean seeking political power to ease their greed, but the essence is the same.

❖ Members of a criminal organization may include a criminal family, gang, cartel, or criminal network. These members may also share certain ethnic or racial identities; but even that is not essential for defining them as a criminal organization engaged in organized crime. What is essential for the definition of organized crime is the ability to use and the reputation for using violence or the threat of violence to facilitate criminal activity, and in some cases to gain or maintain monopoly control over certain criminal markets. It is also essential that organized crime uses the corruption of public officials to secure immunity for its operations or to protect its criminal organizations from competition.

❖ The most obvious difference between organized crime and other forms of criminal behavior is that organized crime does not involve accidental, unplanned, individual crimes. Organized crime focuses exclusively on planned, rational actions that reflect the activities of groups of individuals. Several efforts have been made to extract common elements to describe and define organized crime with greater specificity.

❖ The list of all crimes committed by organized crime groups would become obsolete quickly as social, political and technological changes result in changing crime

opportunities in different locations. The characteristics of organized crime aim to profit through crime. Corruption is an activity that provides protection for the activities of organized crime. The continued existence of organized crime is maintained through the corruption of public officials and the use of intimidation, threats or force to protect their activities.<sup>2</sup>

**Figure 1**



Извор: Transnational organised crime - Department of Conferences, (2021), <http://scm.oas.org> › pdfs, PPT

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<sup>2</sup> Organized Crime Defined, (2021), <http://www.organized-crime.de> ›, p.1

Organized crime is a long-term criminal activity systematically conducted and structured in order to illegally generate profit. The activities and techniques used in organized crime vary, often involving violence, theft, fraud, and trafficking in illegal objects and substances. Organized crime differs from general crime in the following: <sup>3</sup>

- the activities have a planned and systematic character,
- involvement of numerous criminals working together,
- different types of criminal activity and methods,
- operations are performed at national, regional and international level,
- there is a large turnover of money (in some cases even billions of dollars),
- strives for financial and political influence,
- leaders can be identified.

Organized crime is a threat to the peace and security of people, violates human rights and disrupts the economic, social, cultural, political and civil development of society anywhere in the world. Organized crime has different, global and macroeconomic proportions, which means that the sources of trafficking in illegal goods are provided from one continent or another and sold to a third party. Transnational organized crime infiltrates government institutions, incites corruption, involves businesses and policies, encourages and encourages those who work outside the law. The transnational nature of organized crime means that the criminal network operates across the borders of individual countries, as well as through linguistic and cultural differences. Organized crime does not stagnate, but adapts to new criminal phenomena and as the relationship

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<sup>3</sup> Law Dictionary: (2021), What is Organized Crime? Definition of Organized Crime (Black's Law Dictionary), [thelawdictionary.org/organized-crime/](http://thelawdictionary.org/organized-crime/), p. 5

between criminal networks becomes more flexible, more sophisticated and more widespread around the world.<sup>4</sup>

Traditionally, it is pointed out that organized crime occurs in two basic forms, namely:<sup>5</sup>

- trafficking in illegal goods and services, weapons, drugs, prostitution, pornography, money laundering, gambling;
- extortion - blackmail - business rocketry, infiltration into legal businesses, political and environmental crim.

The reasons that lead to the emergence and development of organized crime can be:<sup>6</sup>

- of a legal nature,
- to have a psychological character or
- organized crime is motivated by business.

**The law** as an influencing factor can have a similar impact on the emergence and development of organized crime, which, if not properly sanctioned illegal activities or inappropriately sanctioned, creates the basis and conditions for criminal operations. The lack of legal cooperation between the governments of individual countries also contributes to the development of organized crime.

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❖ <sup>4</sup> ORGANIZED CRIME: UNATED NATIONS OFFICE ON DRUGS AND CRIME, (2021), (ИОСЕТЕХО HA 26.09.2021), [HTTPS://WWW.UNODC.ORG](https://www.unodc.org) › INTRO, CTP.1

<sup>5</sup> Organized Crime: Encyclopedia of Crime and Justice | 2018 | SACCO, VINCENT F., [www.encyclopedia.com](http://www.encyclopedia.com) › › Law › Crime and Law Enforcement

<sup>6</sup> Sociology Essays - Causes of Organized Crime, (2015), <https://www.ukessays.com> ›, p. 7

*The psychological aspects* of the emergence and development of organized crime are reflected in the fact that many individuals involved in organized crime are personally motivated to obtain certain financial means or to acquire certain other positions and benefits in an illegal manner.

*The business reasons* for the development of organized crime are reflected in the fact that the realization of illegal business activities acquires great wealth and financial power very quickly and the goals of the criminal organization can be easily achieved.

○ **1.2. REASONS FOR THE DEVELOPMENT OF ORGANIZED CRIME**

▪ **1.2.1. Legal reasons for the development of organized crime**

Organized crime is a topic that not only determines the order of work of the judiciary (nationally and internationally). Organized crime is becoming a major target for those who, in one way or another, want to use it for their own political gain. Various "specialists" in public safety in general and in the fight against organized crime appear who prescribe various solutions to combat the feeling of insecurity and fear that attacks the population and makes them hide from the great force of violence practiced by criminal organizations:<sup>7</sup>

❖ Given the goals that inspire their activities, one can see the existence of two types of criminal organizations:

➤ those who engage in illegal activities in order to achieve political and / or ideological goals (ideological organized crime)

➤ those who, in a manner similar to a normal company, engage in illegal activities in pursuit of profit. (corporate organized crime).

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<sup>7</sup> Criminal organizations and Judiciary Power - SciELO, (2021), <https://www.scielo.br> ›, сtp. 1 - 3

❖ Ideological and corporate criminal organizations are often intertwined in their increasingly "globalized" approach to organized crime, because even when ideological criminal organizations seek to seize territories, divide them, or seize political power, they must raise funds for them. finance their projects. Corporate criminal organizations work like normal companies in order to maximize profits. The difference is that while legitimate companies achieve this goal through legitimate activities, criminal organizations seek their profits through illicit criminal means.

❖ Organized crime has a formalized organizational structure whose primary purpose is to obtain money through illegal activities. Criminal organizations maintain their position through the use of real violence, corrupt public servants, or extortion.

Criminal organizations have the following characteristics:

- business planning;
- illegal existence;
- diverse scope of activity;
- longevity of membership;
- chain of command; a large number of members of the organization;
- division into smaller organizational groups;
- code of honor;
- territorial control;
- profit making.

❖ Characteristics of the activity of criminal organizations include corruption of the judiciary and the political apparatus. Criminal organizations behave in a business manner, establishing spheres of influence, even in state institutions, so that they can ruthlessly pursue financial and political power.

❖ Organized crime requires more than just a well-run organization or international organization, it relies heavily on corruption of the legislature, judges,

prosecutors, the police. In short, organized crime paralyzes the state in the fight against crime.

❖ Although they have an undeniable ability to intimidate, criminal organizations are very often opting for less radical measures, choosing more discreet and subtle forms of interference in order to preserve their capacity to work. Injury or murder, even from a legal / criminal perspective, results in material evidence, corpus delicti, while infiltration, exchange of services, offer of certain benefits and other lighter techniques have the same practical effect with much less visible traces.

❖ Another strong feature of organized crime is that most of its activities are not aimed directly at the individual victim. In fact, no individual can ever be immediately identified, compromised by unmasked acts of human trafficking, money laundering, cigarette trafficking, arms trafficking, corruption, and so on.

❖ Criminal activities are far more frightening to society and the state than those that have a direct effect on the victim (such as theft, robbery, fraud, and so on), because they interfere with the taxes collected by the state, the maintenance of peace and public order, the economy and free competition etc.

❖ Collection of funds obtained from criminal organizations through illicit practices is still an initial measure, especially when it comes to funds abroad. One thing that is certain is that organized crime is trying to operate in areas where state control is precarious, always involving people from within the state apparatus itself inflicting huge losses on society and showing insignificant recovery rates.

❖ The damage done by criminal organizations is devastating, but it is important to emphasize that their actions are often not exposed for a long time, if not forever. This comes down to the characteristics of the organized crime group itself, which operates under the guise of the people themselves who are given the power to fight it, ie public servants, respectively corrupt, collected and infiltrated. The lack of direct individual victims, victims and condemning their losses, further complicates the identification and investigation of the crime.

### 1.2.2. Psychological aspects of the development of organized crime

In today's high-tech and global society, organized crime successfully adapts, effectively and illegally owns and manages significant financial and material resources, corrupting many government and municipal officials. An important motivation for participating in organized crime groups is the dependence of an influential person on the group related to the sense of duty, fear of retaliation, desire to gain criminal authority, friendly relations, striving to support a certain group member, spending time together, having fun together, increased risk sensitivity and adrenaline rush. Some of the members of organized crime groups are motivated by seeking self-affirmation, gaining autonomy, proving that they are not worse than others, a strong desire for revenge, previous promises, specific responsibilities of the individual from other influential participants in the group. Individual psychological and behavioral characteristics typical of traditional crime have more intense and hypertrophied manifestations of perpetrators of organized crime:<sup>8</sup>

❖ The differentiation of personal roles in organized crime groups leads to the emphasis on the personal characteristics of their bearers. Despite the peculiarities of their group position, functional roles and responsibilities, the participants in organized criminal groups have common universal personal characteristics, qualities and characteristics that to some extent are typical for all of them.

❖ Psychological protection of individuals from organized crime reflects their philosophy of their prestigious business activities, their significant public role and their presence in the community as respectable citizens. Representatives of organized crime during their criminal activities develop effective strategies for dealing with, transforming their negative emotional and experiences into positive, feelings. Thus,

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<sup>8</sup> Madzharov, E. A., (2021)., An attempt to summarize the psychological portrait of perpetrators of organized crime, Academy of the Ministry of the Interior, Sofia, Republic of Bulgaria, <https://stumejournals.com › confsec › 158.full.pdf>

they contribute to the stabilization of self-confidence and the successful unraveling of crime and the motivation of criminal representatives.

### ■ **1.2.3. Business reasons for the development of organized crime**

Organized crime groups structure their illegal activities around customer requests, for example, for illicit drugs, firearms, or stolen property. Groups find ways to supply those goods and services while moving between the risks posed by law enforcement and legal and illegal competitors (for example, other illicit products and groups). Their ultimate goal is to make a profit from these activities:<sup>9</sup>

❖ According to the organization's perspective, organized crime groups are formed and thrive in the same way that legitimate businesses do: they respond to the needs and demands of suppliers, customers, regulators and competitors. The only difference between organized crime groups and legitimate business is that organized crime deals with illegal products and services, whereas legitimate businesses usually do not.

❖ The organized crime organization model focuses on how economic thinking lies at the heart of the formation and success of organized crime groups, more important than hierarchical or cultural thinking. The model of the organization identifies economic concerns as the primary cause of organized criminal behavior. The groups consist of "individual entrepreneurs and small organizations", but also of massive, centralized organizations that are by nature "competitive" and "monopolistic".

❖ The supply of illegal goods is usually provided by small criminal groups in which the illegal economy operates as the legal one: it includes supply and demand, customer preferences and competition. These factors, rather than relationships based on hierarchical or cultural ties, dictate the work and organization of organized crime groups. The enterprise model sees organized crime groups as the product of illicit

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<sup>9</sup> Organized Crime Module 7 Key Issues: Enterprise or Business, (2021), <https://www.unodc.org/ente/>, p. 1

market forces, similar to those that cause prosperity or the closure of legitimate businesses in the legal sector of the economy.

○ **1.3. FINANCIAL EFFECTS OF ORGANIZED CRIME**

Transnational organized crime groups earn up to \$ 2.2 trillion a year. Counterfeiting is the most lucrative crime valued at between \$ 923 billion and \$ 1.13 trillion. Between two-thirds and three-quarters of these counterfeit goods originate in China. Counterfeit products can pose a real threat to developing countries. Up to 30% of available pharmaceutical products in developing countries can be counterfeited. The profits from counterfeiting far exceeded the money generated by the second and third most valuable crimes: drug trafficking and human trafficking. These more traditional crimes are estimated at \$ 426 billion to \$ 652 billion and \$ 150.2 billion.<sup>10</sup>

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<sup>10</sup> NGO: Transnational Organized Crime Groups Make US\$ 2.2., (2021), (пристапено на 23.10.2021). достапно на: <https://www.occrp.org › daily>, стр.1

## Overview 1

**Realized income from organized crime in the world**

Serial Number	Criminal activity	Realized income in \$ per year
1	Illicit drug trafficking	from \$ 426 billion to \$ 652 billion
2.	Trade in small arms and light weapons	from \$ 1.7 billion to \$ 3.5 billion
3.	Human trafficking	\$ 150.2 billion
4.	Organ trafficking	from \$ 840 billion to \$ 1.7 billion
5.	Trade in cultural objects	from \$ 1.2 billion to \$ 1.6 billion
6.	Counterfeiting	from \$ 923 billion to \$ 1.13 trillion
7.	Illegal trade in wildlife	from \$ 5 billion to \$ 23 billion
8.	Illegal fishing	from \$ 15.5 billion to \$ 36.4 billion
9.	Illegal logging	from \$ 52 billion to \$ 157 billion
10.	Illegal mining	from \$ 12 billion to \$ 48 billion
11.	Theft of crude oil	from \$ 5.2 billion to \$ 11.9 billion
	<b>Total</b>	\$ 1.6 trillion to \$ 2.2 trillion

Извор: Transnational Crime and the Developing World, (2017), [https://www.gfintegrity.org › uploads › 2017/03 › T](https://www.gfintegrity.org/uploads/2017/03/T).

The presented data indicate the fact that the organizations dealing with organized crime, in all its forms, realize very high financial inflows, and thus profit. It should be noted that the largest share in the realized income from criminal activities has counterfeiting, followed by organ trafficking, drug trafficking, with a relatively lower amount of illicit trafficking in human beings, theft and illicit trafficking in oil and other criminal activities related to illicit trade (gold, people, light and medium weapons, diamonds, etc.)

## Overview 2

***Earnings and income from illegal activities of  
organized crime in some countries around the world***

Annual amount

<b>A Serial Number</b>	<b>State</b>	<b>Amount in \$ Dollars</b>
1.	United States of America	625.630.000.000
2.	China	261.000.000.000
3.	Mexico	126.080.000.000
4.	Spain	124.000.000.000
5.	Italy	111.050.000.000
6.	Japan	108.300.000.000
7.	Canada	77.000.000.000
8.	India	68.590.000.000
9.	United Kingdom	61.960.000.000
10.	Russia	49.040.000.000
11.	Bulgaria	4.740.000.000

12.	Albania	6.000.000
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Source: Havocscope Country Risk Ranking, (2021), <http://www.havocscope.com/country-profile/>

▪ **1.3.1. The largest criminal organizations in the world by revenue**

Revenue from organized crime is very difficult to estimate, as criminals often spend considerable time trying to hide what they are doing. Huge drug trafficking chains as well as car thieves can be classified as organized crime groups, and the cohesiveness of organized crime organizations around the world is very different. Some groups, such as the Japanese Yakuza, are highly organized and hierarchical, earning high overall revenues. The top five criminal organizations in the world, ranked according to revenue estimates are:<sup>11</sup>

❖ ***Solntsevskaya Bratva*** - Solntsevskaya Bratva - with revenue: \$ 8.5 billion. It is composed of 10 separate quasi-autonomous "brigades" that act more or less independently of each other. However, the organization pools its resources, and the money is raised by a 12-member council that “meets regularly in different parts of the world, often concealing their meetings. The organization is estimated to have more than 9,000 members, earning revenue from drug trafficking and human trafficking. Russian organized crime is generally heavily involved in the Afghan heroin trade: Russia is estimated to consume about 12% of the world's heroin, while containing only 0.5% of the world's population.

❖ ***Yamaguchi Gumi*** - with revenue: \$ 6.6 billion is the largest known organization in the world. Yamaguchi Gumi is one of the few organizations collectively

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<sup>11</sup> Fortune 5: The Biggest Organized Crime Groups in the World, (2014), <https://finance.yahoo.com › news › fortune-5-biggest-org.>, p. 1 - 3

referred to as "Yakuza" in Japan, a term that is roughly equivalent to the American use of "mafia." Yamaguchi Gumi earns more from drug trafficking than any other source. The next two main sources of income are gambling and extortion, followed by "dispute resolution". The Yakuza date back hundreds of years and are among the most centralized in the world. While other East Asian gangs, such as the Chinese Triads, a loose conglomeration of criminals linked mainly to family relationships, the Yakuza are linked to "elaborate hierarchies," members must abolish all other allegiances in favor of the Yakuza once they are initiated. Even with the Japanese government cracking down on Yakuza in recent years, this centralized structure has made it easier to attribute a huge amount of revenue.

❖ **Camorra** - with revenue: \$ 4.9 billion is the Italian-American mafia. The Camorra earns its income mainly from sexual exploitation, the firearms trade, drugs, counterfeiting, gambling, usury and extortion. protection services and as a force for political organization among the poor in Italy.

❖ **Ndrangheta** - with revenue: \$ 4.5 billion is an organization based in the Calabria region of Italy, "Ndrangheta" is the second largest mafia group in the country in terms of revenue. Although involved in many of the same illicit activities as the Camorra, the Ndrangheta gained its name by building international links with South American cocaine dealers and controlling much of Europe's transatlantic drug market. She also works in the United States and helps support the Gambino and Bonano criminal families in New York.

❖ **Sinaloa Cartel** - with \$ 3 billion in revenue, is Mexico's largest drug cartel, one of several organizations that have terrorized the Mexican population by serving as an intermediary between South American illicit drug producers and the extinct US market. The White House Drug Control Office estimates that Americans spend \$ 100 billion on illicit drugs each year, and RAND says about \$ 6.5 billion of that goes to Mexican cartels. The Sinola cartel has about 60% of the US drug market.

### 1.3.2. The most lucrative organized crime activities in the world

Organized crime is big business, worth about \$ 2.1 trillion a year, which is equivalent to 3.5% of the world's gross domestic product or the equivalent of about 7% of world exports of goods. The illicit drug trade is one of the most lucrative forms of illicit activity, accounting for about half of all transnational organized crime proceeds. However, a lot of money is also made by less high-profile enterprises, such as the smuggling of natural resources such as wood, oil and gold, and other precious metals:<sup>12</sup>

❖ **Drugs** - The drug trade is the most lucrative form of business for criminals, with an estimated annual value of \$ 320 billion. The UNODC notes that approximately half of organized crime revenue comes from illicit drug revenues, which is equivalent to between 0.6% and 0.9% of global GDP. Cocaine and heroin are the largest illicit drug trafficking, worth between \$ 85 billion and \$ 68 billion. Europol, the European Union's law enforcement agency, says about a third of all criminal gangs in the region are involved in drug trafficking, and cannabis is becoming increasingly popular due to its low risks and high profits.

❖ **Trafficking in human beings** - Sexual exploitation is the most common driver of human trafficking, which UNODC calls "one of the most shameful crimes in the world". of about \$ 32 billion. Victims of human trafficking have been found in at least 137 countries. They live under constant threat; their passports are often stolen and they may not know the local language if they have been traded between countries. Globally, one-fifth of victims are children, often used for forced begging or pornography. They may also be favored as workers in certain sectors (because of their small hands), such as sewing luxury goods, or they may be enslaved as soldiers in war zones. Human

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<sup>12</sup> Barnato, K., Schlotterbeck, B., (2013), Organized crime: World's most lucrative criminal activities, <https://www.cnbc.com> › Orga.

trafficking is an escalating problem in Europe, where there are well-established markets for illicit sex and labor.

❖ ***Illegal wildlife trafficking*** - Widespread poverty, along with a lucrative overseas market for exotic animal products, has resulted in mass wildlife poaching in Africa and Southeast Asia. The resulting black market is worth \$ 7.8 billion to \$ 10 billion a year. The trade focuses on rhino horns, ivory and tiger parts, and to a lesser extent birds of prey. Central Africa is the main source of ivory. As a result of poaching, only 3,200 tigers remain in the wild, less than 100,000 at the beginning of the 20th century.

❖ ***Counterfeit drugs*** - Counterfeit drugs pose a potentially deadly threat to consumers, especially those in Southeast Asia and Africa, with billions of units of counterfeit drugs being sold each year. "Treatment with ineffective counterfeit drugs, such as antibiotics, can lead to the emergence of resistant organisms and can have a detrimental effect on a large part of the population." "In extreme cases, counterfeit drugs can even cause death," the World Health Organization warned on its website. Drug counterfeiters have supported increased trade in legitimate pharmaceutical products from Asia to other developing regions. According to the UNODC, the shipment of counterfeit drugs from Asia is about \$ 1.6 billion. From a criminal perspective, the production of counterfeit drugs does not require huge infrastructure or facilities, and the demand is almost endless. Drugs are also products with a high value for money, especially when using cheap substitutes. Almost one third of fake drugs do not contain active ingredients, one fifth have the wrong amount of active ingredients, and another fifth contain completely wrong ingredients.

❖ ***Immigrant smuggling*** - Illegal immigration is concentrated in two main directions: one from Latin America to North America and the other from East, North and West Africa to Europe. The UNODC estimates that the former generates \$ 6.6 billion in criminals each year, while the latter is worth \$ 150 million. About 3 million people are smuggled from Latin America each year, and 55,000 from Africa. Transportation techniques can be very risky, including secretly entering refrigerated

vehicles or hiding in plastic bags sealed with tape. Attempts to cross the oceans or "blue borders" are particularly dangerous and have resulted in many deaths. According to the UNODC, migrants can be offered a "smuggling package", and the treatment they receive corresponds to the price they pay smugglers. Immigrants risk being abandoned by smugglers if the situation becomes too dangerous; in some cases, they may also be robbed, raped, beaten or held for ransom. Many criminals run legitimate businesses and engage in migrant smuggling as a lucrative side business. Hospitality providers may take bribes to look the other way, and corrupt officials may be involved.

❖ **Arms Trade** - According to the UNODC, the illicit arms trade generates between \$ 300 billion and \$ 1 billion a year, leaving guns and machine guns in the hands of criminals and gangs. It is difficult to count the victims of these weapons, but in some regions, such as America, there is a strong correlation between homicide rates and the availability of weapons. About 20,000 weapons, mostly pistols, are smuggled from the United States to Mexico each year for \$ 20 million, and at least 40,000 Kalashnikovs worth about \$ 33 million are smuggled from Eastern Europe.

❖ **Trade in Natural Resources** - Trade in natural resources such as timber, oil, precious metals and plants generates about \$ 7 billion in criminal revenue annually and contributes to afforestation, loss of species and habitat, climate change and rural poverty. One of the largest outflows is timber, with about 10 million cubic meters of timber per year being smuggled from countries such as Myanmar, Indonesia and Malaysia to other parts of Asia and Europe. According to the UNODC, China imports a quarter of the world's illegal logging, while 20 percent goes to Europe. The illicit trade in precious metals is also valuable, with gold smuggling - a major problem in South Africa, the Democratic Republic of the Congo and Peru - worth about \$ 2.3 billion a year. The market for diamonds and colored gemstones is about \$ 900 million.

❖ **Cybercrime** - Cybercrime is a growing problem, costing the United States up to \$ 100 billion a year, according to a study published by the Center for Strategic International Studies last month. An estimated 1.5 million Internet users fall victim to

identity theft each year, with payment card fraud generating around € 1.5 billion (\$ 2 billion) in criminal revenue each year in Europe alone.

❖ *Child pornography and sexual exploitation* also generate huge sums of money. UNODC estimates that \$ 50 million worth of child pornography is generated each year.

**Figure 2**



Source: Transnational organised crime - Department of Conferences, 2021), <http://scm.oas.org> › pdfs, PPT

#### **1.4. THE PROCESS OF GLOBALIZATION AND ORGANIZED CRIME**

### 1.4.1. Globalization and organized crime

The most important form of international crime today is organized crime, ie. crime committed by groups of people equipped with a stable, generally hierarchical organization who carry out illegal acts, usually by force, in order to enrich themselves without regard to international borders. Important groups of international organized crime are the mafias (Sicilian, American and Russian), the Japanese yakuza, the Colombian drug cartels Medellin and Cali, the Chinese triad. However, the criminal group is not a unitary organization of strictly subordinate groups. Instead, it is a network of homogeneous groups linked together by various forms of solidarity, complicity and a false hierarchical order:<sup>13</sup>

❖ Rivalry and conflict between criminal organizations are resolved according to rules and mechanisms only partially known from the outside and usually without giving way to a comprehensive confrontation. Global organized crime is helping to draw attention to the growing links between transnational criminal organizations, making them an even more daunting challenge. The increase in the formation of cooperative links between transnational criminals with the formation of the so-called "Strategic alliances" are based on economic considerations. (such as risk reduction, the need for specialized services, and the desire to enter new markets. The common goal of criminal alliances is to bypass law enforcement agencies and provide a basic incentive for sustainable cooperation.

❖ International crime is constantly changing. It is becoming more diversified every day, from traditional fields such as gambling, lending and prostitution, to international car smuggling, art and archeological theft, arms trade, illegal wildlife trade, credit card fraud and other transnational enterprises. A criminal organization may

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<sup>13</sup> Attina, F., (2021), Globalization and crime - The emerging role of international institutions, Department of Political Studies - University of Catania, <http://aei.pitt.edu> › jmw07., p. 3

prefer one sector of crime over another, but most organizations operate in drug trafficking, arms trafficking, prostitution, and international recycling of dirty money. Modern technology in the banking, communications and electronics sectors provides criminals with new tools that allow them to steal millions of dollars and launder their vast illicit profits across borders and continents.

❖ The crime business in all its forms (such as drug trafficking, illegal arms deals, stolen cars, child pornography, prostitution and migrant smuggling) was worth \$ 95 billion ten years ago. Today it is more than five times. About \$ 500 billion change hands in the global criminal business each year - more than the combined value of international trade in oil, steel, pharmaceuticals, meat, fruit, wheat and sugar.

❖ International criminal organizations are often involved in privatization programs held by many governments today to rebuild national economies after years of crisis. They buy previously state-owned banks and financial, telecommunications and service institutions cover for their covert activities.

❖ The huge sums driven by organized crime are often higher than the total budgets of most developing countries. Inflation and currency fluctuations can arise from such business, throwing domestic financial institutions in disarray with a huge violation of the conditions that enable the realization of basic social and economic rights.

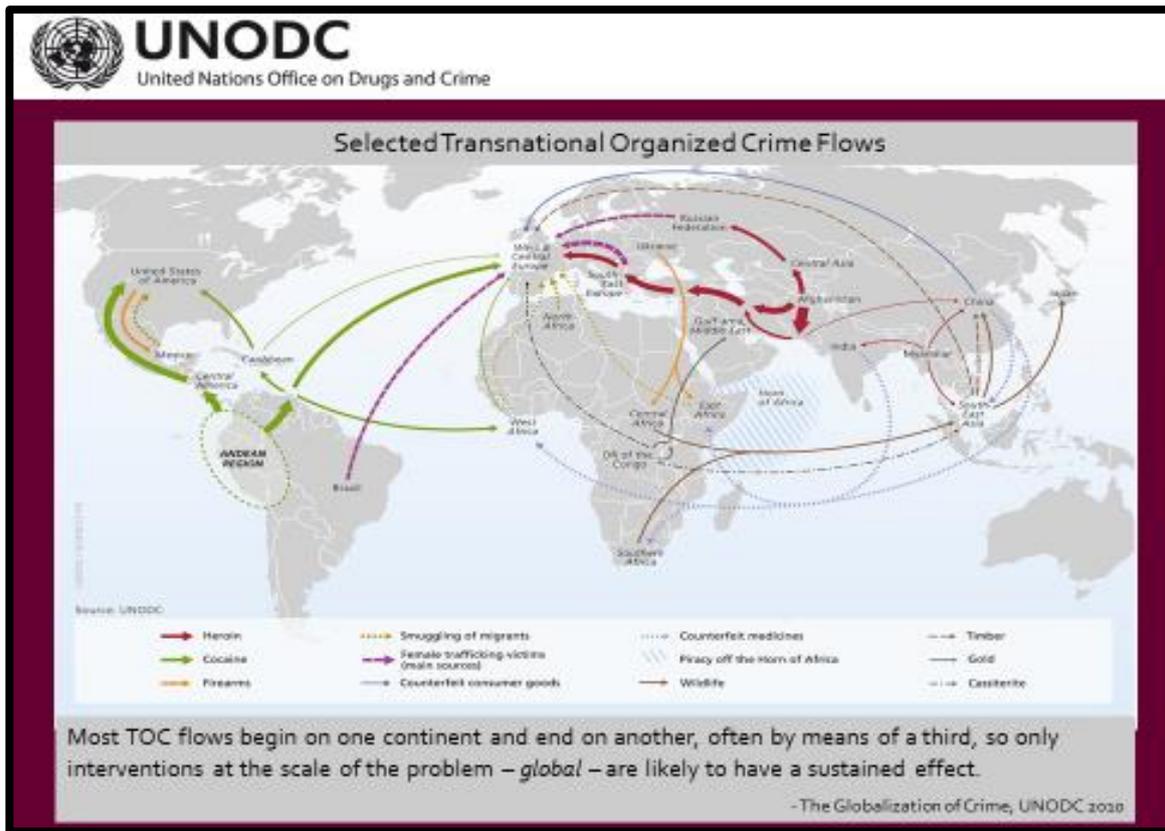
❖ Transnational criminal organizations are most concerned with profit, not politics, and are unlikely to want to undermine a system they can exploit and misuse for their own ends. But organized crime is always a form of lawlessness that cynically exploits citizens' rights and jeopardizes the most basic elements of democracy. Corruption is one of the most pervasive phenomena. Corruption of public servants is often the preferred way of doing business, as violence is likely to attract unwanted public attention. The resulting public reaction to the revelations of corruption of officials is one of deep distrust, fear and unwillingness to cooperate with the authorities.

Globalization, generally described as the removal of barriers to the international movement of goods and assets, is beneficial to international organized crime networks. The global forces of supply and demand have created new markets for illicit trade in goods and services provided by criminal activities. There is a high demand for things like drugs (especially in Europe and North America), weapons (in Africa and the Middle East), exotic parts of wildlife and animals (Asia) and exploitative people (practically everywhere). The Organization for Economic Co-operation and Development (OECD) recently estimated that international trade in counterfeit and stolen goods was as high as half a trillion dollars. Criminal networks also have new opportunities to set up facilities in different countries from which they can produce and distribute illegal goods, reducing costs and maximizing profits.<sup>14</sup>

**Figure 3**

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<sup>14</sup> Globalization and Transnational Crime - E-International, (2021), (пристапено на 27.09.2021), расположено на: <https://www.e-ir.info> › 2020/09/16 › globalization-and-tra, стр. 1



Source: UNODC Objectives, (2015), <https://www.eiseverywhere.com> > file\_uploads

PPT

International organized crime is taking advantage of market globalization, financing the economy and emerging communication technologies and information management. The international nature of money laundering, for example, confirms that criminal activity is taking advantage of advances in computer technology and information, as well as newer and more sophisticated financial instruments. International organized crime poses a serious threat to the financial and economic systems of all countries and international cooperation organizations. Criminal groups operating in international markets, in fact, present some features such as flexibility and a high level of organization, which contribute to complicating investigations promoted by authorities, agencies and

institutions trying to combat criminal activity. Criminals tend to increase opportunities offered by national and international markets and minimize the risk of identifying, arresting and convicting and confiscating illegal proceeds of crime According to data released by the UNODC - United Nations Office on Drugs and Crime , based in Vienna, shows the following about financial inflows from organized crime:<sup>15</sup>

- the global drug industry (cocaine, heroin) has an annual revenue of about \$ 105 billion;
- human trafficking and human rights abuses account for about \$ 70 billion worth of victims, to which should be added \$ 6.8 billion related to smuggling and illegal migrant flows (approximately 55,000 migrants from Africa to Europe annually);
- arms trade from the US and Europe to the rest of the world is approximately \$ 53 billion;
- cybercrime has an estimated 1.5 million victims with a market value of more than \$ 1 billion;
- the number of counterfeit products is about 2 billion products with an estimated value of \$ 82 billion.
- Italian investigators estimate that four organized crime groups operating in Italy could number more than 64,000 affiliated members, including 50,000 members of the Sicilian Mafia, 7,000 in the Neapolitan Camorra and 5,000 in the Calabrian N'drangheta.
- The Ministry of Internal Affairs of the Russian Federation indicates that more than 160,000 members belong to the main criminal groups operating in Russia. The ministry also estimated that about 30 of the existing Eurasian criminal organizations operate in the international market,

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<sup>15</sup> Sabatino. M., (2016), The processes of globalization and transnational organized crime, <https://www.researchgate.net> ›, p. 6

- about 45-50 Chinese triads (criminal organizations originating from secret societies in China in the 17th century) have their organizational base in Hong Kong and Taiwan and spread around the world,
- The National Police Agency of Japan has discovered that criminal groups called Japanese Yakuza or Japanese Boryokudan consist of more than 3,000 groups and subgroups, totaling about 90,000 branches..

Illegal trade involves all major nations: the G8 and the BRICs alike, as well as regional powers. The world's largest economies are also the largest markets for illicit trade:<sup>16</sup>

- In Europe alone, there are about 140,000 victims of human trafficking for the purpose of sexual exploitation, which generates a gross annual income of \$ 3 billion for their exploiters.
- The two most prominent migrant smuggling flows are from Africa to Europe and from Latin America to the United States. About 2.5-3 million migrants are smuggled from Latin America to the United States each year, generating \$ 6.6 billion for smugglers.
- Europe is the regional market for heroin with the largest value (\$ 20 billion), while Russia is now the only national largest consumer of heroin in the world (70 tons). "Narcotics kill 30,000-40,000 young Russians a year, twice the number of Red Army soldiers killed during the invasion of Afghanistan in the 1980s."
- The North American cocaine market is shrinking due to lower demand and higher law enforcement. This is generating a war between smugglers, especially in Mexico, and new drug routes. Across the Atlantic coast of Latin America, cocaine is transported to Europe via Africa.
- Countries that cultivate most of the world's illicit drugs, such as Afghanistan (opium) and Colombia (coca), receive the most attention and criticism. However, most

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<sup>16</sup> Organized crime has globalized and turned into a security threa, (2021), <https://www.unodc.org> › June

of the profits from drugs are realized in the destination (rich) countries. For example, of the global market of perhaps \$ 55 billion for Afghan heroin, only about 5 percent (\$ 2.3 billion) goes to Afghan farmers, traffickers, and insurgents. Of the \$ 72 billion cocaine market in North America and Europe, about 70 percent of profits come from middle-level dealers in consumer countries, not the Andean region.

➤ The global market for illicit firearms is estimated at \$ 170-320 million per year, which is 10-20% of the permitted market. Although arms smuggling tends to be episodic (ie related to specific conflicts), the numbers were so large that they killed as many people as some pandemics.

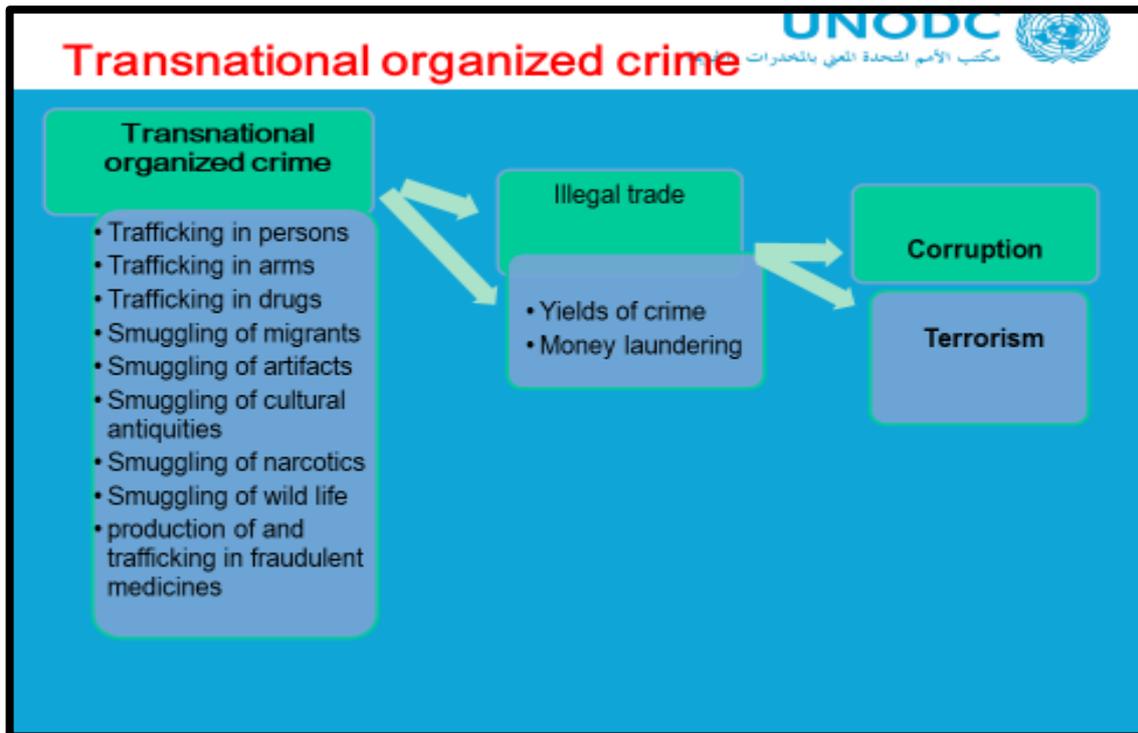
➤ Illegal exploitation of natural resources and wildlife trafficking from Africa and Southeast Asia are disrupting fragile ecosystems and leading species to extinction. UNODC estimates that illicit timber imported from Asia to the EU and China was worth about \$ 2.5 billion.

➤ The number of counterfeit goods found on the European border has increased tenfold over the past decade, to an annual value of more than \$ 10 billion. As many as half of the drugs tested in Africa and Southeast Asia are counterfeit and substandard, increasing rather than reducing the chances of getting the disease.

➤ The number of pirate attacks in the Horn of Africa has doubled. Pirates of one of the world's poorest countries (Somalia) are trying to buy ships from some of the richest, despite patrolling the world's most powerful navies. Of the more than \$ 100 million in ransom-generated annual revenue, only a quarter goes to pirates and the rest to organized crime.

➤ More than 1.5 million people a year suffer from identity theft for an estimated \$ 1 billion economic loss, while cybercrime threatens the security of nations: power grids, air traffic and nuclear installations have been compromised.

#### **Figure 4**



Source: The involvement of transnational organized crime in illicit, (2021), [https://www.unodc.org/treaties/organized\\_crime-](https://www.unodc.org/treaties/organized_crime-) PPT

#### 1.4.2. Benefits of Organized Crime from Globalization

Organized crime is considered a variable and flexible phenomenon. Many of the benefits of globalization, such as easier and faster communication, financial mobility, and international travel, have also created opportunities for transnational organized crime groups to flourish, diversify, and expand their activities. Traditional territory-based criminal groups are evolving or have been partially replaced by smaller and more flexible networks with branches across several jurisdictions. Victims, suspects, organized crime groups, and proceeds of crime can be located in many countries. In addition, organized crime affects all countries, whether they are countries of supply,

transit or demand. As such, modern organized crime is a global challenge that must be addressed with a harmonized, global response..<sup>17</sup>

International organized crime in a globalized world as a result of globalization has the following benefits:<sup>18</sup>

- ✓ Transnational criminals are one of the biggest beneficiaries of globalization. Globalization facilitates international trade, but also increases the difficulty of regulating global trade.
- ✓ The global financial system is undergoing widespread deregulation that has made it easier for illegal actors to launder money laundering.
- ✓ Terrorists, insurgents and military commanders rely on illegal activities as a funding mechanism. Sometimes, when engaging in criminal activity, they come into contact with criminal organizations, but for the most part, direct group-to-group contact is less important. "It's just a market activity or a relationship with suppliers," he said, disputing the idea of a "criminal-terrorist link."
- ✓ There is no single model of criminal organization. Criminal networks and criminals adopt countless different structures depending on their circumstances.
- ✓ Illegal networks are a challenge for states because states are militarily and diplomatically organized to deal with other states. It is very difficult for governments around the world to adapt to actors who are not state or without sovereignty.

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<sup>17</sup> UNODC and Organized Crime, (2021), <https://www.unodc.org> › intro

<sup>18</sup> How Globalization Affects Transnational Crime - Council on Foreign Relations .<https://www.cfr.org> › blog. p.2

❖ Organized crime activities, such as requests for protection, bribery or other illicit services imposed on others through coercive methods by criminal organizations, provide benefits in:<sup>19</sup>

➤ Infiltration of a legitimate business or government. When infiltrating businesses and governments, organized crime groups often try to create demand for their services, rather than simply exploiting the existing marketplace as they do when providing illicit goods and services. For example, organized crime groups can run protective rackets, ie. systems of unlawful "taxation" imposed on persons or businesses in exchange for relief from harassment, protection against harm or to the detriment of their employees and clients. In this way, they use violence and threats to gain some form of monopoly control (for example, territory, land, subsidies, garbage collection or delivery services).

➤ Organized crime groups may use coercion or extortion to infiltrate legitimate businesses and governments, involving implicit or explicit threats to obtain a criminal purpose. Coercion and extortion are not necessary to secure illicit goods or services. This is because the demand for illicit goods and services already exists among the public, so there is no need to threaten to lure customers to buy counterfeit goods, illegal firearms or other products and services.

➤ In the event of a business and government infiltration, victims (often small to medium-sized companies, sole proprietors or family businesses) do not receive the benefit, but are forced to pay to avoid worse treatment. Non-payment will result in property damage, violence against employees or loved ones, customer harassment, interruptions in deliveries or related problems that businesses can not afford to experience.

➤ To "legitimize" the illicit gains of these criminal activities, organized crime groups disguise their illegal origins and often reinvest them in the legal economy

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<sup>19</sup> Organized Crime Module 4 Key Issues, (2021), <https://www.unodc.org › module-4 › key-issues › intro>.

through money laundering, a process critical to allowing criminals to enjoy the profits of crime. If left unchecked, money laundering can have very high social and political costs, as it allows organized crime groups to infiltrate financial institutions, gain control of large sectors of the economy through investment, or offer bribes to public officials.

## **1.5. ASSESSMENT OF ORGANIZED CRIME THREATS**

### **11.5.1. Threats from organized crime in the world**

The world's population is growing every year, and with it the volume of exchanges between people. The vast majority of these exchanges are legitimate and useful, but a significant part is not. International crime markets are piercing the planet, transporting drugs, weapons, human trafficking, toxic waste, stolen natural resources or parts of protected animals. Hundreds of billions of dollars of dirty money flow around the world every year, distorting local economies, corrupting institutions, and fomenting conflict. International organized crime is a central issue in international relations, an important factor in the global economy and an immediate reality for people around the world. Aside from the direct effects - drug addiction, sexual exploitation, environmental damage and a host of other troubles - organized crime has the capacity to undermine the rule of law and good governance, without which there can be no sustainable development.<sup>20</sup>

International organized crime poses a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability around the world. Not only are criminal networks

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<sup>20</sup> Transnational organized crime threat assessments - UNODC, <https://www.unodc.org/unodc>. p.1

spreading, but they are also diversifying their activities, resulting in threats that used to be different and today have explosive and destabilizing effects: <sup>21</sup>

❖ International organized crime networks are involved in the political process in a variety of ways. This is often achieved through:

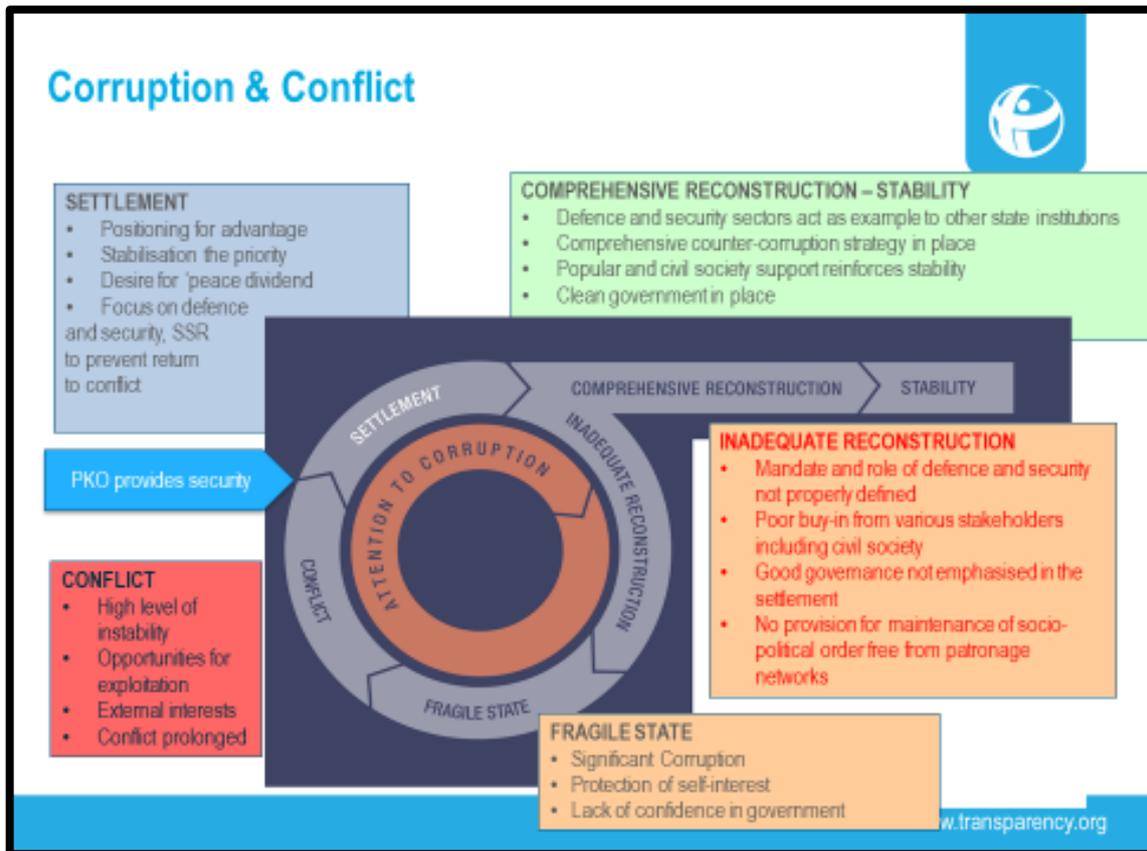
- direct bribery,
- members of organized crime groups run for office;
- establishing shadow economies;
- infiltration of the financial and security sector through coercion or corruption;
- and
- positioning as alternative providers of management, security, services and livelihoods.

❖ As international organized crime networks spread, they can jeopardize stability and undermine free markets while building alliances with political leaders, financial institutions, law enforcement, foreign intelligence, and security agencies. The penetration of international organized crime into governments exacerbates corruption and undermines governance, the rule of law, the judiciary, the free press, democratic institutions, and transparency.

**Figure 5**

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<sup>21</sup> Transnational Organized Crime: A Growing Threat to National and International Security, <https://obamawhitehouse.archives.gov> ›, p. 2



Source: PowerPoint Presentation - the United Nations, (2021), <http://dag.un.org> › handle › PPT Corruption - PPT

❖ International organized crime threatens the economic interests of every country and can cause significant damage to the global financial system through subversion, exploitation and disruption of legitimate markets and economic activity. The World Bank estimates that about \$ 1 trillion is spent each year on bribing public officials, causing a series of economic disruptions and damage to legitimate economic activity. The cost of doing business in countries affected by international organized crime is also rising as companies budget for additional security costs, which negatively affects foreign direct investment in many parts of the world. International organized crime activities can disrupt the global supply chain, which in turn reduces economic

competitiveness and affects the ability of industry and transport to withstand such disruption. Furthermore, transnational criminal organizations, using their relationships with state entities, could gain influence over key commodity markets such as gas, oil, aluminum and precious metals, along with potential exploitation of the transport sector.

Organized crime threat assessments are used as a mechanism for understanding and responding to organized crime. Threat assessments attempt to gather a range of relevant data and present them in a systematic way to determine current and future trends in organized crime activity. More recently, the rise of organized crime as a result of globalization and its impact raises important questions about whether such assessments can be a useful tool - not only to emphasize the nature of the threat, but also to ensure effective action against organized crime. . This presents several challenges, not just the need to bring together more actors and the fact that state structures that are normally tasked with conducting threat assessments are weak or non-existent. In this context, the threat assessment will have to be conducted by an external party, gathering information from both internal and external actors. The concept of organized crime threat assessments continues to evolve, especially in the area of policy development. They are used primarily as a strategic tool to provide an approach to combating organized crime. The following elements are used in the assessment of organized crime threats: <sup>22</sup>

- *Use of force.* Are criminal organizations ready to use force, and if so, to what extent?
- *Likelihood of product seizure.* How good are criminal organizations at hiding their products?

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<sup>22</sup> An Overview of Organized Crime Threat Assessments, (2021 [https://www.ipinst.org › uploads › publications](https://www.ipinst.org/uploads/publications) › i., p. 4 - 5

- *Links and level of cooperation between them and other organized criminal groups* with the city, the state, the nation, the world. The higher the interconnection factor, the greater the threat.
- *Level of legitimate business infiltration.* The legitimacy factor makes it easier for them to hide their assets and intimidate legitimate businesses.
- *Level of infiltration in city, state, national and international governments.* The higher the government infiltration factor, the greater the threat.
- *Size of the organization.* In general, the larger the organization, the greater the threat, although sometimes large size can be a weakness because law enforcement agencies can more easily infiltrate a large organization than a small, tightly connected organization.
- *Variety of products.* The greater the diversity, the greater the threat. The variety of products brings a greater sense of resilience to any organization. Organizations can more easily adapt to market changes (and law enforcement measures) if they have a wide range of products (with established suppliers and supply lines) to rely on. In this way, if a market closes, the organization does not fail, but simply shifts to another commodity / product. The variety of products is a sign of a mature subject of organized crime.
- *Potential for infiltration of law enforcement agencies.* Criminal organizations that can be easily infiltrated by law enforcement agencies pose a lower risk than those that cannot be infiltrated.
- *Vitality organization.* The easier the criminal organization adapts to the conditions in which it operates, the greater the threat.

### ■ **1.5.2. Threats of organized crime in the European Union**

Numerous organized crime groups are active in the EU, often with cross-border reach and multiethnic composition. There is a clear tendency for rigid and hierarchical structures to be replaced by loose networks of small and volatile groups. These can be better adapted to the modern world with its rapid changes. Some groups, having

established a strong position in their countries of origin, continue to engage in illegal activities across the EU. They use their reputation and sophistication in certain types of crime to form lucrative alliances with other groups. Italian, Russian and Albanian organizations are just a few of the "leaders" in transnational crime in the EU. It is difficult to imagine a criminal activity that would not be considered by organized crime, with profit and risk being the main criteria for their possible involvement. In addition to "traditional" crime, including drug trafficking, such groups are increasingly engaging in legal business, which allows them to launder illegal profits while benefiting from attractive legal markets. In any case, the collusion of corrupt officials and dishonest businessmen is key to the success of such criminal organizations.<sup>23</sup>

❖ EU member states are not equally exposed to organized crime. However, with the development of the internal market, criminals, as well as law-abiding citizens, have gained new opportunities to expand their sphere of action and connect with colleagues across the EU. However, in describing transnational organized crime and how it works in the EU, researchers tend to deny the vision of powerful mafias attacking new territories such as military forces.

❖ While many criminal groups compete for attractive illicit markets, there are numerous accounts of international unions set up by unions from various EU member states and non-EU countries. It points to the great diversity and instability of the groups involved, whose actions can actually be quite "disorganized". Transnational criminal activities in the EU are usually planned and carried out by the Italian mafia, or Russian-speaking criminal organizations and other organized crime groups:

➤ ***The Italian mafia*** through its groups exercises a level of control over their regions of origin that is unmatched in the EU. Groups are considered organizations, ie.

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<sup>23</sup> Organised crime in the European Union - Movimento Europeo, (2015), (пристапено на 24.10.2021), достапно на: <https://www.movimentoeuropeo.it> › images › Org.

protective rackets that aim to be the sole supplier of protection for all transactions in a given territory. Italian groups are considered particularly dangerous because of their ability to infiltrate the political world, public administration and the legal economy.

Outside of Italy, these groups tend to focus on:

- ✓ drug trafficking,
- ✓ entering the legal economy (eg recently investing in alternative and green energy markets in the EU), and
- ✓ trade in toxic waste and other environmental crimes.

➤ **Russian-speaking EU criminal organizations** stand out for the variety of crimes committed, the degree of collusion with public authorities in Russia, and increasingly in some Member States, and their sophistication in certain "modern" areas of crime, such as financial or cybercrime. They are part of a larger emergence of Russian-speaking organized crime groups such as the Latvian-Russian combination of EU and non-EU citizen groups.

➤ **The Balkan Axis** - - Western Balkans and Southeast Europe - meet on the Balkan and Black Sea trafficking routes. Among local groups, those who speak Albanian have become prominent and may be among the fastest growing organized crime groups in Europe. Little is known about these violent clans, families, and cliques, whose structure and mode of operation are comparable to those of the Pula groups.

➤ **Turkish groups** - the primary role of Turkish groups in smuggling is trafficking in human beings and goods, especially drugs. These organized crime groups largely control the bulk supply of Afghan heroin to Europe. Faced with competition from Italian, Balkan and Russian unions, Turkish criminal groups are now developing and are trading in "more drugs". Nowadays, heroin is often exchanged for South American cocaine, as well as ecstasy and methamphetamine produced in the EU. They are also involved in money laundering, including in Northern Cyprus and Germany, home to the EU's largest Turkish diaspora. Organized crime activities are traditionally taken over by

clans and extended families. Such activities increasingly follow the general trend of networks composed of small groups open to alliances across clans, ethnic or national divisions.

➤ ***Other non-European organized crime***, most notably Nigerian and Asian groups (including Chinese, Vietnamese, Afghans and Pakistanis). Colombian and Mexican drug cartels also operate in Europe, mainly in Spain and Portugal.

❖ The most common criminal activities in the EU cover:

➤ ***Drug trafficking and human trafficking***. About a third of EU organized crime groups are involved in the production and distribution of illegal drugs, including synthetic drugs produced in the EU (eg in the Netherlands and Eastern Europe). Trafficking in human beings for sexual exploitation in Europe generates an annual profit of \$ 3 billion and creates 70,000 new victims each year. In addition, the economic crisis has exacerbated the persistent shortage of employment opportunities outside the EU, while increasing the demand for cheap labor. This combination makes the EU a fertile ground for labor exploitation. In some Member States, there has also been an increase in trafficking related to benefit fraud.

➤ ***Counterfeiting is a form of high-yield***, low-risk crime that is increasingly being perpetrated by organized crime groups involved in various trafficking offenses. The retail value of counterfeit goods is over 1.2 billion euros. The range of items is expanded to include a variety of products covered by health and safety standards (eg food, medicine and toys). Counterfeiting is a significant cost to European societies in terms of taxes and duties unpaid and legally lost jobs. However, given the declining spending power of European citizens in times of economic crisis, there is a growing demand and widespread social acceptance of counterfeits.

➤ ***Cigarette smuggling is also on the rise, probably due to high profits and low fines*** - compared to drug smuggling, for example. This includes counterfeit and smuggled cigarettes (65% of seized cigarettes are counterfeit). Smuggled cigarettes are

produced both abroad (mainly the countries of the former Soviet Union and China) and within the EU (including Poland and some Baltic countries). As a result, member states lose about 10 billion euros a year, of which about 10% is a loss to the EU budget.

➤ ***Environmental crime*** can be divided into two categories: trade in natural resources and trade in hazardous substances, including waste dumping. Such activities prove that, in order to be serious, crime does not necessarily have to be violent: in this case, its "seriousness" is due to its long-term impact on the environment and health (although many violent crimes have been committed during environmental crime). Environmental crime involves a wide range of actors, from small ad hoc groups to large criminal syndicates (eg, Italian organized crime groups). This often requires cooperation with legitimate businesses and corruption of public officials. As companies reduce waste management costs, waste trade is increasing in the EU. Waste is not only transported to Africa and Asia, but is also dumped illegally in the EU.

➤ ***Infiltration into the legal economy.*** The most problematic aspect of organized crime is that it seeks to maintain the appearance of legality. This explains the extent of money laundering in order to conceal the origin of the proceeds of crime. The range of techniques used ranges from founding companies to complex international schemes involving a series of international bank transfers. Money laundering is not only closely linked to other forms of crime, but is also a lucrative business in itself - with some organized crime groups offering it as a stand-alone service to other groups. While the amount of money laundered globally each year probably exceeds 1 trillion euros, it is estimated that less than 1% of revenue is seized. One way to combine legal profits and illegal profits is to use otherwise legitimate businesses. They range from small companies that operate mainly in cash (for example, motels or car washes) to large import / export companies. Organized crime groups do not shy away from taking on successful businesses whose market position is further consolidated through the use of unfair competition, intimidation and corruption, for example in public procurement. Criminals can run such businesses directly or through intermediaries.

The European Union and its members have a serious threat from organized crime, as indicated by the following indicators:<sup>24</sup>

- Almost 40% of criminal networks active in the EU are involved in drug trafficking.
- About 60% of criminal networks active in the EU use violence as part of their criminal businesses.
- The use of corruption and the abuse of legal business structures are key features of serious and organized crime in Europe. Two-thirds of criminals use corruption on a regular basis. More than 80% of criminal networks use legal business structures. About 60% of criminal networks are involved in corruption.
- In one year, criminals earned almost 140 billion euros in criminal money in the EU, which is 1% of the EU Gross Domestic Product.
- More than 80% of networks control or infiltrate legitimate businesses.
- Criminals adapt to the pandemic with great ease. By deceiving people and selling fake or non-existent drugs.
- Criminals use technology, commit crimes online and leave traces online. Organized crime is a cross-border threat. About 70% of criminal networks are active in more than three Member States.

Key features of EU serious and organized crime such as the widespread use of corruption, infiltration and exploitation of legal business structures for all types of criminal activity and the existence of a parallel underground financial system allow criminals to relocate and invest their multimillion-euro profits. . Serious and organized crime encompasses a wide range of criminal phenomena ranging from trafficking in illegal drugs to crimes such as migrant smuggling and human trafficking, economic and

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<sup>24</sup> EU serious and organised crime threat assessment (SOCTA) 2021, (2021), <https://eudebates.tv> › debates.

financial crime and many more. Key findings on organized crime threats to the EU in 2021 are:<sup>25</sup>

- Serious and organized crime has never posed such a high threat to the EU and its citizens as it does today.
- The COVID-19 pandemic and the potential economic and social consequences that are expected to follow threaten to create ideal conditions for organized crime to spread and take over the EU and beyond. It has been confirmed that pandemics can be a key feature of criminal networks in their agility in adapting and capitalizing on changes in the environment in which they operate.
- Like the business environment, the core of the criminal network is composed of managerial layers and field operators. This core is surrounded by a range of actors related to the criminal infrastructure that provides support services.
- Criminal networks are active in drug trafficking, and drug production and trafficking remains the largest criminal business in the EU.
- Trafficking in human beings, migrant smuggling, online and offline fraud and property crime pose a significant threat to EU citizens.
- Criminals earn and launder billions of euros a year. Professional money launderers have established a parallel underground financial system and are using all means to infiltrate and undermine European economies and societies.
- Legal business structures are used to facilitate virtually all types of criminal activities with an impact on the EU.
- The use of violence by criminals involved in serious and organized crime in the EU has increased in terms of the frequency of use and its severity. The threat of violent incidents is heightened by the frequent use of firearms or explosives in public places.

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<sup>25</sup> Europol: Organized Crime the Biggest Security Challenge Facing the EU, (2021), <https://www.hstoday.us › eur>.

➤ Virtually all criminal activity now has an online component and many crimes have completely migrated to the internet. Criminals use encrypted communications to connect with each other, use social media and instant messaging services to reach larger audiences to advertise illegal goods or spread misinformation.

### ▪ **1.5.3. Threats from organized crime in the Balkans**

Organized crime in the Balkans is also seen as a major obstacle to the region's European integration. The constant impact of organized crime on state structures, cooperation between various criminal organizations and especially their cooperation with some extremist groups has an extremely negative impact on political stability. Historically, the Balkans have served as a bridge between Europe and Asia. In this way, the Balkan Peninsula was used by various criminal groups as a transit country for trade and smuggling of various goods in Europe. Although these activities have been going on for centuries, the phenomenon of organized crime in the Balkans has become so alarming only in the last decades of the twentieth century.<sup>26</sup>

In times of widespread poverty, physical and social devastation left by a series of civil wars and weak central governments, crime has risen to become a major activity in the region. Organized crime in the Balkans is perpetrated by multiethnic networks of bosses, transporters, dealers and law enforcement. Mobile phones, big trucks, vans, buses, fast cars and boats are used. Organized crime depends on voluntary partners in the police, customs, border guards, the judiciary and, ultimately, the political class:<sup>27</sup>

➤ Historically, smuggling and banditry have always existed in the Balkans. The narcotics trade from Afghanistan's poppy fields through Southeast Europe flourished at

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<sup>26</sup> Organized Crime In The Balkans - European Scientific Journal, (2016), <https://eujournal.org › esj › article › viewFile>.

<sup>27</sup> Binder, D., (2021)., 269 Organized Crime in the Balkans | Wilson Center, <https://www.wilsoncenter.org> ›

the time, mainly under Turkish entrepreneurs. With the fall of the communist regimes, and with it the collapse of strong border defenses and control, as well as the virtual collapse of the police force, and even of any central government, the whole region opened up to the forces of lawlessness. Criminal organizations cooperated not only politically but also with law enforcement officials. They were driven by the simultaneous collapse of the Balkan economies, the disintegration of industrial enterprises, the ensuing massive unemployment, and the creation of a desperate class of people.

➤ The activity of criminal elements has also developed due to the fact that law enforcement agencies, even if they wanted to fight the new cross-border trade, are lacking in modern techniques and technology, including tracking dogs, X-ray machines and more.

➤ Balkan criminal activities are attacking established Western European societies. It is estimated that between 40% and 90% of the drug trade is predominantly carried out by Albanian gangs. Albanian gangs smuggle heroin, sex slaves, smugglers and large quantities of weapons and other goods.

The Balkans, a traditional smuggling channel between east and west, is an ideal environment for the spread of international organized crime. Weak institutions in Albania, Kosovo, and Bosnia and Herzegovina allow Balkan international organized crime groups to take control of key drug and human trafficking routes. The Balkan region is becoming a new entry point for Latin American cocaine, a source of synthetic drugs and a transit region for heroin chemical precursors. Insufficient border control and ease of obtaining passports allow the transit of criminals and terrorist figures to Western Europe. Cooperation between criminals is fluid, systematic and profit-driven. Additionally, the use of violence increases in terms of frequency and severity. Corruption is a feature of almost all criminal activities, and money laundering is key to facilitating the profits of crime. Furthermore, criminals control or infiltrate legal business structures in order to speed up their criminal activities. The use of modern

technology is another key feature of serious and organized crime, as it helps criminals connect with each other, reach more victims and gain access to illegal tools and goods. Over 80% of reported criminal networks are involved in drug trafficking, organized property crime, excise fraud, human trafficking, online and other forms of migrant fraud and smuggling:<sup>28</sup>

➤ The illicit drug trade continues to dominate serious and organized crime in the EU in terms of the number of criminals and criminal networks involved, as well as the huge amounts of criminal profits generated. While the cocaine trade generates the multi-billion euro profits used to infiltrate and undermine the EU economy, public institutions and society, criminal networks are also increasing their capacity to produce and distribute synthetic drugs.

➤ Furthermore, cyber-addicted crime is constantly increasing in terms of the number and sophistication of attacks. This is also evident in the area of human trafficking, where victim recruitment and service advertising have almost completely moved to the Internet domain. There is a steady increase in activities related to online child sexual abuse. The market for migrant smuggling services remains constant. There have also been a number of incidents in the area of organized property crime and an increasing number of environmental crimes..

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<sup>28</sup> Europol's SOCTA 2021 - eucrim, <https://eucrim.eu> › news › eur.

## **CHAPTER TWO: LEGAL FRAMEWORK FOR FIGHTING ORGANIZED CRIME**

### **○ 2.1. INTERNATIONAL LEGAL FRAMEWORK FOR FIGHT AGAINST ORGANIZED CRIME**

Globalization is beneficial to transnational organized crime. Globalization facilitates international trade and the exchange of goods, as well as increasing the difficulty of regulating other activities such as the trade in illegal goods and the enforcement of laws intended to prevent them. Financial deregulation benefits criminal actors because it

allows them to launder money through placement, stratification, and ultimately integration into a legitimate financial system:<sup>29</sup>

❖ The process of globalization has brought the need to reform the way institutions are structured and how they function in different contexts. International cooperation between domestic institutions is no longer sufficient to meet international challenges such as global crime. There is a need for domestic institutions to become "more global".

❖ The country faces enormous challenges due to global crime, and current institutions and legal systems are sometimes isolated or operate only on a national scale. These imperfections are used by organized crime groups to extend their reach.

❖ The processes of globalization have provided opportunities for global expansion of legal businesses, but also illegal businesses. Traditional mechanisms for controlling organized crime globally are insufficient. Nation states must now look for new and improved ways to combat illegal businesses, just as they are looking for new and innovative ways to regulate global corporations.

❖ One of the biggest challenges of international cooperation is the different national penal laws. The calls of globalization for nations are to establish the principles of common law in order to fight crime. Just as transnational organized crime groups use a horizontal hierarchical system to do business, nations need to establish similar systems to combat them. States are called upon to develop, to look beyond their borders, and to act against the great, negative impact of organized crime through mutual cooperation.

❖ Alignment of national legislations is one of the main challenges in the fight against transnational organized crime in the context of globalization.

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<sup>29</sup> Globalization and Organized Crime: Challenges for International Cooperation, (2016), достапно на: <https://www.bakerinstitute.org> › files

The effect of globalization on social phenomena has led to this process being considered as a huge social change in societies. Today, many socio-economic issues, such as peace, crime, immigration, manufacturing, employment, technology development, environmental threats, income distribution, prosperity, social cohesion, and identity, are described as phenomena affected by globalization. International law, trade law, international trade law, criminal law and other branches of law are also affected by globalization:<sup>30</sup>

❖ Globalization affects everything, such as crime, crime and victim, the process of committing a crime, the method of trial, the reasons for proving the claim, criminalization and decriminalization, and criminal policy.

❖ Globalization has created new challenges and sometimes helped to address them. For example, crime is historically local. Most of the victims of the murders are known, and most of the victims of child abuse knew their perpetrators, and the victims of theft did not need to go far from their neighborhood to find the burglar.

❖ The invention of computers and access to cyberspace, which are factors that contribute to globalization, are the cause of cybercrime and criminals who find it difficult, and sometimes impossible, to detect their crimes in cyberspace.

❖ The internationalization of the world and the removal of borders have created new opportunities for criminals in lucrative areas, such as economic crime in organized crime. The evolution of communication networks has also facilitated the transfer of vast resources at the moment. This frees offenders from police and justice investigations. The diversification of organized crime into lucrative parts is accompanied by the most sophisticated methods of action that require new methods of crime prevention.

❖ The main question is whether governments have acted in tandem with the trend of globalization in order to introduce criminal provisions in criminal law and to remove

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<sup>30</sup> The effect of globalization on the national criminal law systems, (2018),: <https://digitalcommons.unl.edu/cgi/viewcontent>.

legal crimes in this area. There are two main obstacles to reconciling the process of criminalization and decriminalization with globalization. One is the principle of territorial sovereignty of criminal law and the other cultural relativism. The purpose of the principle of territorial sovereignty of criminal law is that these laws are applicable against all offenders within the territorial sovereignty of a country, and are not applicable outside it.

❖ Almost 190 countries in the world are actively trying to defend their sovereignty. Each country claims to have the most appropriate and effective legal system of the others, and with this idea no country wants to lose its sovereignty under the influence of globalization. Due to the fact that the principle of territorial sovereignty is sometimes insufficient to resolve international criminal cases, the principle of personal jurisdiction is present. If the principle of territorial jurisdiction and personal jurisdiction are also not applicable, the principle of effective jurisdiction will be considered to resolve the defect.

Given the fact that organized crime is an evil of today's society of international character, organized crime is increasingly becoming a subject of international regulations. Especially after the Cold War, countries are increasingly aware of the dimensions of organized crime as a side effect of globalization. For successful management of the fight against organized crime in the world today are created international legal instruments that mean setting standards for the fight against organized crime. The standards contained in the international instruments and in the international legal framework in general, are used as basic indicators according to which the process of harmonization of the legislations of the individual countries should be guided as a basis for institutionalization of the fight against organized crime. The international community today has a clear global approach to effectively combating transnational organized crime in the area of prevention and taking effective measures

against transnational organized crime and strengthening cross-border co-operation in prosecuting and combating organized crime.<sup>31</sup>

➤ The cornerstone in the reorganization of national efforts to create the institutional basis for the effective suppression of organized crime is the United Nations Convention against Transnational Organized Crime. The purpose of this Convention is to promote and enhance co-operation in the prevention and fight against transnational organized crime. To the Convention which is open for signature from 15.12. 2000 in Palermo Italy, more than 130 countries have joined the world. Article 5 of the Convention provides that each State Party shall adopt such legislation and other measures necessary for its establishment as serious offenses - serious offenses committed intentionally by one or more persons for the purpose of direct or indirect financial or other material gain. , organized crime group, as well as organizing, directing, adding, inciting, facilitating or advising in the commission of serious crime with the involvement of an organized criminal group.

➤ In addition, the Convention provides that each State Party, in accordance with the fundamental principles of its domestic law, should adopt legislation and other measures that may be necessary to establish such offenses as:

✓ intentional exchange or transfer of property knowing that such property is the proceeds of crime,

✓ concealing or disguising the illicit origin of the property or assisting a person involved in the commission of a criminal offense to avoid the legal consequences of his or her activity;

✓ concealing or disguising the true nature, source, location, schedule, movement or ownership or property rights, knowing that such property is the proceeds of crime,

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<sup>31</sup> United Nations Convention against Transnational Organized Crime (Organized Crime Convention), <https://www.unodc.org › organised-crime › UNIT>, p.5

✓ acquisition, possession or use of property, knowing at the time of receipt that such property is the proceeds of crime,

✓ participation, connection with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating or advising on the commission of any of the offenses set forth in the Convention.

➤ Each Convention also imposes an obligation on each State Party to enable the commission of a criminal offense established by the Convention to be subject to a sanction which takes into account the gravity of that criminal offense. The Convention also provides for each Member State, as necessary, to initiate, develop or improve specific training programs for its police (Law Enforcement) staff, including prosecutors, investigating judges and customs staff, and other types of staff responsible for prevention, detection and control of criminal offenses contained in the Convention.

➤ Besides the UN and the Council of Europe, it is especially focused on the issue on this topic, ie in the fight against transnational organized crime. The Council of Europe has adopted a number of penal conventions as well as a number of recommendations, including: Council of Europe Convention against Money Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, signed in Strasbourg on 8 November 1990, called Strasbourg convention, which entered into force on 1 September 1993.

➤ The EU began to take more active action in the fight against organized crime after the adoption of the Amsterdam Treaty of the European Union in Amsterdam in 1997, when the first Joint Action Plan was adopted, on the basis of which the EU Council of Ministers in 1998 adopted the first legal act - Joint Action for participation in a criminal organization. Furthermore, within the Council of Europe, the Commission, Europol and all member states, a common strategy has been adopted: "Prevention and control of organized crime". This strategy was adopted as an action on developments in Europe. At the same time, a special plan and actions are needed in the fight and prevention when it comes to organized criminal groups, the readiness of the "European

soil" is needed, all in order not to allow destabilization of the European society. Within the European Union, member states are already obliged to bring national laws closer together in order to combat organized crime.

▪ **2.1.1. Prevention in the fight against organized crime**

Prevention in the fight against organized crime is aimed at reducing the existing or future opportunities for organized crime groups to participate in legal markets with proceeds of crime, through appropriate legislation. Prevention in the fight against organized crime is high on the agenda of national and international bodies:<sup>32</sup>

- Prevention is no less important than repression in any integrated approach to organized crime, to the extent that it aims to reduce the circumstances in which organized crime can operate.
- A specific aspect of organized crime prevention is aimed at reducing existing or future opportunities for organized crime groups to participate in legal markets with proceeds of crime, through appropriate legal, administrative or other measures. Measures can be taken internally and externally.
- Internally, governments can respond to organized crime by strengthening the integrity of their public servants. For example, preventing corruption in public procurement is considered one of the key issues to be addressed.
- Externally, states may seek to exclude organized crime groups from engaging in certain legal activities or from doing business with the government. To this end, special legal instruments can be developed to exclude organized criminals from contracting with the government (eg public procurement) or obtaining official permits or licenses (eg construction permits, sale of financial services). The effectiveness of such a system

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<sup>32</sup> Preventive legal measures against organised crime - Organised crime – Best Practice Survey n°9, (2013),

<https://www.coe.int> › organisedcrime, PDF

depends on the information and the exchange of information: only if the requested information is available and can be used, it is possible to exclude or disqualify.

Crime prevention is a model of attitudes and behaviors aimed at reducing the threat of crime and strengthening the sense of security and safety, to positively affect the quality of life in our society and to develop environments where crime can not develop. Crime prevention is:<sup>33</sup>

- work of every body in the country;
  - more than security;
  - responsibility at all levels of government;
  - central position in law enforcement;
  - cooperation between all elements of the community;
  - adaptation to local needs and conditions; and
  - continuous testing and improvement.
- crime prevention is proactive, rather than reactive.
- proactive policing that tries in the first place to prevent crime from happening.
  - reactive police respond to crime after it occurs.

**Figure 6**

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<sup>33</sup> Crime Prevention History And Theory - SlideShare, (2006), <https://www.slideshare.net> › NCPC › crime-prevention-, p. 1 - 2

**Crime Prevention - Punitive**



- criminal laws
- law enforcement
- Crime Stoppers
- courts
- jails and prisons

**Crime Prevention - Corrective**



- employment
- education
- counseling
- mentoring
- Head Start
- D.A.R.E.

**Crime Prevention - Protective**

- Neighborhood Watch
- Community Policing
- Public Education
- CPTED
- Homeland Security

Source: Crime Prevention History And Theory - SlideShare, (2006), <https://www.slideshare.net>  
› NCPC › crime-prevention-

The fight against international organized crime requires a coordinated response. As the organized crime network spreads around the world, efforts to combat organized crime need to be extended beyond the borders of individual countries to ensure that the organized crime network simply does not focus its activities on countries or regions in which weak cooperation means weak legal response. Crime prevention is an increasingly important component of many national public safety strategies.

Determining which factors are related to different types of crime can lead to the development of a set of strategies and programs to change those factors and prevent or reduce the occurrence of organized crime. These underlying or causal factors are often referred to as risk factors. These include global changes and trends that affect the social and economic conditions of regions and countries; factors affecting individual countries and local environments and communities; factors related to family and close relationships; and factors affecting individuals. Figure 1 illustrates the multifaceted nature of the factors that influence crime.<sup>34</sup>

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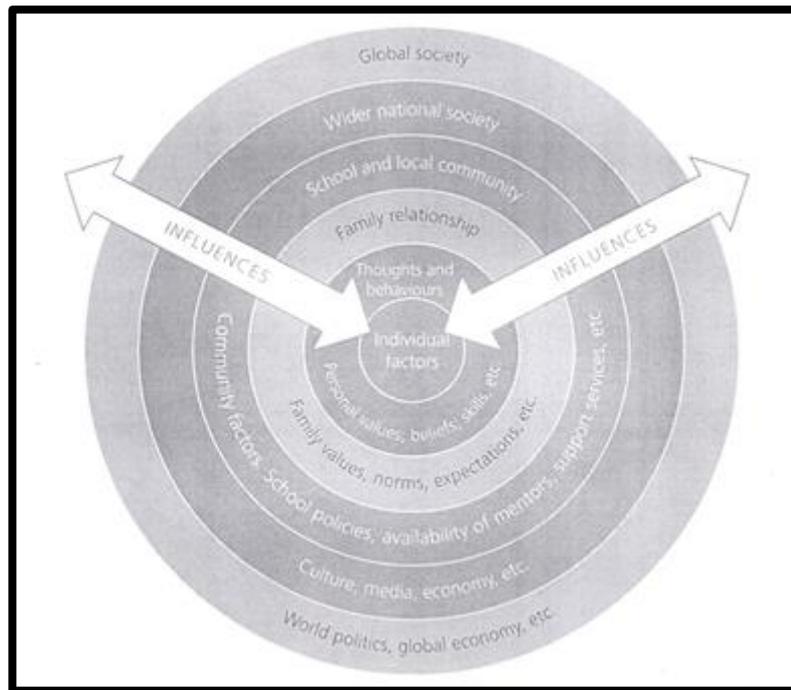
<sup>34</sup> Handbook on the Crime Prevention Guidelines: Making them work, (2020), (пристапено на 29.09.2021), расположиво на: [https://www.unodc.org › pdf › criminal\\_justice](https://www.unodc.org › pdf › criminal_justice), стр. 9-10

**Figure 7**

***Factors influencing crime***

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**Financial and legal aspects of the fight against organized crime in the world  
and the Balkan countries Bulgaria, Albania and Northern Macedonia**



Source: Handbook on the Crime Prevention Guidelines: Making them work, (2020),:  
[https://www.unodc.org › pdf › criminal\\_justice, ctp.10](https://www.unodc.org › pdf › criminal_justice, ctp.10)

✓ **Globally**, large population movements, rapid urbanization, environmental catastrophes, economic recessions, and changes in patterns of trade and communications or patterns of organized crime can have serious consequences for regions and countries. Such events may affect the state of the region or the country's political economy, and infrastructure and governance capacity may also be affected. International organized crime often benefits from weak government structures and institutions, and increased trafficking in drugs, weapons, or human beings can greatly exacerbate crime and violence. The implications of such global models are also affected by regional or national policies that may exacerbate or enhance them.

✓ **At the national level**, the degree of disparity in household income between the poorest and richest populations in a country, levels of corruption, the quality of

infrastructure and institutions, and social and cultural patterns can create situations that increase the risk of crime.

✓ *At the local level*, inadequate infrastructure and fiscal and administrative powers, poor housing and neighborhood conditions, lack of facilities such as good education and health services, high unemployment, and easy access to drugs or small arms can increase the risks. In cities, there are often significant disagreements and inequalities between different geographical sectors. Poor or disorganized schools can result in poor achievement, dropping out of school, bullying and dropping out of school, all of which have been identified as risk factors for child abuse and victimization.

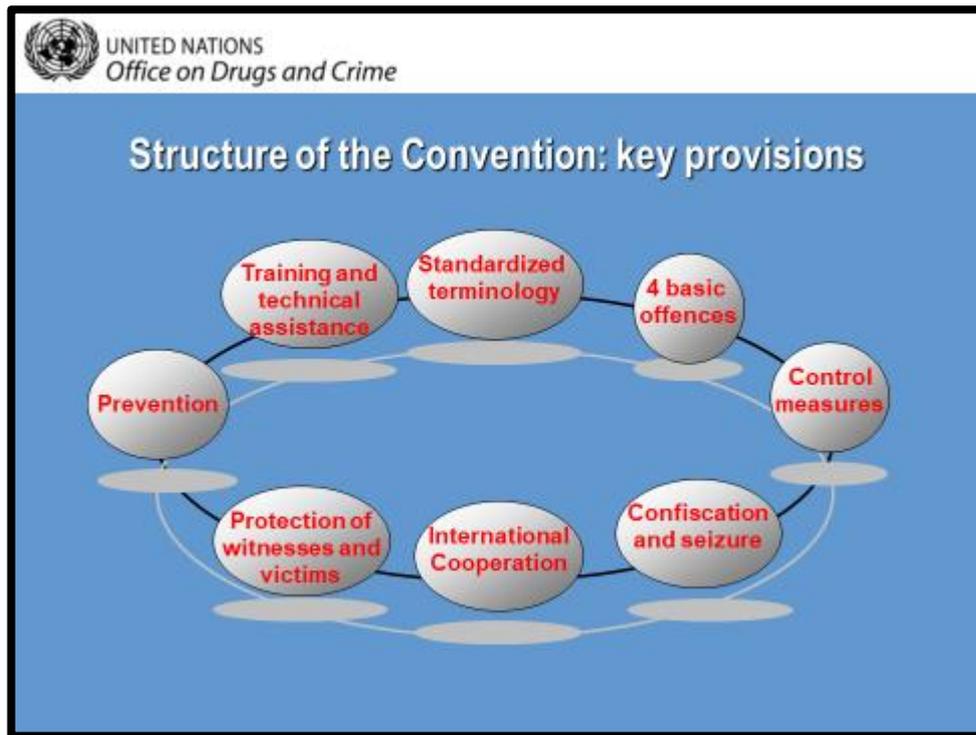
✓ *At the individual level*, crime risk factors include biological and personal factors that can lead to early aggressive behavior or serious substance abuse. Relationship risk factors include family characteristics such as cruel or unpredictable parenting, family conflicts and violence and abuse, family circumstances such as poverty and isolation, and relationships with friends and peers that can lead to taking risks and breaking the law..

### ▪ **2.1.2. Fighting Organized Crime through the United Nations**

The United Nations Convention against Transnational Organized Crime is a means of effective law enforcement and international cooperation in the fight against organized crime. The Convention:

- Defines and standardizes terminology
- Urges states to criminalize specific behavior,
- Determines specific control measures (money laundering, corruption, etc.)
- Confiscation of proceeds of crime,
- Cooperation (extradition, legal aid, joint investigations, special investigative techniques, law enforcement cooperation, etc.),
- Training, research, information measures
- Prevention.

**Figure 8**



Source: Legal Responses to Global Crime, PowerPoint Presentation, 2021),

<http://studylaw.uniroma3.it> › getFile

As activities for the institutional fight against organized crime in the system of the United Nations, six basic elements have been identified for the development and establishment of strategies for the fight against transnational organized crime at the national, regional or international level. Those elements are:<sup>35</sup>

- First - in the direction of prevention - assessment using diagnostic tools such as surveys and local safety reports. In this way, qualitative and quantitative knowledge

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<sup>35</sup> United Nations : Conference of the Parties to the United Nations Convention against Transnational Organized Crime, 4 July 2014, Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols theretoslideplayer.com/slide/743097, p. 33

should be provided about the reasons that lead and lead to engagement in the fight against organized crime. These data are pre-questions for the prevention of organized crime and provide countries with databases for developing strategies,

- Second - to continue the fight against crime - it is an effective way of fighting transnational crime. In the fight against crime, measures should be applied for monitoring and confiscation of criminally acquired property,
- Third - cooperation in the fight against organized crime at the domestic level is basic - cooperation between participants in the government sector, civil society organizations, science and the private sector. At the domestic level, the cooperation is necessary not only at the national level, but also at the local level and should be realized as cooperation between several competent bodies and between different areas,
- Fourth - international cooperation - cooperation between states and international actors in the fight against organized crime such as the International Criminal Police Organization (INTERPOL) and within the system of the United Nations.
- Fifth - cross-sectoral partnership at the national level - The response in the fight against transnational crime should strengthen trust and build a relationship of cooperation between the public and private sectors and with civil society organizations.
- Sixth - Once transnational organized crime is constantly involved and legislation is being tackled to combat it, strategies and legislation must be constantly evaluated and improved. It requires a system for gathering information and analyzing the capacities to control the causes, perpetrators, trends, connections, threats and impact of organized crime in each country separately.

In the fight against organized crime, the United Nations Convention against Corruption is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the binding nature of many of its provisions make it a unique

tool for developing a comprehensive response to a global problem. The Convention covers five main areas:<sup>36</sup>

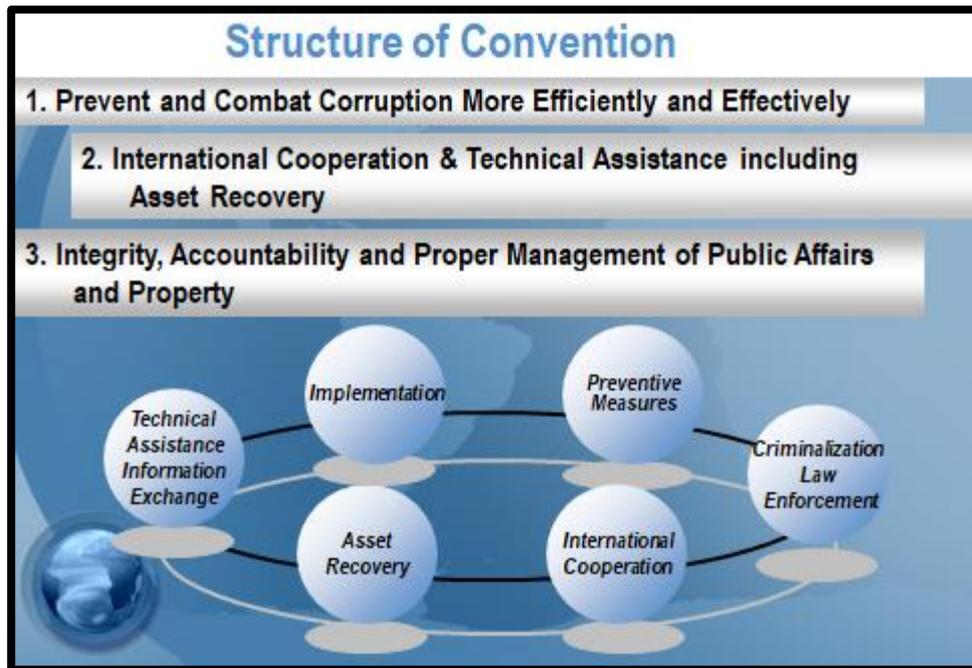
- preventive measures,
- criminalization and law enforcement,
- international cooperation,
- restitution of property and
- technical assistance and information exchange.

The Convention covers many different forms of corruption, such as bribery, trafficking in influence, abuse of office, and various acts of corruption in the private sector. The highlight of the Convention is the inclusion of a specific chapter on restitution, the purpose of which is to return property to its rightful owners, including the countries from which they were illegally taken.

**Figure 9**

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<sup>36</sup> United Nations Convention against Corruption - United Nations Office on Drugs and Crime Division for Treaty Affairs, (2021), <https://www.unodc.org> › CAC



Source: United Nations Convention against Corruption - United Nations Office on Drugs and Crime Division for Treaty Affairs, (2021), <https://www.unodc.org> › CAC

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is one of the three major international drug control treaties currently in force. The aim is to provide additional legal mechanisms for the implementation of the 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances. The Convention includes measures:<sup>37</sup>

- against drug trafficking, including
- provisions against money laundering and diversion of precursor chemicals,
- provides for international cooperation through, for example, the extradition of drug traffickers, controlled deliveries and the transfer of proceedings.

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<sup>37</sup> United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, (2021), <https://www.emcdda.europa.eu> ›

### **2.1.3. Fight against organized crime within the European Union**

Serious and organized crime is an increasingly dynamic and complex phenomenon that requires a robust response. Traditional areas of crime, such as international drug trafficking, remain a major concern, as the effects of globalization on society and business facilitate the emergence of significant new variations in criminal activity:<sup>38</sup>

- Almost 40% of criminal networks active in the EU are involved in drug trafficking.
- About 60% of criminal networks active in the EU use violence as part of their criminal businesses.
- The use of corruption and the abuse of legal business structures are key features of serious and organized crime in Europe.
- Two-thirds of criminals use corruption on a regular basis.
- More than 80% of criminal networks use legal business structures.

In the 28 member states of the European Union, about 5,000 organized crime groups are under investigation. Seven out of ten of them operate in more than one country, and they are divided into the illegal market, including drugs and counterfeiting, which transcends estimates of almost 110 billion euros, about 1% of EU GDP. It highlights the importance of the Russian and Turkish mafias, the rise of Albanian clan leaders in the marijuana trade and other areas, the danger of smaller internationally known groups, and Vietnamese clans active mainly in Eastern Europe. Many of these organizations endanger the legal economy by laundering their profits and ultimately affect the

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<sup>38</sup> Serious and Organised Crime Threat Assessment (SOCTA), (2021), <https://www.europol.europa.eu/socta-report>, p. 1

economic and social life of the countries, just like the Italian mafia, though usually on a smaller scale.<sup>39</sup>

➤ Mafia and criminals take advantage of countries where standards (and investigations) are softer. Although there are fewer killings, they have a negative effect on the economy, the market and free competition. The kind of control that the mafia seeks when it is purely economic abroad, in a broader sense, not limited to the essential purpose of making money, but extended to all aspects of the production and consumption of goods and services, the backbone of every country.

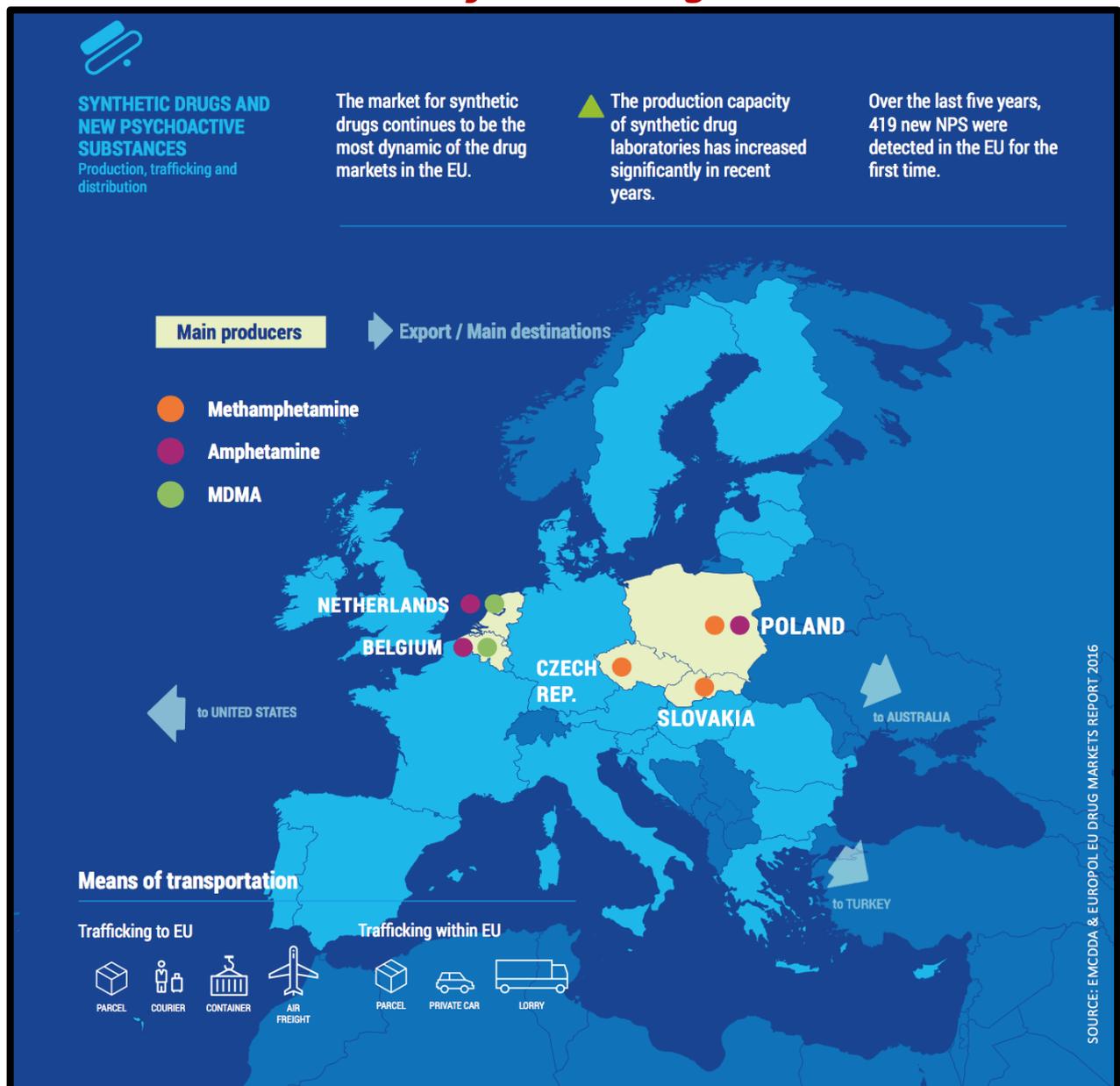
➤ Of the 5,000 criminal organizations under investigation in Europe, seven out of ten operate in several countries, and almost half, 45%, in several criminal areas. Their members have 180 different nationalities, although 60% are European. The drug market is still the largest illegal market in the Union, with a focus on one-third of the groups, valued at € 24 billion a year. Although heroin, cocaine, and - in part - cannabis are produced outside the EU, synthetic drugs are mostly locally made and, in fact, exported to the rest of the world. The Czech Republic is a major producer of methamphetamine in Europe, in which Vietnamese organized crime plays a prominent role.

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<sup>39</sup> Mafia and Organized Crime in Europe - Il Fatto Quotidiano, (2018), <https://www.ilfattoquotidiano.it> › longform › map,. 1 - 2

**Figure 10**

## Production of synthetic drugs in the EU



Source: Mafia and Organized Crime in Europe - Il Fatto Quotidiano, (2018), <https://www.ilfattoquotidiano.it/longform/map>.

➤ While drugs make up the bulk of organized crime, there is a new trade, which is the trafficking of migrants and other people for labor exploitation, for sexual exploitation in bars and brothels.

- Another thriving black market is equipment counterfeiting.

**The European Union** is an organization that pays great attention to the fight against organized crime. To achieve this goal, the European Union in 2009 established Europol, which represents the European Police as an organization that should strengthen cooperation between member states in the fight against organized crime. Organized crime often has an international dimension that requires an international response. Europol supports Member States in preventing and prosecuting a wide range of crimes, from economic crime to terrorism, cybercrime of child sexual exploitation and drug trafficking to facilitating illegal immigration. The main tasks of Europol are:<sup>40</sup>

- collecting, processing, analyzing and exchanging information,
- notifying the Member States of the establishment of any link relevant to them relating to criminal offenses,
- assisting Member States in conducting investigations and providing intelligence and financial assistance,
- require Member States to initiate and conduct and coordinate investigations into terrorism and organized crime cases and, if necessary, establish joint investigation teams.

Europol is a European Union law enforcement agency that deals with criminal intelligence. Its purpose is to support the improvement of the effectiveness and cooperation between the competent authorities of the Member States in the prevention and fight against organized crime, terrorism and other forms of serious crime involving two or more Member States, related to illicit drug trafficking, illicit nuclear trafficking.

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<sup>40</sup> Council Decision of 6 April 2009 Establishing European Police Office (Europol, Official Journal of the European Union L (121) 2009-05-15, p. 40

and radioactive substances, smuggling of migrants, trafficking in human beings, terrorism, crime related to motor vehicles, money laundering, murder, trafficking in human organs and tissues, kidnapping, racism, counterfeiting and piracy.

From the tasks given to it by Europol, it can be concluded that they are a good framework for the fight against organized crime at the level of Europe and the European Union. It is important above all that the fight against organized crime is prescribed as a standard for each member state, as well as for countries that want to become members of the European Union. Europol provides standardized ways to fight organized crime.

The purpose of Europol is to improve efficiency and cooperation between the competent authorities of the Member States, primarily through the exchange and association of intelligence services to prevent and combat international organized crime. Its mission is to make a significant contribution to the European Union's efforts to combat organized crime.

Europol is a support service for law enforcement agencies of EU member states. This means that Europol officials do not have the right to investigate member states or arrest suspects. In providing support, Europol with its methods - information exchange, intelligence analysis, expertise and training - can contribute to the measures implemented by the competent national authorities. Europol is a multi-disciplinary agency, consisting not only of regular police officers, but also of members of various law enforcement agencies from all Member States. In addition, Europol is helping to overcome language barriers in international police cooperation. Law enforcement officials from Member States may make a request to their national unit in their mother tongue and receive a reply in the same language.

Serious and organized crime remains a key threat to the EU's internal security, affecting and undermining all levels of society from the daily lives of EU citizens to the economy, state institutions and the rule of law. Criminal networks have similar

structures to those in the business environment, including managerial and field operators, as well as different actors providing support services. One of the key features of criminal networks is their ability to adapt to change.<sup>41</sup>

- Cooperation between criminals is fluid, systematic and profit-oriented. Additionally, the use of violence increases in terms of frequency and severity.
- Corruption is a feature of almost all criminal activities in the EU, and money laundering is key to facilitating criminal profits. Furthermore, criminals control or infiltrate legal business structures in order to speed up their criminal activities.
- The use of modern technology is another key feature of serious and organized crime, as it helps criminals connect with each other, reach out to more victims, and gain access to illegal tools and goods. Over 80% of reported criminal networks are involved in drug trafficking, organized crime, excise fraud, human trafficking, online and other forms of migrant fraud and smuggling.
- The illicit drug trade continues to be dominated by serious and organized crime in the EU in terms of the number of criminals and criminal networks involved, as well as the huge amounts of criminal profits generated. While cocaine smuggling generates billions of euros in profits, which are used to infiltrate and undermine the EU economy, public institutions and society, criminal networks are also increasing their capacity to produce and distribute synthetic drugs.
- Cyber-addicted crime is on the rise in terms of the number and sophistication of attacks. This is also evident in the area of human trafficking, where victim recruitment and advertising services have almost completely shifted to the online domain. The report reports a steady increase in child sexual abuse activities online. The market for migrant smuggling services has remained constant. There is a high number of incidents

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<sup>41</sup> Europol's SOCTA 2021 - eucrim, (2021), (пристапено на 26.10.20210, достапно на: <https://eucrim.eu> > news > eur..p. 1

in the field of organized property crime and an increasing number of environmental crimes.

By adopting minimum standards for procedural rights and making the fight against crime more effective, EU criminal law fosters citizens' confidence in EU security. Common rules strengthen mutual trust between EU countries and facilitate co-operation and mutual recognition of judicial measures. EU criminal law helps to prevent and punish serious infringements of EU law in certain policy areas (eg organized crime).<sup>42</sup>

**Figure 11**

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<sup>42</sup> EU criminal law helps to prevent and punish serious offences, (2021 <https://eu.pravo.hr> › repository › EU\_CrimLaw, p. 1



Source: EU criminal law helps to prevent and punish serious offences, (2021), <https://eu.pravo.hr> › repository › EU\_CrimLaw

#### 2.1.4. Bilateral cooperation in the fight against organized crime

Bilateral cooperation refers to the relations or relations between two countries / countries. Bilateral cooperation refers to cooperation activities that are directly maintained by one country in another country and vice versa. Bilateral cooperation includes the exchange of information, experience and best practices. Bilateral cooperation between countries in the fight against organized crime refers to undertaking joint activities to identify and determine common priorities in this area, ensuring effective ongoing police work in cooperation between police and other bodies working on organized crime issues, identifying persons, of criminal groups involved in transnational organized crime and, accordingly, the practical organization and establishment of joint operational teams that will have the obligation on a daily-operational level to cooperate and exchange information, with the ultimate goal of

conducting an active fight against organized crime. There are various forms of bilateral cooperation in the fight against organized crime, such as:<sup>43</sup>

- police cooperation,
- information exchange,
- cooperation in the field of legal procedures and the like.

Bilateral cooperation in the fight against organized crime means supporting the bodies that fight by providing timely information, creating a common atmosphere and active use of joint means and forces in the fight against organized crime, creating collegiality and cross-border professionalism.

○ **2.2. INSTRUMENTS FOR FIGHT AGAINST ORGANIZED CRIME**

▪ **2.2.1. Capacities to fight organized crime**

International organized crime is expanding dramatically in size and scope in the 21st century and now poses a threat to security, politics, trade and communities. Effective opposition is not just a matter of law enforcement. The experience in countries with a history of fighting organized crime shows that the reactive implementation of the law, which begins after the commission of a crime, is not enough. Capacity building should support a proactive approach to law enforcement that will rely on many types of evidence to build a case against criminal groups:<sup>44</sup>

- Surveillance, whistleblowers, and foreclosures are critical tools in this proactive approach.

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<sup>43</sup> Cooperation in the fight against organized crime must exceed regional borders, Newsletter 3/2010 - our South East Europe, [www.rcc.int/.../cooperation-in-the-fight-ag](http://www.rcc.int/.../cooperation-in-the-fight-ag)., p.3-4

<sup>44</sup> Dininio, P., (2019), Fighting Organized Crime: What Works in Law Enforcement and Beyond, Views 1 Comment Challenging the Status Quo, Integrating (Anti-) Corruption, <https://sites.tufts.edu/ihs/fighting-organized-crime-wha>, p. 2-3

- Cooperation agreements, a form of bargaining that offers criminals less lenient sentences to become informants against other criminals, often provide key information in organized crime trials.
- In addition, the ability to seize property used in crime provides an important weapon. Organized criminals are more likely to worry about losing their wealth than serving a prison sentence.
- Initiatives in the judicial, political, economic and social spheres must aim to prevent and dismantle organized crime networks and remove accomplices from the government, but also to make it more difficult for organized crime to infiltrate the country in the future.
- Reforming election laws, campaign finance regulations, procurement policies, banking regulations and antitrust law, as well as supporting investigative journalism, civic education and public awareness campaigns, can reduce the scope of criminal group operations and prevent future abuse, even as judicial reform fights directly against criminal actors.

To successfully fight organized crime, it is necessary to build national, regional and transnational initiatives to tackle organized crime:<sup>45</sup>

- Technical capacity building and technical assistance should focus on all aspects of strengthening the rule of law, working with law enforcement agencies, prosecutors, judges and other related actors in the fight against organized crime.
- Good governance, strong criminal justice systems, security sector reform and, indirectly, socio-economic development should be encouraged by strengthening capacities to tackle and defeat transnational organized crime.
- Countries should develop the capacity to prosecute organized crime, encourage the adoption of crime prevention, investigation and prosecution strategies, as well as

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<sup>45</sup> Combating Transnational Organised Crime - UNODC, (2021), <https://www.unodc.org › topics, ctp. 1>

training staff for law enforcement agencies, prosecutors, financial intelligence units and other related officials, and promote strengthens international cooperation and coordination between law enforcement agencies, court practitioners and other relevant actors through various mechanisms, including through regional and interregional networks, and the development of software tools and databases for information sharing.

International organized crime and illicit financial flows, including human trafficking and stolen assets, have always been critical issues to address. Cross-border inflows of funds and assets related to crime, tax evasion and corruption are diverse and, by nature, difficult to track and prosecute. Capacity building in the fight against organized crime should support a proactive approach to law enforcement based on many types of evidence to build a case against criminal groups. In terms of deterrence, potential offenders are more responsive to fear security, which reflects the size and quality of police forces and initiatives such as policing:<sup>46</sup>

✓ Efforts to tackle organized crime also need to strengthen accountability systems to prevent the growth and impact of organized crime. Initiatives in the judicial, political, economic and social domains must aim to transcend and destroy organized criminal networks.

✓ Changing social norms can help to:

✓ Reducing consumer demand for illicit goods and services, including wildlife, drugs, child labor and sex;

✓ Distraction in illegal activity,

✓ Reducing engagement in corruption; and.

✓ More comprehensive reduction of social acceptance of illegal activities.

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<sup>46</sup> Dininio, P., (2019), *Fighting Organized Crime: What Works in Law Enforcement and Beyond*, (пристапено на 26.10.2021), достапно на: <https://sites.tufts.edu/ihf/fighting-organized-crime-w>.

### 2.2.2. Forms of fight against organized crime

Organized crime groups continue to evolve and evolve, as evidenced by their rapid adaptation to the coronavirus pandemic, for example through the proliferation of counterfeit medicines and cybercrime. Organized crime groups active in Europe are involved in a variety of criminal activities, including drug trafficking, organized crime, property fraud, migrant smuggling, and human trafficking. In 2019, criminal revenues in the main criminal markets amount to 1% of EU GDP, or 139 billion euros. With the measures we are proposing today, we will move from occasional police cooperation to permanent police partnerships and follow them to catch criminals in financial investigations. They are used as tools to fight organized crime:<sup>47</sup>

- police cooperation,
- lasting police partnerships
- conducting financial investigations.

❖ Strengthen law enforcement through police cooperation through effective exchange of information between law enforcement and judicial authorities, expand, modernize and strengthen funding for the European multidisciplinary platform against criminal threats, exchange of DNA information, fingerprints and vehicle registration, use of interoperable information systems for security, border control and migration,

❖ Conduct more effective investigations through ongoing police partnerships to disrupt organized crime structures and focus on high-priority crimes.

❖ Dealing with criminal finance through financial investigations to detect, punish and prevent crime, money laundering, and the fight against corruption.

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<sup>47</sup> Fight against organised crime: New 5-year strategy for boosting cooperation across the EU and for better use of digital tools for investigations, (2021a: <https://ec.europa.eu › detail>, 1-2

Every country is affected by the problems of serious and organized crime. The destructive effects of organized crime can adversely affect the daily lives of citizens, hamper economic growth, and hamper governments' efforts to curb the effects of crime. In order to prevent and fight organized crime, activities should be carried out both within the borders and in and between the regions:<sup>48</sup>

➤ Transnational organized crime requires a coordinated transnational response. As organized crime networks span the globe, anti-trafficking activities must also cross borders to ensure that organized crime networks do not simply divert their activities to countries or regions where poor cooperation means poor response to criminal justice. International co-operation against organized crime should be used as a tool to strengthen sovereignty and security. Mutual legal assistance, extradition, transfer of convicted prisoners and confiscation of property are practical tools in the fight against organized crime.

➤ To implement technical assistance projects are tailored to the individual needs of the countries. Technical needs assessments should be made to design intervention strategies, taking into account considerations such as existing national government strategies, operating procedures, legal system, human and technical resources, existing approaches to inter-agency and regional cooperation. as well as cultural and political contexts.

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<sup>48</sup> UNODC and Organized Crime, (2021), <https://www.unodc.org> › intro, p. 1

### **2.2.3. The role of governments in the fight against organized crime**

The role of state governments in the fight against organized crime is to provide leadership, coordination and adequate funding and resources. How this role can be played by national, regional or local authorities: <sup>49</sup>

- ❖ Recommendations include the establishment of:
  - Permanent central government
  - Crime prevention plan with clear priorities and goals,
  - Coordination and partnerships between government agencies and civil society,
  - Public education and media work,
  - Sustainability and accountability of programs,
  - Training and capacity building for government and other bodies.
  
- ❖ Governments should include prevention as an ongoing part of their crime control structures and programs, ensuring that there are clear responsibilities and objectives within the government for organizing crime prevention, inter alia:
  - Establishment of centers or focal points with expertise and resources;
  - Establish a crime prevention plan with clear priorities and goals;
  - Establishing links and coordination between relevant government agencies or departments;
  - Encouraging partnerships with NGOs, the business, private and professional sectors and the community;
  - Requesting active participation of the public in crime prevention by informing about the need and means of action and its role.

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<sup>49</sup> Handbook on the Crime Prevention Guidelines: Making them work, (2020), [https://www.unodc.org › pdf › criminal\\_justice](https://www.unodc.org › pdf › criminal_justice), p. 31

#### **2.2.4. Planning the fight against organized crime**

The fight against organized crime is a systematic process that is planned, at national and local level: <sup>50</sup>

- ❖ Planning to fight organized crime promotes an inclusive process:
  - Systematic analysis of criminal problems, their causes, risk factors and consequences,
  - A plan that is based on the most appropriate approach and adapts to interventions for the specific problem and context,
  - Implementation plan to ensure appropriate interventions that are effective, efficient and sustainable,
  - Mobilizing entities that are able to cope with the causes,
  - Monitoring and evaluation,
  - Evaluation support.
  
- ❖ National plans for combating organized crime should be based on consultation with sectors and civil society stakeholders. This process will help identify different types of crime, levels of insecurity and public concern, and associated social and economic problems. The national plan should mark them:
  - The main security and crime challenges facing the country, its cities and rural areas,
  - Their probable causes,
  - Priorities for short, medium and long term intervention,
  - A set of proposed initiatives to address those priorities,
  - Stakeholders to be involved in the implementation of the plan

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<sup>50</sup> Handbook on the Crime Prevention Guidelines: Making them work, (2020), [https://www.unodc.org › pdf › criminal\\_justice](https://www.unodc.org › pdf › criminal_justice), p. 63

- Funding and resources to be made available or aligned.
  
- ❖ In the area of freedom, security and justice, where there are no internal border controls, a high level of security can be ensured through strong police and judicial co-operation.:<sup>51</sup>
  
- Timely access to information, with full respect for fundamental rights and especially data protection, is essential to the fight against all forms of organized crime. The Organized Crime Plan should provide a wide range of tools to facilitate the exchange of information that has proven to be key to detecting criminal activity and networks.
  
- Law enforcement cooperation outside the Union is necessary to disrupt global criminal networks and transport routes. It is essential to strengthen international co-operation, including through the activities of relevant justice and home affairs agencies, especially with regard to neighboring and enlargement countries.
  
- The plan to fight organized crime should ensure the further development of serious and organized crime intelligence and improve the exchange of information and investigative actions with third countries and regions that are major hubs for high-risk organized crime.
  
- International co-operation programs and projects should provide for the construction of transcontinental law enforcement and criminal justice networks.
  
- The focus of law enforcement investigations should not be on the seizure of illegal items or the arrest of low-level criminals, but on actors and networks that are the backbone of criminal activity.
  
- ❖ In addition, the plan to fight organized crime should focus on:

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<sup>51</sup> Fight against organized crime: New five-year strategy for boosting co-operation across the EU and for better use of digital tools for investigations, (2021), //www.eureporter.co › fi..., p. 10

- Reducing the demand for trafficking in human beings: Assess the possibility of establishing minimum rules for criminalizing the use of the services of victims of trafficking and organize - together with national authorities and civil society organizations - a prevention campaign targeting sectors with high risk.
- Breaking the business model of traffickers, online and offline: Dialogue with internet and technology companies to reduce the use of online platforms for recruitment and exploitation of victims and to encourage systematic training of law enforcement practitioners and the judiciary to detect and deal with human trafficking.
- Protection, Support and Empowerment of Victims with a Specific Focus on Women and Children: Strategy The plan should provide for the improvement of victims' early identification and referral for further assistance and protection, the improvement of victim empowerment programs and the facilitation of reintegration. Training should also be funded to help police, social workers, border guards or health personnel identify victims.
- Promoting international co-operation: Use a range of foreign policy instruments and operational co-operation to help combat trafficking in countries of origin and transit, including through dedicated human rights and security dialogues.

To eradicate organized crime, corruption and money laundering in the EU, a plan needs to be adopted that includes some positive priorities, such as:<sup>52</sup>

- Harmonization of national legislation;
- Promoting the seizure and confiscation of criminal assets and their re-use for social purposes in accordance with the principle of subsidiarity,
- Convicted of a final conviction for organized crime, corruption or money laundering to be excluded from public procurement procedures,

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<sup>52</sup> A European Action Plan for fighting organised crime corruption and money laundering, (2021),

<https://www.eppgroup.eu> › newsroom › news › a-europ.

- Establishment and launch of a European Public Prosecutor's Office, equipped with the necessary human and financial resources,
- Support for European agencies, such as Europol and Eurojust, as well as joint investigation teams (set up to conduct criminal investigations in one or more Member States in the areas of drug and human trafficking).

## ❖ **CHAPTER THREE: ORGANIZED CRIME IN THE BALKAN COUNTRIES BULGARIA, ALBANIA AND NORTHERN MACEDONIA**

### **3.1. ORGANIZED CRIME IN THE BALKANS**

The Balkans is a geopolitical region in Southeast Europe that covers an area of 550,000 km<sup>2</sup>, home to about 55 million people of different identities, sometimes in a hostile ethnic, cultural and political position. Historically, the Balkans have served as a bridge between Europe and Asia. The Balkan Peninsula was also used by various criminal groups as a transit country for trade and smuggling of various goods into Europe. Despite these activities that have been going on for centuries, the phenomenon of organized crime in the Balkans has become so alarming in the last decades of the twentieth century. Organized crime in the Balkans is developing, establishing networking and cooperation between regional groups belonging to organized crime. These groups, becoming increasingly criminally sophisticated throughout the Balkans, are characterized by their ability to work together and adapt to all new social circumstances well enough to achieve their criminal goals. In reality, these criminal groups have always cooperated with each other in the areas of drug smuggling, human

trafficking, smuggling of stolen vehicles, smuggling of cigarettes, smuggling of weapons, smuggling of fuel and money laundering.<sup>53</sup>

Organized crime in the Balkans is seriously undermining the normal functioning of countries in the region. Geopolitical and domestic conditions allow criminal groups to operate in an increasing range of favorable circumstances. In a region where the rule of law and good governance are rare, the combination of state weakness and crime poses a threat of serious political and economic implications. Further advances in democracy go hand in hand with the fight against organized crime, because no regional country can afford the social, political and economic costs:<sup>54</sup>

❖ Political weaknesses:

- Weak states and state-building issues,
- Electoral policy is often divided and polarized,
- Mixed party constellations composed of liberal and illiberal forces; nationalists and Europeanists,
- Poor rule of law;
- Issues of corruption and organized crime at regional and national level,
- Ethnic issues (nationalism, ethnic polarization),
- External dependence and foreign obstacles.

❖ Economic shortcomings:

- Institutional constraints,

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<sup>53</sup> Krasniqi, K., (2016), Organized Crime In The Balkans, University of Peje, Kosovo, European Scientific Journal July 2016 edition vol.12, No.19 ISSN: 1857 – 7881 (Print) e - ISSN 1857- 7431, <https://ejournal.org> › esj › article › viewFile, p. 212

<sup>54</sup> Giatzidis, E., (2007), The Challenge of Organized Crime in the Balkans and the Political and Economic Implications, <https://www.tandfonline.com> › ... › Volume 23, Issue 3,

- Problems with the rule of law,
- Infrastructure difficulties,
- Unemployment,
- Limited competitiveness,
- Political obstacles,
- Small markets,
- Limited regional cooperation.

Balkan criminal groups represent attractive partners in Latin American drug cartels for four main reasons: <sup>55</sup>

- First, they are adaptive and work well with local groups.
- Second, the Balkans are an important crossroads for drug trafficking, serving as a bridge between Eastern and Western Europe.
- Third, Balkan criminal groups maintain a strong presence in most European port cities used as transfer points from Latin America to Europe, including those in Belgium, the Netherlands, Germany, Italy, and Spain.
- Fourth, because of this presence, they can move illicit products from one end to the other without the need for additional intermediaries, reducing the complexity of operations and the likelihood of wrong steps..

There are similarities and differences between how different organized crime groups operate around the world. In the case of organized crime in the Balkans - including Montenegro, Albania, Bosnia and Herzegovina, Croatia, Kosovo, Serbia, Macedonia, Bulgaria and Romania - organized crime appears to be of ancient origin and largely based on ethnic and family background. loyalty. With the collapse of communism, organized crime in the Balkans began to become known not only in its countries of

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<sup>55</sup> The burgeoning Balkan-Latin American crime nexus threatening the Balkans' future, (2020), <https://www.aei.org › the-bur>, p.1

origin, but also internationally. In the United States, organized crime organizations from the Balkans operate in New York, Philadelphia, and across the East Coast. As with most transnational organized crime groups, those operating in the Balkans are sophisticated, intelligent and violent. There are those who point out that Albanian criminal organizations in New York are compared to the Italian mafia in terms of power and influence. These groups operate alone and in alliances with the Italian mafia or Russian organized crime. They are involved in actions ranging from drug trafficking, human trafficking, arms trafficking, and conspiracy to murder to white-collar fraud.<sup>56</sup>

The Balkans is a transitional region, with no clear goal or end in sight, between democracy and authoritarianism, a market and state-controlled economy, a capitalist wilderness and a socialist legacy. Internal political and economic interests, combined with the foreign policy of power, create a very dynamic and volatile situation. What is particularly important is that the Balkan countries are also among the sources of supply and demand for drugs and weapons, as well as along one of the most important routes for smuggling migrants. The more vulnerable a region becomes, the more attractive it is as a trafficking route. Its location in the Balkans makes it particularly attractive for organized crime, especially for trafficking in drugs, weapons and people. It is located exactly "door to door" with the EU: <sup>57</sup>

❖ The region is located between the world's largest producer of opium - Afghanistan, and the largest markets for heroin - Western Europe. The Balkans are becoming an increasingly important entry point for cocaine, as well as a place to launder the proceeds of crime.

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<sup>56</sup> Organized Crime in The Balkans Lawyer - Boyle and Jasari, (2021), (<https://dennisboylelegal.com> ›), p. 1

<sup>57</sup> Global Initiative Against Transnational Organized Crime - <https://globalinitiative.net> › uploads › 2019/05, p.4-5

❖ The Balkans are also one of the main routes for people moving illegally from the Middle East and North Africa to the EU, either as smuggled immigrants or victims of human trafficking. It is also a key center for arms smuggling.

The Balkan countries, despite becoming a transit country for diverse drug trafficking to European countries, also sell a significant amount of narcotics at the same time. From drug trafficking, criminal groups from the Western Balkans manage to provide great material benefits which they then through various economic processes and transactions bring them into normal economic flows, thus committing money laundering:

❖ There are two transit routes or drug trafficking in the Balkans:

- the western road that goes through Albania to Italy,
- the northern route through the Balkan countries to Austria.

❖ The annual amount of narcotics trafficking through the Balkan roads is estimated at about \$ 20 billion.

❖ The activity of organized crime in the countries of the Western Balkans is quite evident in economic crime and money laundering. In fact, there is a large and almost unbreakable link between organized crime and economic crime and money laundering, because the main purpose of organized crime is to increase profitability and then integrate this profit, ie money into the normal course of economic transactions.

❖ In the Western Balkans it is considered that there is a very suitable ground for money laundering where criminal organizations carry out money laundering in various economic sectors such as:

- banking and financial sector,
- tax evasion,
- customs fraud,
- fraud in bankruptcy proceedings, etc..

❖ To combat the phenomenon of money laundering, the countries of the Western Balkans have signed international and European conventions related to the prevention of money laundering, and financial intelligence units have been established as obligations under international money laundering conventions..

Figure 12

***Illegal flows of the organized  
crime in the Balkans***



Source: Global Initiative Against Transnational Organized Crime - Organized Crime Hotspots in the Western Balkans - Local Vulnerabilities in Regional Context, (2019), <https://globalinitiative.net/uploads/2019/05>

❖ All these types of organized crime in the Balkans should be taken into account in relation to the demand for products that are either produced or transited through the region and come from outside the region - especially from EU member states. so called The Balkan route is best known for its organized crime-related:

✓ heroin trafficking from Afghanistan via Turkey and from WB6 to the EU. Heroin from Turkey passes through Bulgaria or Greece, before entering Northern Macedonia and Serbia. It then heads north along the so-called Central European route to Hungary, Slovakia, Austria and Switzerland. Heroin is also transported to Italy via northern Macedonia and Kosovo, then through Albania and Montenegro. From Serbia-Montenegro, the drugs also end up in Bosnia and Herzegovina to continue their journey to Croatia and neighboring Slovenia.

✓ in 2015, the gross profit of opiate traders in Southeast Europe was estimated at \$ 1.7 billion per year. Heroin is not only traded in the Balkans, but it is processed here.

❖ Because the Balkans is a transit region for organized crime activities, most organized crime hotspots are places that can easily be entered or exited - in other words, ports, airports, border crossings or wider border regions. Furthermore, there are hotspots along the main highways which are transit roads (north-south and east-west), as well as at the intersections of the main roads. In some cases, the hotspots are located in remote areas: along poorly monitored borders, or - in the case of some drug labs - in isolated rural areas.

❖ The triangular region of northern Macedonia, Kosovo and Serbia - which is predominantly populated by ethnic Albanians - is plagued by economic underdevelopment, instability, porous borders and poor governance, making it vulnerable to organized crime. The largest cities in the region are Kumanovo and Tetovo. Kumanovo is located at the crossroads between the highway from Thessaloniki to Belgrade (or northeast to Kosovo) and from Skopje to Kyustendil (Bulgaria). It is

also along the railway line that connects Athens and Vienna. Roads from Tetovo (and Albanian villages north of Skopje) head north to Kosovo, via Ferizaj to Pristina.

Organized crime groups from the Western Balkans are now key players in various areas of trafficking in Western Europe, Latin America and South Africa:<sup>58</sup>

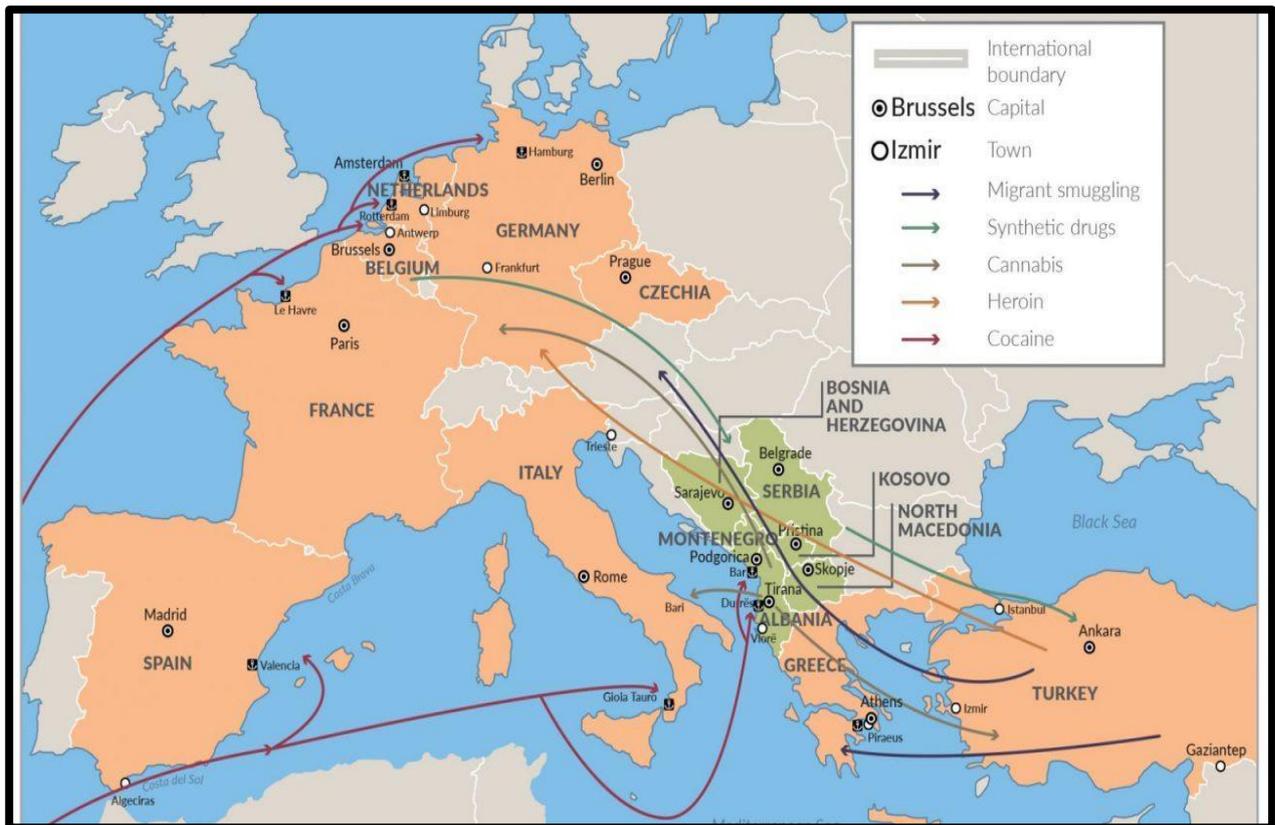
- Certain groups in the Western Balkans have shifted the value chain over the past 20 years, from petty fraudsters and couriers to becoming major drug distributors in networks stretching from Latin America to Western Europe and South Africa.
- Albanians in Italy importing drugs along the Puglia coast have a double advantage: they have connections with their compatriots at the source of supply and with groups in Albania that can facilitate distribution.
- The coasts of Spain are also important arenas for organized crime groups from the Western Balkans, with the Port of Valencia being a key hub for groups from Serbia-Montenegro.
- Albanian mafia active in Netherlands, where their business has evolved from focusing on human trafficking and migrant smuggling to drug trafficking.

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<sup>58</sup> Balkan Gangs Are Now Leading Global Smugglers, Report, (2020), <https://balkaninsight.com> › ba., p. 2

Figure 13

***Roads of human trafficking in Western Europe***



Source: Balkan Gangs Are Now Leading Global Smugglers, Report, (2020), (пристапено на 24.10.2021), достапно на: <https://balkaninsight.com> › ba., стр. 3

The Western Balkans is a crossroads for trade in many illicit goods and a geographical hub for smuggling migrants trying to enter Western Europe. Although these facts are well known, information about market size and potential profits is less obvious:<sup>59</sup>

❖ Since the 1970s, the Balkan route has been a notorious route for drug trafficking (mostly heroin) from east to west. But in 2015, it took on a new meaning as an estimated 1.5 million asylum seekers and migrants - partly caused by the war in

<sup>59</sup> Spot Prices: Analyzing flows of people, drugs and money in Western Balkans, (2021), (: пристапено на 24.10.2021, достапно на: <https://globalinitiative.net> › w.стр. 5 -26

Syria - made their way through Turkey and Greece to the Western Balkans and then to Western Europe.

➤ Some people in the Balkans - especially in Kosovo - have used the chaos to join the mob in the region and seek asylum in the West. Most were soon returned home. The numbers and populist fears led to the closure of the Balkan route in March 2016. This was achieved by erecting fences along key border crossings, increasing border controls - including the deployment of Frontex - and speeding up asylum procedures.

➤ Although the number of asylum seekers and migrants dropped significantly in 2016, the flow of people did not stop, as many of the movement's drivers - such as the wars in Syria, Afghanistan and Libya; Horn of Africa instability and North-South inequality remain. As some popular routes, such as those from Greece to northern Macedonia and from Serbia to Hungary, became more difficult to cross, migrants sought alternative routes, such as through Albania.

➤ The majority of asylum seekers and migrants moving through the Western Balkans are from the Middle East and North Africa. Some are fleeing conflict, while others are economic migrants. The majority are from Syria, Afghanistan, Pakistan, Iran, Iraq and Morocco.<sup>10</sup> Asylum seekers and migrants have also been reported from Algeria, Ethiopia and Eritrea, while others are Kurds from Turkey..

❖ The six Western Balkan countries remain a major transit region for cannabis and heroin and, increasingly, cocaine and synthetic drugs. Recent seizures show how drugs are transported to the region, stored (usually close to logistics centers), cut, repackaged, and distributed to markets further away. Cannabis generally moves east from Albania, while heroin moves west from Turkey, crossing northern Macedonia and Kosovo before being sent north to Western and Central Europe. New regional trends include:

➤ Increased cannabis cultivation (especially indoors) in countries other than Albania, such as Bosnia and Herzegovina, Northern Macedonia and Serbia.

- Large flow of cannabis from the Western Balkans to Bulgaria.
- Cocaine flows from several directions, including Croatia, Greece and the Black Sea ports of Bulgaria and Romania.
- Increasing the production and use of synthetic drugs.

❖ **Money laundering** is often the result of high-profit crimes in which the criminal has to sever ties with the original crime in order to successfully conceal the illicit proceeds. It is in fact a "natural" consequence of profit-making crimes, as it describes the process by which criminals try to conceal the illicit origin of profits, to distance themselves from the original transgression, and to inject funds into the economy so that they appear that they are from a legitimate source and have been used. The link between the original criminal activity and the means is thus severed, which strengthens the security of the criminal:

- Criminals launder their illicit assets by disguising the sources, changing their shape, or relocating to a place where they are less likely to attract attention.
- Money laundering accounts for approximately 2.7% of global GDP or \$ 1.6 trillion. Other estimates, particularly for the IMF, account for about 2% to 5% of global GDP.
- The estimate for money laundering in the Western Balkans is between 1.8 billion euros and 4.6 billion euros a year. These figures are remarkable, especially when put in perspective: for example, in 2021, the budgets of the Ministries of Interior of Northern Macedonia and Albania amount to 168 million euros each; 135 Kosovo police have only 87 million euros at their disposal.

❖ Corruption and bribery are often seen as part of the overhead or fixed costs of running an organized crime organization. They are a key cost to maintaining a thriving business. In the Gjirokastra area of Albania, for example, many smuggling fees paid by migrants include quotas for bribing senior border guards. Civil society actors across the

region also explained that bribing senior officials is a common practice to obtain building permits:

According to the Open Society Foundations, the Western Balkans spend an average of 7 billion euros a year on public procurement, of which 2 billion euros (approximately 30%) disappear due to corruption. In this sense, corruption and money laundering are mutually facilitated and strengthened.

Proceeds from corruption must be laundered in the formal economy to make them look legitimate - just like the proceeds of organized crime. Cash handed over to corrupt officials is usually outside any official records and can be easily spent, deposited in bank accounts and / or transferred abroad to scam accounts.

Corruption can also be understood as a method of money laundering in itself, for example, when it is linked to funding from political parties. Indeed, throughout the Western Balkans, political parties and entities received (and continue to receive) financial support during election campaigns. For example

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Corruption can also be understood as a method of money laundering in itself, for example, when it is linked to funding from political parties. Indeed, throughout the Western Balkans, political parties and entities received (and continue to receive) financial support during election campaigns. For example:

- Investigations into criminal boss Nasser Kalmendi have revealed significant donations to Montenegro's ruling party, which were not recorded in official reports.
- In Kosovo, a former employee of the EU Rule of Law Mission in Kosovo (EULEX) said that political parties were hiding their finances and spending much more on elections than their declared income.
- In northern Macedonia, former Prime Minister Nikola Gruevski and members of his party are under investigation for illegal campaign financing and money laundering.
- The situation is similar in Serbia, where the Anti-Money Laundering Office found that a total of 5.4 million dinars (about 45,700 euros) were donated to the Serbian Progressive Party without explaining the origin of the money; however, the pre-trial investigation launched in 2017 by the Public Prosecutor's Office at the request of the Anti-Corruption Agency is still ongoing.
- In Albania, vote rigging was reported during the 2016 local elections in Dibra municipality, as well as during the 2017 parliamentary elections in Durres, Kavaja. Lie down. Activities reportedly included colluding with criminal groups to buy votes, intimidate teachers and other public administration employees into voting for party candidates, and police interfering with potential opposition voters.

## **3.2. LEGAL FINANCIAL ASPECTS OF ORGANIZED CRIME IN BULGARIA**

### **3.2.1. The character of organized crime in Bulgaria**

The spread of organized crime as an extremely dangerous social phenomenon marked the transition in almost all post-communist countries. Bulgaria was among the hardest hit by the criminal wave that accompanied the transformation of the totalitarian state in the early 1990s. In fact, the term "transformation" hardly gives an appropriate idea of the abrupt transition from full state control over the individual to the kind of freedom that combined a semi-criminal economy, legal and institutional chaos, and insecurity for citizens. As a result of nihilism and incompetence, as well as the corruption of new political elites, chaotic measures were taken under the guise of "liberal reform" which in fact led to the practical disintegration of statehood and the spread of organized crime:<sup>60</sup>

➤ Problems with rising crime in the early stages of transition in post-communist Bulgaria have been overshadowed by seemingly successful democratic reforms and various political considerations. Only at the end of the last and the beginning of the current decade did signs of deepening public distrust in democratic institutions and the political class of the early transition appear. The problems of organized crime and corruption gained primary social and political importance, and subsequently their monitoring and evaluation became essential in shaping the attitude towards Bulgaria of allies such as the European Union and the United States.

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<sup>60</sup> Organized Crime in Bulgaria: Markets and Trends - Policy , (2007),(пристапено на 25.10.2021), достапно на: <http://pdc.ceu.hu> › archive, стр. 10 - 11

➤ More and more politicians and analysts are realizing that organized crime is increasingly a beneficiary of the fall of totalitarian statehood and can not be interpreted and explained solely in terms of the "communist legacy". It has successfully identified itself by identifying with key categories of democratic transition, which has had many negative implications for the country. The terms "businessman" and "smartly dressed businessmen" have become popularly understood as synonymous with banditry. Hence, there is only one step left to raise the issue of legitimizing organized crime as an expected phenomenon in a transition marked by high crime rates.

➤ In the context of stagnant reforms, with the corrupt exploitation of state property by transition elites and the dismantled or corrupt institutions of law and justice, lawlessness and economic crime have become political and economic necessities. Organized crime in Bulgaria actually has functional preconditions arising from the specific characteristics of the transition.

The development of organized crime in Bulgaria is an extremely complex socio-economic process associated with radical changes in society and the overall redistribution of national wealth, as well as the emergence of "gray" and "black" "markets" in parallel with the legal economy. This is a transition from complete control over society and 100% state ownership to an oligarchic situation.<sup>61</sup>

❖ In Bulgaria, three different manifestations of organized crime can be distinguished:

➤ The first type are the so-called groups of power ("power entrepreneurship"), whose activities were initially largely based on violence.

➤ The second type is represented by the group of entrepreneurs with extreme risk. They tend to practice systematic criminal activity in view of the great competitive

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<sup>61</sup> Организираната престъпност в България: Пазари и тенденции, (2020), <https://microslushalka.eu> > 30., p. 11

advantages of this type of "entrepreneurship". What is characteristic of them is that their activities are far from the public eye.

➤ The third type is associated with huge structures headed by the so-called oligarchs (acting on the image of the famous Russian model), whose ambitions are focused on monopolizing the most profitable activities and sectors in the country with the help of corruption and clientelistic tools.

❖ The common principle of all three groups is the pursuit of market control, regardless of the different structures and methods of implementation. At the same time, the entry of the various legal, gray and black markets is taking place in the framework of the restructuring of the planned market economy, as well as its liberalization, accompanied by the entry of large global companies.

❖ Organized crime in Bulgaria in 2020, for the third year in a row has the following volume and structure of the main criminal markets that can be divided into three major groups:<sup>62</sup>

➤ Traditional markets for organized crime - trafficking in human beings and sex services, distribution and drug trafficking, smuggling, car theft, racketeering and usury.

➤ Excise and tax crimes - illegal trade in tobacco products, illegal trade in fuel and VAT fraud.

➤ Emerging markets - European Union fraud, drug trafficking, cybercrime, cybercrime, telephone fraud and illegal logging.

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<sup>62</sup> Оценка на заплахите от организирана престъпност в България 2020, (2020), (пристапено на 30.09.2021), расположено на: <https://csd.bg> > publications > publication > bulgarian-o, p.1

❖ In Bulgaria, three main types of manifestations of organized crime related to the domination of certain groups are listed:<sup>63</sup>

➤ First are the so-called power groups made up mainly of people fired after the change of civil servants in the government by the special services and the police. This category of organizations goes through several stages of development according to the activity that is their basis. Immediately after the fall of the communist regime, these groups, which have significant potential for physical violence, filled the law enforcement vacuum created by engaging mainly in private security activities. Then, they focused on smuggling goods and services, and then moved on to starting an insurance business.

➤ In second place are the so-called extremely risky entrepreneurs who create and control criminal markets for import, export and distribution.

➤ In third place are the so-called oligarchs, mostly people who took serious party positions before the regime changed, whose access to free capital and contacts allowed them to focus on trying to impose a monopoly on the country's most profitable activities and economic sectors.

The following activities of organized crime are characteristic in Bulgaria:<sup>64</sup>

❖ Bulgaria is a country of origin for victims of human trafficking who have been taken and exploited in Western Europe. There are several types of criminal structures on the market, each of which has a specific way of working, but no criminal actor has a monopoly:

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<sup>63</sup> Щерионов, А., (2021), Организираната престъпност в България: възникване, теоретична обосновка и практически проявления на явленията <https://geopolitica.eu> › 3392-, p. 2

<sup>64</sup> Criminality in Bulgaria - The Organized Crime Index, 2021), <https://ocindex.net> › country › Bulgaria.

➤ There is also a local demand for victims of human trafficking, primarily in major cities and resorts in Bulgaria. The Internet plays a major role in the unrelated nature of the marketplace as it allows freelancers to enter the sex trade freely. Criminal structures work under contracts and control their victims with the help of market mechanisms, those who are traded in Western and Northern Europe to work as beggars are still punished and experience a significant degree of cruelty if their daily quotas are not met.

➤ In general, Bulgarian-based human trafficking networks provide transit logistics for the smuggling of migrants from Turkey to Serbia or Romania. However, some well-organized groups may also smuggle people to their intended destinations. Most human trafficking groups have a foreign national as their organizer - someone who is located elsewhere and recruits migrants. Corruption is an important factor in human trafficking, with border guards facilitating the market and organizing channels for refugee smuggling.

❖ Although *arms smuggling* is not widespread, Bulgaria is an important transit country for Turkish-made pistols smuggled to Western Europe. Workers at the weapons production facility smuggle and sell weapons or parts to poachers in the local market. To a much more limited extent, Bulgaria is a source country for the firearms trade, mainly in Greece. The gray market generates much of the profits from the arms trade. It includes intermediaries who, using forged end-user certificates, sell weapons to terrorist organizations and militias. The arms sector is prone to corruption due to the economic dependence of some cities on arms production. It is very likely that low- and middle-level officers at border checkpoints, especially at the Turkish border, are paid to facilitate arms smuggling.

❖ *Widespread corruption* in Bulgaria's forestry sector enables a significant market for illegal logging. Legitimate companies engage in illegal logging, using corruption or fraud to circumvent regulation. There are cases when government officials are part of organized networks that illegally extract timber, and there are

allegations of links between major political parties and the so-called timber mafia.

Private business interests also contribute to the illegal logging industry - entire forests are illegally felled to make way for resort construction and infrastructure.

❖ **Poaching** takes place in Bulgaria, but it is unusual and on a small scale, related to individuals and not to organized crime. The illegal trade in caviar and the over-exploitation of sturgeon are worrying. Only a few countries, including Bulgaria, have sustainable populations of wild caviar, and Bulgarian sturgeon farms are known for laundering wild sturgeon and selling caviar through fraud and counterfeiting.

❖ **The crime market** with non-renewable resources is significant. Oil smuggling is particularly significant in Bulgaria, with estimates of illegal oil sales accounting for 20-40% of the total market. The illegal sale of diesel fuel is also a problem. Illegal coal mining was recorded, but it was small-scale, carried out by groups of two to three people extracting fuel for heat.

❖ **Drugs** - Bulgaria is an important transit country for the drug market, with domestic networks mostly involved in logistics:

➤ More than 70% of heroin in Western and Central Europe transits the Balkan route, with most of the drugs passing through Bulgaria. Most of the heroin is destined for Western Europe and comes from Turkey. Local demand represents a small part of the realized profit. Heroin is the preferred drug of the marginalized, especially the Roma community, who are allegedly involved in trafficking small quantities of heroin from Turkey and distributing it in Bulgaria. Corruption is an important element of the heroin trade, but it still has low levels of violence in the drug market in general.

➤ Bulgaria and Romania become the primary entry point for cocaine. Bulgaria is primarily a transit country, but a small market exists in major cities and resorts. Bulgaria-based criminal networks have traditionally played a logistical role in cocaine trafficking, successfully facilitating large-scale operations from South America to Western Europe. Bulgarian criminal groups are increasingly organizing their operations to transport cocaine directly to their destination markets.

- Bulgaria is mainly a transit country for the illegal cannabis market. Criminal networks are involved in the logistics of the cannabis trade from Albania to Turkey, Serbia and Romania. Cannabis is the most widespread drug in the country and demand is widespread, prompting organized crime groups to enter the market. Corruption is likely to play an important role in the cannabis trade, with Macedonian, Romanian and Turkish border checkpoints being the most vulnerable.
- Consumption of synthetic drugs is also on the rise in Bulgaria. Groups from the Sofia region have established themselves as producers of amphetamines, while groups in the southeast of the country specialize in the production of methamphetamine.
- Precursors also transit through or are destined for Bulgaria, while synthetic drugs arriving from the Netherlands, Belgium and the Czech Republic are smuggled through Bulgaria to Turkey, the Middle East and North Africa. The foreign criminals are mainly of Turkish origin and based in Western Europe.

### **3.2.2. Institutions for the fight against organized crime in Bulgaria**

Во Република Бугарија постои систем на државни органи со надлежност во прашања за спречување на криминалот:<sup>65</sup>

❖ *Council of Ministers* - The Council of Ministers manages the institutional system for crime prevention at the national and local levels. It is the supreme body of the executive, whose field of general competence includes the implementation of relevant and common policies and programs to prevent crime. At the territorial level, the policy of the Council of Ministers is implemented by the local administration.

❖ *State-Public Consultative Commission for Crime Prevention* - The State-Public Consultative Commission for Crime Prevention is a collective body that gives directions and opinions, monitors and provides coordination in the activities of state

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<sup>65</sup> Стратегија за превенција на престъпноста 2012 - 2020 г., <https://www.mvr.bg> › strategicheskidokumenti › с.

bodies, local self-government bodies, non-governmental organizations and other structures of civil society on crime prevention issues. The Commission performs analytical, consultative and coordination functions by summarizing and analyzing information on the causes and conditions of crime and the ways to eliminate and limit them, organizes the preparation of studies, analyzes and periodic reports on victimization in relation to its condition and trends, prepares recommendations for spending national resource for preventive policy according to set goals and priorities

❖ *The Ministry of Interior and the judiciary in Bulgaria* are a major factor in the fight against organized crime and crime detection. Crime prevention is among the priorities in the law enforcement system. Any deterrence of crime through policies and actions reduces the potential and conditions for wrongdoing. The criminal justice system is considered a major step in preventing and reducing crime.<sup>66</sup>

➤ *The Ministry of Interior (MOI)* implements activities aimed at protecting the rights and freedoms of citizens, national security and public order. Prevention is among the leading functions and one of the most important, through which the main tasks of the ministry are performed. The bodies of the Ministry of Interior perform general and individual preventive activity, prevent and prevent crimes and other misdemeanors, through systematic analysis of criminogenic factors; warn persons for whom there is sufficient data and it is presumed that they can commit crimes and other offenses; signal state bodies, organizations, legal entities and citizens for established reasons and conditions for criminal acts; use technical means for public oversight and issue mandatory orders.

➤ *Ministry of Justice* - There is a direct bilateral link between judicial activity and crime prevention. The Ministry of Justice conducts state policy in the field of justice. The Minister of Justice is the competent body for organizing and implementing the state

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<sup>66</sup> Hristo Bonev - SSRN Papers, (2018), <https://papers.ssrn.com> › sol3

policy for the execution of the sentences pronounced with a final conviction. The General Directorate "Security" at the Ministry of Justice provides the activity under the protection of the judiciary. The specialized unit "Bureau for Protection of Protected Persons" at the Directorate provides special protection to persons whose testimonies, explanations or information are essential for the criminal procedure in accordance with the Law on Protection of Persons Endangered in connection with the criminal procedure..

The Bulgarian political elite puts the fight against organized crime at the top of the agenda. In general, there is political will to tackle all major forms of organized crime, although the response to the fight against crime and corruption is weak. Corruption is widespread, and public trust in institutions is low. In particular, crime and its influence threaten the democratic process. There is an anti-corruption body, but it is neither effective nor independent. Transparency has improved significantly, and institutions now publish annual reports and statistics on their activities, but shortcomings remain. The main issues are public accountability, control over the prosecution and difficult access to public information:<sup>67</sup>

➤ Bulgaria has ratified most international treaties and conventions related to organized crime. It generally adheres to all relevant mechanisms, but has been criticized for failing to comply with the UN Convention against Corruption. Bulgaria is a member and active contributor to a number of regional and global initiatives in the fight against terrorism and organized crime and has many successful international operations in this field. Although the law adequately addresses the threat posed by organized crime, there is no national strategy to combat it. Instead, policies are usually developed in an ad-hoc manner, in the form of measures against various types of organized crime, and

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<sup>67</sup> България се нареди на 10 място в Европа по организирана престъпност, (2021), <https://www.investor.bg › byl>.

convictions for certain crimes are weak. Progress has been made on anti-corruption reforms, but proper implementation is lacking.

➤ In the area of justice, Bulgaria has a specialized court in charge of conducting hearings mainly on organized crime, as well as a specialized unit for fighting organized crime in the judiciary, as well as a specialized prosecutor's office, but has concerns about independence. Corruption in the judiciary continues to hamper his work, and the criminal justice process remains outdated and slow, making prosecution more difficult.

➤ There are specialized law enforcement agencies in charge of fighting organized crime, but their effectiveness is difficult to assess. The main factors that reduce their success are related to the lack of political will to deal with certain forms of organized crime.

➤ Corruption in law enforcement, including customs and border police, is problematic. Bulgaria's borders are under constant pressure from illegal flows, exacerbated by the difficult terrain and the country's strategic position on the Balkan route.

➤ Although the Bulgarian government has focused on developing adequate anti-money laundering legislation in line with EU regulations, practical implementation is weak (although there is a financial crime unit) and money laundering investigations are rare. This is stated in the part of the report dedicated to the economic and financial environment.

Organized crime is one of the most dangerous factors in Bulgarian society. It causes enormous damage to the state and its citizens. Organized crime affects all areas of public life, including political decision-making. Most forms of organized criminal activity are provided for in the Criminal Code of the Republic of Bulgaria. Organized crime is usually committed in secret by a group of individuals in a conspiracy form. Therefore, the investigation must also be secret, appropriate to the nature and forms of the criminal activity being investigated. This means that when investigating the manifestations of organized crime to use technical means for personal control /

wiretapping, surveillance, etc .; introduction of secret agents in criminal groups; to facilitate the disclosure of banking secrecy; provide incentive forms for informants; to improve the exchange of information between human rights agencies, etc. The legal aspects of the fight against organized crime in Bulgaria are as follows:<sup>68</sup>

➤ In the period 2002-2015, the prosecution underwent several successive transformations. In 2006, specialized departments were established, whose role is to oversee the legality of previous proceedings for crimes committed by organized crime groups. The second initiative taken by the prosecution, aimed at increasing the effectiveness of its actions against organized crime, is the introduction of the so-called special oversight. This is a form of enhanced prosecutorial oversight, conducted by supervisory prosecutors (supervisors) and administrative managers in order to increase the efficiency of management and oversight for successful completion and resolution of cases based on cases of special public interest. The latest change is related to the establishment in 2009 of specialized cross-sectoral teams between the prosecution.

➤ The activity of the Ministry of Interior is aimed at protection of the rights and freedoms of citizens, fight against crime, protection of national security, protection of public order and fire safety and protection of the population.<sup>69</sup>

✓ The specialized unit in the Ministry of Interior for the fight against organized crime is one of the oldest specialized institutions for the investigation of this type of crime, which changes frequently over the years. The unit is designed as a special operations service to work on complex cases in close cooperation with other investigative and intelligence structures. Two other specialized institutions have been

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<sup>68</sup> Bankov, S., (2020), Fight against Organized Crime in Bulgaria. Legal Problems and the Need to Improve the Interaction between Law Enforcement Agencies, <https://sciendo.com › article>, стр.17 -18

<sup>69</sup> Закон за министерството на вътрешните работи; Обн. ДВ. бр.53 от 27 Юни 2014г., изм. и доп. ДВ. бр.85 от 2 Октомври 2020г., доп. ДВ. бр.20 от 9 Март 2021г.

established in response to expectations of greater efficiency in the fight against organized crime. These are the State Agency for National Security and the Center for Prevention and Fight against Corruption and Organized Crime.

✓ Despite the structural changes, over the years the agency has built considerable professional and administrative capacity, which is reflected in the effective implementation of tasks related to the fight against organized crime in the economy, financial and credit system, terrorist acts, illegal arms and ammunition transactions, trafficking, production, trafficking and distribution of narcotic and psychotropic substances, trafficking in human beings, production and distribution of counterfeit banknotes and securities, corruption and cybercrime.<sup>70</sup>

➤ In the period from 2002-2015 in Bulgaria there are six specialized institutions for the fight against organized crime, five of which appear in the period 2008-2012. A key feature of these institutional policies is that they are mostly punitive and rarely emphasize preventative elements. The importance of the phenomenon of organized crime is obvious in the process of building state policies in Bulgaria - in an attempt to help solve the problem of this type of crime, the Bulgarian legislator resorted to intensive institutional creativity, creating more and more new institutions.

➤ The General Directorate "Fight against Organized Crime" at the Ministry of Interior of the Republic of Bulgaria is a specialized operational-investigative service, which opposes the organized criminal activities of local and transnational criminal structures. According to the provisions of Art. 39, p. 2 of the Law on the Ministry of Interior, the Directorate opposes criminal activities related to:<sup>71</sup>

✓ Customs regime, monetary, tax and social system;

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<sup>70</sup> Главна дирекция „Борба с организираната престъпност“, (2021), <https://www.netlaw.bg> > bg, история, p. 1

<sup>71</sup> Главна дирекция "Борба с организираната престъпност", (2021), <https://gdbop.bg>, за гдбоп-мвр, p. 1

- ✓ Narcotic substances, their analogues and precursors;
- ✓ Computer crimes or offenses committed in or through computer networks and systems;
- ✓ Intellectual property;
- ✓ Counterfeit or counterfeit banknotes, payment instruments and official documents;
- ✓ Human trafficking;
- ✓ Trade in cultural goods;
- ✓ Firearms, explosives, chemical, biological and other generally dangerous substances and substances, as well as dual-use weapons, products and technologies;
- ✓ Corruption in state bodies;
- ✓ Terrorist acts, use of generally dangerous means and substances, instilling fear, taking hostages, kidnapping for material gain and acts of violence;
- ✓ Money laundering and illegal gambling;
- ✓ Concluding unprofitable contracts, money laundering and absorption of funds from the European Union through fraud.

### **3.2.3. Normative framework for the fight against organized crime in Bulgaria**

They form the normative framework for the fight against organized crime in Bulgaria:<sup>72</sup>

❖ Criminal Code - The main function of the Criminal Code is protection from criminal acts against the person and the rights of citizens and the overall legal order established in the country, determining which of the acts are criminal offenses and what punishments are imposed on them. The punishment imposed on a person for a crime is intended to correct and re-educate the convict to respect the law, to act as a reprimand and to deprive him of the opportunity to commit other crimes. Punishment should not

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<sup>72</sup> Стратегия за превенция на престъпността 2012 - 2020 г. <https://www.mvr.bg> › p. 15 - 17

be intended to cause physical suffering or humiliation of human dignity, but to have an educational and warning effect on the perpetrator and other members of society. The Criminal Code protects relationships from socially dangerous misconduct. Its sanctioned function performs general and special prevention among the population.

❖ Law on Criminal Procedure - The Law on Criminal Procedure determines the order in which criminal proceedings are conducted in order to detect criminal acts, expose the perpetrators and fair implementation of the law. The law provides for state coercion for criminal prosecution of perpetrators of crimes, as well as protection of citizens from criminal arbitrariness. The reasons and conditions for committing crimes are determined during the investigation and are used for prevention.

❖ Law on the Ministry of Interior - The law regulates the principles, tasks, structure and management of the Ministry of Interior, whose activity is aimed at protecting the rights and freedoms of citizens, national security and public order. The bodies of the Ministry of Interior carry out joint and individual activities against the perpetrators of criminal offenses and, if necessary, issue orders to state bodies, organizations, legal entities and citizens.

❖ Anti-Trafficking Law - The law regulates the prevention and protection of victims of trafficking by regulating measures to prevent and counter these crimes. To this end, the law regulates the interaction and coordination between state and municipal bodies, as well as between them and the non-governmental sector. In accordance with the Law on Trafficking in Human Beings, a National Commission for Combating Trafficking in Human Beings and similar local commissions are established, which develop and implement programs and activities to prevent trafficking in human beings.

❖ National Strategy for Prevention and Fight against Corruption (2021 - 2027) - The Strategy reaffirms the principles of anti-corruption policy embedded in the National Strategy for Prevention of Corruption in the Republic of Bulgaria (2015 - 2020) - rule of law; affirmation of the principles of good governance, transparency and accountability in the work of the bodies and the administration; guaranteeing the rights and legitimate interests of the citizens; consistency, systematicity and continuity in the

implementation of state policy in the field of prevention and fight against corruption; stakeholder participation in the decision-making process. The strategy envisages deepening and upgrading the work of some of the previous priorities, as well as new priorities and measures, conditioned by the need to achieve concrete results. The measures for implementation of the Strategy are of administrative and institutional, as well as of legislative nature. The strategy includes seven priorities and measures for them.<sup>73</sup>

- Strengthening the capacity and increasing transparency in the work of anti-corruption bodies and units;
- Countering the crimes of corruption;
- Strengthening the capacity and improving the work of the bodies in charge of control and sanctioning the powers in the administration;
- Increasing the transparency and accountability of local government;
- Liberation of citizens from "petty" corruption;
- Creating an environment for public intolerance of corruption;
- Timely response to the need to update the anti-corruption measures set out in the National Strategy for Prevention and Fight against Corruption, including in response to the recommendations given by international institutions.

#### ■ **3.2.4. Financial aspects of organized crime in Bulgaria**

In recent years, organized crime in Bulgaria has shifted its focus from classical models of action, as much of the financial damage has come as a result of white-collar criminal activity and the growing use of innovative technologies. Despite the general decline in total organized crime revenues, it continues to pose a significant threat to the Bulgarian economy, with many criminal networks in Bulgaria controlling legal businesses, which

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<sup>73</sup> Национална стратегия за превенция и противодействие на корупцията (2021 - 2027 г.), (2021), <https://www.strategy.bg> > View.

has facilitated money laundering and posed new challenges in the fight against organized crime. Fraud against EU funds in Bulgaria comparable to major organized crime markets, such as human trafficking, drug trafficking, and fuel trafficking:<sup>74</sup>

➤ According to the Bulgarian Organized Crime Threat Assessment 2020, abuses range from 5-15% of the funds received from users of operational programs in Bulgaria.

➤ With a total budget of BGN 23.2 billion (EUR 11.7 billion), the potential losses for the 2014-2020 programming period are between BGN 1.16 billion (EUR 0.59 billion) and BGN 3.48 billion (EUR 1.78 billion). billion).

➤ The largest number of violations was identified with funds from the State Fund "Agriculture" in subsidies for agricultural crops, as well as in the construction of guest houses with EU money, which were used only as private homes, the report said.

➤ Frauds with EU funds reach BGN 300 million per year, drug damage is up to BGN 450 million.

➤ The sex services sector remains the absolute and unattainable champion - the total estimate of the domestic and foreign market in 2018 is 1 billion and 250 million leva (over 600 million euros):

➤ Despite the alleged huge damage from the illegal fuel market, seizures of illegal fuel by law enforcement in 2019 amounted to 365 tons, which is only 0.1% of the lowest estimate (BGN 300 million) on the illegal market;

➤ Only 40-50 hundredths of a liter per liter of illegal gasoline is paid by regular users of mobile "gas stations", who usually work in certain villages or neighborhoods.

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<sup>74</sup> Bulgarian Organised Crime Threat Assessment 2020 - Event, <https://csd.bg › events › bulgarian-organised-crime-thre>.

### **3.3. LEGAL FINANCIAL ASPECTS OF ORGANIZED CRIME IN ALBANIA**

#### **3.3.1. The character of organized crime in Albania**

Albania is a key transit country for heroin, as well as cocaine trafficked from Latin America. Albanian criminal actors also play central roles in Europe's heroin and cocaine markets. Mafia-style groups have formed associations with South American cartels, the 'Ndrangheta and cocaine producers, allowing them to import vast quantities of high-quality cocaine at competitive prices and giving them access to a complex global infrastructure. Albanian criminal groups, however, are not just engaged in trafficking cocaine to Europe, but are also involved in its storage and distribution, and have increasingly consolidated their influence over wholesalers and retail markets across the continent. As a result, Albanian organized criminals have come to control a significant share of Europe's cocaine trade. European police forces have dismantled a violent Albanian drug trafficking network that spanned Germany, Italy and the Netherlands, the Europol police body said on Friday. Europol worked with police in the three countries to bring down the network, resulting in 35 suspects being arrested and more than 1 million euros (\$1.1 million) of cash seized.<sup>75</sup>

Albanian gangsters have ruthlessly seized control of the supply of cocaine. The global tentacles of blood-thirsty mafia kingpins from the Balkans now extend from 'narco state' Ecuador to cities and towns across the UK. Details of the chilling development are revealed in our new two-part investigation into the trail of destruction left by Britain's insatiable demand for cocaine – which is fuelling bloodshed abroad. The UK's cocaine market is said to be worth a staggering £2billion with an estimated 976,000 users while the annual number of cocaine-related deaths has increased seven-fold in a decade, and now stands at 840. The global tentacles of blood-thirsty mafia kingpins from the Balkans now extend from 'narco state' Ecuador to cities and towns across the

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<sup>75</sup> Albania Drug Trafficking Network Dismantled by European Police, usnews.com, <https://www.usnews.com> › a.

UK. Details of the chilling development are revealed in our new two-part investigation into the trail of destruction left by Britain's insatiable demand for cocaine – which is fuelling bloodshed abroad.<sup>76</sup>

The reasons for creating, directing and engaging in criminal structures can be different for each person. Fast and lucrative incomes, better social status, or political power are the most common reasons that members of armed gangs, organizations, or structured criminal groups may engage in illegal activities. Possession of money, luxury and weapons is also a strong attraction for many young people who are prone to adventure and a desire for power. Criminal activities committed by citizens based in Albania, but also other ethnic Albanian citizens who come from Albanian-speaking territories, have some specific characteristics for that category, distinguishing it from other criminal groups operating in the same sector. The following are the most common features:<sup>77</sup>

- The main activity has always been drug trafficking;
- Arms and human trafficking occur at significantly lower rates and levels of organization, mainly on an individual basis or in unstable or poorly structured groups;
- There is a horizontal expansion of criminal groups that cooperate intensively with each other, through the establishment of criminal networks that also extend regionally or in Western Europe;
- Criminal groups are quite flexible in the way they operate, organize or cooperate, mainly sticking to one type of activity, but there are also identified groups that are involved in various types of criminal activities;

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<sup>76</sup> Albania drug trafficking network dismantled by European police, theprint.in, (2023),

<https://thepoint.in › world>.

<sup>77</sup> Rama, I., (2021), Overview of the Characteristics of the Albanian Organized Crime - Development Trends Over the Years, (пристапено на 30.09.2021), достапно на: [//www.richtmann.org](http://www.richtmann.org) ›, стр. 113

- The criminal groups act by organizing themselves in solid nuclei in relatively small groups of four or five people and hiring other temporary collaborators to meet the needs of the criminal group's activities;
- Direct contact is maintained with other Balkan countries, mainly with criminal groups of Albanian origin, but also with non-Albanian groups (drug trafficking) to buy narcotic drugs from them, mainly heroin, and then to transport it through Balkan roads, when not in transit. to Italy and Greece by sea or land;
- The groups have contacts in Western countries with other groups that work independently and independently or are extensions of the parent criminal group, mainly engaged in finding access to markets; they are buyers or even facilitate transportation;
- The domestic market is widely used to supply cannabis sativa, being a producer country, but also dealing mainly with the discovery of heroin, but also cocaine, the latter in smaller quantities in case of lack of contacts or without extension to the east;
- Different rates of violence have been reported and can no longer be concluded on an easily recognizable feature;
- Revenues are mainly invested in Albania, in the form of real estate, commercial activities, luxury goods and so on, also taking advantage of the high rate of the country's informal economy over the years. Commercial activities are often used to facilitate drug trafficking.

Albanian organized crime is active in Europe, North America, South America and various other parts of the world, including the Middle East and Asia. The Albanian mafia is involved in a variety of criminal activities, including drug, arms and human trafficking. They are said to control much of Europe's wholesale cocaine market and are the primary distributors of cocaine in various European drug centers, including London. The Albanian criminal scenario is characterized by various criminal plans which, due to

their complexity, show one of the highest criminal capacities in the world. In Albania alone, there are more than 15 mafia families that control organized crime:<sup>78</sup>

➤ The Albanian mafia monopolizes various international spaces from the Far East, such as Israel, to the west to South America. There is a strong connection between politicians and various Albanian mafia families. Albanian mafia groups are hybrid organizations (various sectors of society), often involved in both criminal and political activities.

➤ The Albanian mafia as a whole is one of the highest crime-generating elements in the world, combining "traditional" characteristics - clearly manifested in the rigid internal discipline, in the clan structure, in the "endogamous closure" (marriage within an organization) that increases impermeability, reliability and internal rigidity - with modern and innovative elements such as transnationality, commercial imprinting and criminogenic service culture. The massive logistics of almost everywhere facilitated the establishment of Albanian crime outside the home country and its integration with local crime, taking advantage of the opportunities inherent in the entire network of fellow citizens.

➤ In the United States, the term "Albanian mafia" may refer to or specifically refer to various Albanian-American organized crime groups. Albanian-American criminal groups differ in the degree of their links to Albanian mafia groups in Albania or Europe, ranging from poorly affiliated or largely independent of Albanian mafias in Europe to essentially American extensions of European Albanian mafia groups..

➤ Albanians working in the illicit drug trade co-operate with other groups. Some Albanian offenders have direct access to drug producers (and especially cocaine) in countries such as Bolivia and Peru. These groups are mainly related to distribution,

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<sup>78</sup> Kings of cocaine: how the Albanian mafia seized control of the UK drugs trade. The Guardian, (2021), (пристапено на 25.10.2021, достапно на: [https://en.wikipedia.org/wiki/Albanian\\_mafia](https://en.wikipedia.org/wiki/Albanian_mafia), стр.1

rather than drug trafficking. This means that they often deal with cocaine once it arrives through the appropriate ports of entry and rely on contracts with those groups that deal with the real trade, such as the Calabrian Crankshafts: Албанските мрежи се нарекуваат особено сигурни оператори во синџирот. Но, нивното крајно значење во светот на дрогата треба да се доведе во прашање. Иако се очигледно важни, тие сепак зависат од трговците кои први ја набавуваат, организираат и испраќаат дрогата.

➤ To some extent, the idea of a highly organized, global Albanian mafia remains a myth that creates negative stereotypes and hostility in the global Albanian migrant diaspora. The global criminal underworld is often a combination of complex structures of opportunity and a delicate balance of roles played by a vast diversity of individuals..

The Albanian nation is organized according to the strict rules of national community and kinship. Therefore, a characteristic of the Albanian criminal structures is that they are based on respect for territorial divisions, which reflect the spheres of influence of the clans. According to this division, the "basic" membership in the above groups is *fisu*, ie. a larger family, which controls the given territory. Several fissures form a clan. This division of the Albanian society is rooted in the traditional clan hierarchy, in the closed character of the impenetrable relations in the strict discipline of the family members.<sup>79</sup>

Albania is historically an important transit route for drugs, especially for heroin coming from the East to be smuggled across Europe:<sup>80</sup>

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<sup>79</sup> Activities of the Criminal Groups in Kosovo & Metochia and Independence of the Province, (2021), (пристапено на 25.10.2021), достапно на: <http://pdc.ceu.hu> > archive, стр. 1

<sup>80</sup> Mejdini, F., (2021), Albania's Key Position in Global Drug Trafficking, <https://www.ispionline.it> > alb.

- According to the Bulgarian Organized Crime Threat Assessment 2020, abuses range from 5-15% of the funds received from users of operational programs in Bulgaria.
- With a total budget of BGN 23.2 billion (EUR 11.7 billion), the potential losses for the 2014-2020 programming period are between BGN 1.16 billion (EUR 0.59 billion) and BGN 3.48 billion (EUR 1.78 billion). billion).
- The largest number of violations was identified with funds from the State Fund "Agriculture" in subsidies for agricultural crops, as well as in the construction of guest houses with EU money, which were used only as private homes, the report said.
- Frauds with EU funds reach BGN 300 million per year, drug damage is up to BGN 450 million.
- The sex services sector remains the absolute and unattainable champion - the total estimate of the domestic and foreign market in 2018 is 1 billion and 250 million leva (over 600 million euros):
- Despite the alleged huge damage from the illegal fuel market, seizures of illegal fuel by law enforcement in 2019 amounted to 365 tons, which is only 0.1% of the lowest estimate (BGN 300 million) on the illegal market;
- Only 40-50 hundredths of a liter per liter of illegal gasoline is paid by regular users of mobile "gas stations", who usually work in certain villages or neighborhoods.
- In 2022, authorities investigated 57 cases (35 sex trafficking, 20 labor trafficking, two unspecified forms of trafficking), compared with 53 in 2021. During the reporting period, the Prosecution Service changed its methodology for reporting prosecution data and only provided statistics on new prosecutions, whereas, in previous years, statistics included ongoing prosecutions. In 2022, the Prosecution Service reported prosecuting 19 traffickers (17 sex trafficking, two labor trafficking); it reported prosecuting 77 traffickers in 2021. Courts convicted 37 traffickers (31 sex trafficking, six labor trafficking), an increase from 27 in 2021. As in previous years, the caretaker government did not report the range of prison sentences imposed on all convicted traffickers; however, judges issued suspended sentences for 25 convicted traffickers (68

percent) and acquitted two, which weakened deterrence, did not adequately reflect the nature of the crime, and undercut broader efforts to fight trafficking. Bulgarian law allowed those convicted of a crime to be eligible for suspended sentences if the sentence received was for three years or less, which frequently happened in trafficking cases.

➤ According to the United Nations Office on Drugs and Crime’s World Drug Report 2022, Albania ranks seventh among the countries of origin and departure for cannabis resin. The country is reportedly also part of the ‘Balkan route’ for heroin trafficking. ‘The route runs from Afghanistan through Iran and Turkey, and across the Balkan countries to Western and Central Europe. Albania recently signed ‘a \$6mn deal with US-based Satellogic USA Inc. to develop a dedicated satellite constellation that will enable satellite monitoring’.<sup>81</sup>

▪ 3.3.2. Institutions for the fight against organized crime in Albania

According to the Law on Organization and Functioning of Institutions for Fight against Corruption and Organized Crime, in Albania are defined the rules for organization and functioning of the Special Prosecutor's Office and the independent investigation unit as constitutional bodies in accordance with Article 148, paragraph 4 of the Constitution.<sup>82</sup>

➤ ***Subject to the elaboration of the law is:***

✓ Establishing conditions and procedures for the election of the Chief Special Prosecutor.

✓ Establishment of primary and additional jurisdiction of the Anti-Corruption and Organized Crime Courts and the Special Prosecutor's Office.

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<sup>81</sup> Drug trafficking in the Balkans, in particular in Albania, europa.eu, (2023), <https://www.europarl.europa.eu/doceo/document>.

<sup>82</sup> Institutions Combating Corruption and Organized Crime, (2021), <https://euralius.eu> › Laws ,Amended by law no 47/2021, dated 23.3.2021

✓ Additional conditions and criteria to be met by citizens to be appointed, transferred or promoted to judges or staff in the Anti-Corruption and Organized Crime Courts, prosecutors and staff of the Special Prosecutor's Office and to be employed in the Independent Investigation Unit.

✓ Relations of the Special Prosecutor's Office with other state institutions, other public or private entities and the public;

✓ Organization and functioning for the implementation of the process of historical verification, monitoring of financial records and telecommunications monitoring of judges from the courts for fight against corruption and organized crime, prosecutors of the Special Prosecutor's Office and the director, deputy director, investigators and the Judicial Police Service of the National investigative bureau, as well as monitoring the financial records and electronic communications of members of their immediate families.

➤ ***The purpose of the law is:***

✓ Establishment of the Special Prosecutor's Office as a specialized prosecutor's office for performing the competencies for fight against organized crime.

✓ Establishment of an Independent Investigation Unit that investigates and prosecutes crimes of corruption and organized crime.

❖ **The Special Prosecutor's Office:**

➤ The Special Prosecutor's Office prosecutes and represents the prosecution on behalf of the state in the Basic Court for Anti-Corruption and Organized Crime, the Court of Appeal for Combating Corruption and Organized Crime and the High Court, takes measures and oversees the execution of criminal decisions, as well as the execution of others. matters provided by law.

➤ The Special Prosecutor's Office performs its functions independently only through those prosecutors appointed by the High Prosecutorial Council in accordance with this Law..

❖ ***National Bureau of Investigation:***

➤ The National Bureau of Investigation is a specialized department of the judicial police that investigates crimes under the jurisdiction of the Special Prosecutor's Office in accordance with the provisions of the Law on Criminal Procedure.

➤ The National Bureau of Investigation also maintains judicial police services in accordance with this law.

➤ The Director of the National Bureau of Investigation, the investigators and his judicial police services are under the supervision and work of the Special Prosecutors's Special Prosecutors.

❖ ***Anti-Corruption and Organized Crime Court:***

➤ The primary jurisdiction of the Anti-Corruption and Organized Crime Court is determined in accordance with the Criminal Procedure Code, according to which the Anti-Corruption and Organized Crime Court and the Special Prosecutor's Office are competent to review, investigate and prosecute cases related to corruption and organized crime.

➤ The Anti-Corruption and Organized Crime Court and the Special Prosecutor's Office have the power to review, investigate and prosecute any other crime closely related to the investigation or crime related to corruption and organized crime.

➤ The Anti-Corruption and Organized Crime Courts have jurisdiction over investigations, cases and claims brought against corruption and organized crime..

❖ ***Special Prosecutor's Office:***

- During the investigations of the provisions related to corruption and organized crime, the Special Prosecutor's Office has the authority to request from the judges of the courts for anti-corruption and organized crime implementation of the provisions of the current legislation regarding the prevention and fight against organized crime, human trafficking and corruption. through preventive measures against property.
- During the investigations of corruption and organized crime, the Special Prosecutor's Office has the authority to submit measures for protection of witnesses and collaborators of justice in accordance with the applicable legislation.
- The Special Prosecutor's Office is composed of a Chief Special Prosecutor and Special Prosecutors.
- The Special Prosecutor's Office performs its functions through special prosecutors. Inspectors and judicial police services of the National Bureau of Investigation are headed and controlled by special prosecutors and the director of the National Bureau of Investigation.
- The Special Prosecutor's Office has a financial investigation department, which checks the financial assets and property of the persons under investigation and reports the results to the competent special prosecutor.
- The Special Prosecutor's Office has a department responsible for coordinating its work with authorities in other countries. The section is about links to foreign entities to continue investigations or joint investigations. The department is headed by a special prosecutor appointed by the chief special prosecutor.
- The Special Prosecutor's Office has a department for international cooperation and joint investigations whose tasks are to cooperate with the competent authorities of other countries and international organizations in accordance with international agreements; to deploy members of joint investigative bodies established on the basis of an international agreement or on the basis of an individual case provision, for the purpose of investigation, prosecution or representation before a court for criminal offenses.

✓ Regarding the joint investigations on the territory of the Republic of Albania, the Department for International Cooperation and Joint Investigations oversees the implementation of domestic regulations and respect for the sovereignty of the Republic of Albania.

✓ For any identified weaknesses or disputes that can not be resolved through consultation with the competent authorities of another state or its representatives, inform without delay the Chief Special Prosecutor who may, if necessary, seek the opinion or assistance of the competent Ministry.

✓ For the purposes of joint investigation, receives requests from other countries to undertake special investigations into criminal acts, takes the necessary actions before the competent courts and provides legal assistance in criminal proceedings related to corruption and organized crime.

❖ ***National Bureau of Investigation:***

➤ The National Bureau of Investigation is a specialized department of the judicial police that operates only under the direction of the Special Prosecutor's Office. The director, deputy director and investigators of the National Bureau of Investigation have the status of a judicial police.

➤ The internal organization of the National Bureau of Investigation is regulated by a joint order of the Director of the National Bureau of Investigation and the Chief Special Prosecutor.

➤ The National Bureau of Investigation consists of a director, deputy director and administrative staff. The National Bureau of Investigation also has judicial police services composed of judicial police from the State Police and other relevant institutions, under the direction of a Deputy Director and subordinate to the Special Prosecutor's Office. Service staff may sit at the National Bureau of Investigation or at the State Police or relevant institutions if the Director and the Chief Special Prosecutor deem it necessary.

➤ The organization and functioning of the judicial police services of the National Bureau of Investigation shall be determined in accordance with this Law by a joint regulation of the Director of the National Bureau of Investigation and with the consent of the Chief Special Prosecutor.

In the Republic of Albania in the fight against corruption and organized crime are also in the fight against economic and financial inclusion:<sup>83</sup>

❖ Public Prosecutor's Office - The Prosecutor's Office is a centralized constitutional institution (*sui generis*) that operates in accordance with the organization of the judicial system. The Constitution of the Republic of Albania states that the Prosecutor General is independent and authorized to conduct criminal proceedings and to represent the case of the state in court. The Attorney General approves the staff structure and instructions for the functioning of prosecutors in the courts of first instance, appellate courts, and the General Prosecutor's Office. It also issues orders and instructions for the implementation of the duties of prosecutors. The Serious Crimes Prosecutor's Office was established in 2004 to investigate crimes committed by structured groups and criminal organizations. In 2007, the Tirana Prosecutor's Office established a Joint Investigation Unit, as a specialized structure for investigating economic and financial crime, corruption, money laundering and terrorist financing. Six additional units similar to the initial one were created in Durrës, Shkodra, Vlora, Fier, Gjirokastra and Korca. They are among the officers of their members in the Judicial Police, State Police, Customs and Tax Authorities as well as contact points in HIDAA, SSA, GDPML and SIS.

❖ State Police - The state police is the most important institution to ensure order, prevention and strike of organized crime, to guarantee the integrity of the borders. Law

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<sup>83</sup> National Strategic Document, (2019); (пристапено на 30.09.2021), достапно на: <http://fiu.gov.al> › wp-content › uploads › 2019/02

no. 9749, 04.06.2007 "On the State Police" guarantees the development of career and rights in the police, as well as prescribes responsibilities, including prevention, detection and investigation of crime in accordance with the Criminal Code and the Code of Criminal Procedure, criminal offenses and their authors. The state police is equipped with a number of legal and sub-legal instruments related to the organization of police surveillance, the application of special techniques for investigation, controls, confiscations, flagrant arrests, searches and other criminal procedural actions that are legally attributed and delegated through prosecutorial institutions. It is a state body with human and technical capabilities for law enforcement.

- The structures of the State Police are organized around modern European concepts. This structure is composed of several departments such as:
  - Crime Investigation Department with its directorates; Financial Crime Unit; Department against Organized Crime; Serious Crimes Unit,
  - Witness Protection Unit, Directorate for Forensic Analysis, Interpol, Europol, Border and Migration Directorate, as well as other support structures and special operations.
  - The Financial Crime Directorate, which identifies, detects, prevents, attacks and investigates cases of financial crime, money laundering and terrorist financing, identifies assets obtained through crime and actions to ensure their seizure and confiscation, and as such has special significance.
  - The state police in international cooperation with Europol and Interpol, as well as with other state institutions in inter-institutional cooperation, especially with the Prosecutor's Office in terms of detecting and investigating complex cases of organized crime are the institutions responsible for the fight against organized crime in Albania. Comprehensive access to investigations and prosecutions, direct access to certain public and private databases as well as improved access to information from inter-institutional reports are required.

In order to prevent and fight crime, additional activities are being undertaken in Albania in strengthening the professionalism and integrity of the institutions of security and public order, in order to ensure further improvement of the public trust in these institutions:

❖ The activities are focused on four main directions:<sup>84</sup>

➤ First, the State Police should be reformed through the mechanisms for verification and assessment of their integrity, means and ability by improving the quality of initial and continuous education / training. The State Police should be reformed through mechanisms for checking and assessing its integrity, means and dexterity. This effort should be accompanied by improving the quality of initial and continuing education / training of public police officers by strengthening the academic capacity of the Security Academy, either in terms of strengthening the professionalism of its academic staff or by improving its plans and curricula. The police authority should be guaranteed a transparent appointment and evaluation and a merit-based promotion process. Procedures and policies should be adopted to eliminate political or nepotistic relationships within its structure, as well as motivating and promoting policies for all employees that aim to increase their dignity and public trust.

➤ Second, to strengthen the fight against organized crime and human trafficking with a priority to intensify efforts against criminal groups and the fight against drug and substance trafficking, through a proactive approach to investigations, detection and crackdown on drug trafficking, through close regional and international inter-institutional cooperation, as well as by strengthening the cooperation with the international partners, regarding the investigation and arrest of Albanian perpetrators for violations committed outside the territory of the Republic of Albania.

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<sup>84</sup> Document on priority policies in the field of public order and security - "Serving the citizens, enforcing the law", (2017), (пристапено на 30.09.2021), достапно на: <http://www.mb.gov.al> › uploads › 2018/02 › DO, стр.3 - 4

➤ Third, inter-institutional cooperation in the fight against terrorism and violent extremism, proactive investigations, systematic risk assessment and better monitoring of migration flows in order to eliminate the possibility of their use to disguise members of the terrorist organization among refugees, intensifying efforts to prevent radicalization information. Community policing and close cooperation with the religious community and civil society, as well as conducting detailed investigations into terrorist financing, by strengthening inter-institutional cooperation with bodies that monitor the means of financial circulation.

➤ Fourth, security and public order, and thus the fight against organized crime, can be improved through:

✓ preventing criminal activities and other crimes led by the philosophy of "community policing" through continuous interaction with the community and local government bodies;

✓ ensuring legality of the territory and a new relationship with business in the context of guaranteeing the safety of citizens;

✓ improving road traffic management in order to minimize accidents;

✓ pursuit of important projects such as voluntary arms deliveries or emergency prevention and management;

✓ re-dimensioning the role of the prefect for management and coordination of territorial control and strengthening cooperation with civil society at local and international level.

❖ The goals of achieving such activities include:

➤ Strengthening the institutional capacities and guaranteeing the operational independence of the state police and internal control structures;

➤ Functioning of subordinate institutions and structures with professionals with moral integrity and strong human character;

- Consolidation of education, qualification and especially continuous and profiled training of state police structures;
- Providing career, promotion and an objective and sustainable merit-based evaluation system;
- Opening and further democratization of subordinate institutions and structures through transparency, public information, accountability and more active communication with civil society organizations, media and investigative journalism;
- Strengthening the planning, oversight and control capacities of the Ministry for implementation of policies and objectives;
- Increase performance, increase and strengthen local governance and democracy.

### **3.3.3. Normative framework for the fight against organized crime in Albania**

Organized crime has emerged as one of the most important challenges for Albania since the beginning of the country's political and economic transition in the early 1990s.

Given the seriousness of the problem, the effective fight against organized crime has been identified as a key priority for Albania ahead of the opening of accession negotiations with the European Union. Although organized crime emerged in the 1990s, Albania was largely unprepared to meet these challenges at the time and was only able to adopt its first cross-sectoral strategy to combat organized crime, trafficking and terrorism in 2008, which was updated in 2013. International reports and statistics from national institutions reveal the significant spread of Albanian organized crime beyond. Albanian organized crime networks are now able to carry out large-scale transcontinental operations, ranging from drug deliveries and control of drug markets in Europe to successful money laundering operations using Albania as a platform.

Albanian authorities make efforts to combat UK by improving legal, institutional and strategic infrastructure and capacity, but visible results still lack:<sup>85</sup>

- Albania is a signatory to the UN Convention against Transnational Organized Crime (UNTOC) and its three protocols since 2002. UNTOC Organized Crime Provisions were transposed into the 2003 Criminal Code. In addition to the changes in criminal legislation in 2017 - which introduced new offenses and special investigative techniques - other new relevant laws were adopted.
- Albanian legal framework is partially aligned with the Council of the EU Framework Decision on Fighting Organized Crime.
- Other changes to the legal framework mentioned in the National Plan for European Integration (NEPE) 2020-2022 include the approval of several orders by the Director General of Police, which are intended to strengthen institutional commitments in the fight against UK.
- Albania initiated anti-money laundering practices related to crime and terrorism in 2009, when the government passed the Anti-Mafia Law, which contains clear provisions regarding the prevention and seizure of funds. Although several amendments to the Law were made, it remained unsuccessful due to a lack of institutional coordination and insufficient capacity.
- In the early 2020s, Albania adopted a special package introducing temporary precautionary measures to increase its effectiveness in the fight against organized crime and terrorism (popularly known as the "grab you can" package or "KKK"). These measures are primarily aimed at seizing and confiscating funds, while restricting the movements of suspected criminals and their economic activities.

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<sup>85</sup> Белградски центар за безбедносна политика (БЦБП), (2021), Неостварување на заложбите: како владите од западниот Балкан се борат против организираниот криминал, : <http://radar.bezbednost.org> › uploads › 2021/04, стр. 10 -14

- Strengthening international cooperation in the fight against organized crime is one of the strategic goals of the national strategy. While there is incomplete evidence pointing to Albania's co-operation with the EU in the fight against the UK, very little information has been found on regional co-operation in this regard. Given the regional and transnational nature of co-operation between organized crime groups and the fact that all Western Balkan countries are involved in the fight against it, regional co-operation is important in achieving this goal.
- Albania has taken steps to strengthen police co-operation with the EU by allowing air surveillance by the Italian Financial Police (Guardia di Finanza), intensifying co-operation with the European Law Enforcement Agency (EUROPOL) and the European Criminal Justice Co-operation Agency (EUROPEAN). ) - leading to numerous, successful large-scale law enforcement operations.
- Albania has also signed operational co-operation agreements with the European Monitoring Center for Drugs and Drug Addiction (EMCDDA) and the European Border and Coast Guard Agency (FRONTEX).
- Albania has a strategic and operational cooperation agreement with EUROPOL, ratified in 2014 and updated in 2018. This agreement allows the exchange of personal data between the parties, which is done through the Secure Information Exchange Network (SIENA).

Emphasizing the need to fight organized crime, Albania has shown continued commitment to completing its legislation and institutional framework, taking effective measures to combat this phenomenon on its territory and playing an important role at the international level as well.:<sup>86</sup>

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<sup>86</sup> Legal and institutional framework in the fight against drug trafficking, (2019), <https://www.ejtn.eu> › PageFiles › TH-2019-01 TE.

- In terms of the legal framework, Albania has adopted several laws providing for the rules of production, import, export, control, storage and trafficking of drugs, in order to prevent and combat the cultivation of narcotic plants and drug trafficking.
  - Improvements have been made to the Criminal Code and the Law on Criminal Procedure regarding new forms of organized crime and special investigative techniques.
  - In 2009, Albania passed the Law on Preventing and Combating Organized Crime, and the so-called Anti-Mafia Law. This law establishes the procedures for implementing preventive measures against the property of persons suspected (only on the basis of clues) of participating in organized crime, human trafficking and other criminal offenses related to organized crime.
  - Albania has adopted the Law on Prevention and Strike of Organized Crime, Trade, Corruption and Other Crimes through Preventive Measures against Property, which sets out the competencies and criteria for implementing preventive measures against the property of suspected accomplices in organized crime, trade and corruption, as well as in committing other criminal offenses according to the provisions of this law. The purpose of the law is to prevent and suppress organized crime, human trafficking and corruption and other crimes, by confiscating the property of persons who have unjustified economic property as a result of suspicious criminal activities.
  - The Law on Prevention of Money Laundering and Financing of Terrorism aims to prevent money laundering and proceeds of crime, as well as the financing of terrorism.
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### **3.3.4. Financial aspects of organized crime in Albania**

Albanian organized crime has managed to enter illegal markets around the world as "very dangerous" because of the strong links it has established with local mafia organizations. The increasing volume and efficiency of drug trafficking carried out by Albanian criminal networks across the Adriatic to the Italian coast results in huge profits that are laundered in both illegal and legal business activities in Albania. Organized crime has serious implications for the stability of Albanian institutions and those in the surrounding region. In Albania, poverty remains widespread. The average annual per capita income of \$ 1,230 places Albania among the poorest countries in transition. At the same time, crime and corruption still pose serious challenges for Albania. Coupled with inadequate law enforcement and slow pace of reform, they threaten the country's ability to sustain economic growth and alleviate poverty.<sup>87</sup>

➤ High levels of poverty, exacerbated by very poor infrastructure and regular electricity shortages, have contributed to the growth of the informal economy and led to crime and corruption in Albania. About ten percent of the workforce participates in the informal sector, often over long periods of time, and increases to about 24 percent in urban areas. The overall poverty rate was 25.4%. The unemployment rate reaches 16 percent, although unofficial figures suggest a higher figure.

➤ The worst poverty indices are concentrated in rural areas and the north of the country, where the poverty rate is 66% higher than in Tirana and 50% higher than in other cities. Fifty-three percent of Albanians live in rural areas. The average income in such areas is only two-thirds that in urban areas, increasing dependence on private remittances. In addition, these mountainous regions suffer greatly from economic isolation due to a lack of effective transport infrastructure. The difficulty of maintaining

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<sup>87</sup> Money Laundering: The Case of Albania - IFSH, (2018<https://ifsh.de> › english › Fink\_Baumeister\_Muco, p. 418 - 419

a predominantly agrarian economic base in an unfavorable climate is also pronounced. This phenomenon has serious implications for crime and (subregional) stability, as widespread despair drives families and individuals to support illegal activities as a means of survival.

➤ A special feature of Albanian society is the financial dependence on remittances. As a result of the high emigration rates in previous periods, the Albanian diaspora is helping to boost formal and informal economies. Approximately 22% of households receive remittances, which are worth 47% of the average annual household income. Much of this money is received and kept in cash, which is the epitome of Albania's cash economy. The weak and poorly considered banking sector strengthens the Albanians' cash advantage, which accounts for 90-95% of transactions. This partly explains Albania's inability to fight organized crime. It simply cannot track and regulate large revenue streams and profits from cash-based business activity in the informal economy and outside the banking system and organized crime..

Albania remains vulnerable to money laundering due to corruption, organized crime networks and weak legal and governmental institutions. The country has a large cash economy and an informal sector, with significant remittances. Major revenue-generating crimes include drug trafficking, tax evasion and smuggling.<sup>88</sup>

➤ Drug trafficking and illegal business dealings of organized crime gangs are the main sources of illicit funds.

➤ Albania has a significant black market for smuggled goods, facilitated by weak border controls and customs enforcement. Inefficient cross-border control of currency movements remains a problem.

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<sup>88</sup> United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, Volume II, Money Laundering, (2020), <https://www.state.gov › Tab-2-INCSR-Vol-2-508>, p. 30 -40

➤ Albania is ranked as one of the two countries with the highest risk of money laundering. According to the Basel AML Index for 2021, Albania is ranked as the 39th worst country for money laundering risks in the world. Albania is ranked along with Cuba and Turkey with a score of 5.72, and ten are optimal. Albania has deteriorated over the years, ranking 44th with a score of 5.69 in 2020.

➤ According to Transparency International Albania's 2016 Corruption Perceptions Index, it ranks 83rd out of 176 countries. Almost 40% of Albanians believe that the level of corruption has increased in recent years. The most corrupt institutions are the judiciary (81%), medical and health services (80%), political parties (72%), education systems (70%) and parliament / legislature (66%). Corruption in the judiciary negatively affects the functioning of the judicial system and undermines public confidence in the rule of law. Albania has a legal anti-corruption framework, but it has not yet been properly implemented.

▪ **3.4. LEGAL FINANCIAL ASPECTS OF ORGANIZED CRIME IN NORTHERN MACEDONIA**  
▪ **3.4.1. Characteristics of organized crime in Northern Macedonia**

Organized crime in the Republic of Macedonia is manifested through the operation of organized criminal groups at national and international level in one or more criminal areas for financial and material gain. In organized crime, organized crime groups use all the financial resources at their disposal, apply expertise to cover up criminal activities, and in certain situations use legal businesses to pursue criminal goals and make a profit. Organized crime adapts to the environment in which it operates, those involved apply countermeasures for protection and innovation in their methods and moderate influence in the public sector through corrupt activities. The main criminal areas in which

criminal actors operate are drug trafficking, migrant smuggling, cybercrime, property crime, smuggling of goods and tax evasion:<sup>89</sup>

➤ Organized criminal groups in the Republic of Macedonia operate nationally and internationally, mainly in the illegal drug trade, migrant smuggling, violent and serious crime. They differ in their number, origin of members and are not characterized by a pronounced hierarchy. In addition to occasionally active groups, certain organized crime groups are characterized by a continuum of action based on family ties or criminal interests. One third of the organized criminal groups are multi-criminal, ie they operate in several criminal areas. Most of the organized criminal groups do not have great financial power, and in their criminal activities corrupt officials from institutions that are at a lower level, while providing protection of criminal activities. They use simple and traditional countermeasures for protection, use legal businesses in criminal activities, and violence occurs in isolated cases within the group and outside it. Control over criminal areas is noticeable only in certain organized criminal groups, and criminal activities are tolerated only in some ethnic communities in the environment where the members live, manifested by ignoring criminal activities.

➤ Geostrategically, the Republic of Macedonia is located in the central part of the Balkan Peninsula and at the intersection of the main corridors east-west and north-south, which results in increased flow and traffic of passengers, which affects the transit and transport of illegal goods, especially drugs. Neighboring countries that produce illegal goods (drugs and cigarettes) also contribute to this situation, and use the territory of the Republic of Macedonia as a transit country to final consumers. The different levels of economic development in the countries in the region, the non-compliance of the fiscal policy and the large difference in the prices of certain goods in the countries in the region, stimulate the smuggling of goods. Kinship, friendship, work and other ties

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<sup>89</sup> Република Македонија, Министерство за внатрешни работи, Проценка на закани од сериозен и организиран криминал, (2015), <https://polis.osce.org> > file > download,

with the diaspora in Europe facilitate the commission of crime by providing logistical and financial support.

➤ The infiltration of legal businesses facilitates crime as a means of transport and storage, and causes unfair competition in the market. Avoidance of paying duties to the state leads to the creation of unfair competition in relation to the goods that are imported into the country with paid duties. With the actualization of the legalization of marijuana and its use for medical purposes in the region, social tolerance is increasing, which facilitates the conduct of this criminal business.

➤ There is "hidden" tolerance by the Albanian ethnic community in the area where members of the criminal groups involved in this criminal activity live so that criminal activities are not reported for fear of retaliation. Social tolerance is also partially present in smuggling, especially in the border areas on the Macedonian-Bulgarian border, where people involved in this type of crime live. Incomplete application of the legislation by the judicial authorities by not imposing a measure of confiscation of property, when there is an evident disproportion between the current property situation and legally realized income, for persons involved in criminal activities allows members of criminal groups to easily re-establish ties in and continue criminal activities.

### **3.4.2. Institutions for fight against organized crime in Northern Macedonia**

Key institutions in the fight against organized crime are:<sup>90</sup>

➤ The Department for Serious and Organized Crime within the Ministry of Interior and the Office of the Public Prosecutor for Prosecution of Organized Crime and Corruption, within the Office of the Public Prosecutor.

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<sup>90</sup> Белградски центар за безбедносна политика (БЦБП), (2021), Неостварување на заложбите: како владите од западниот Балкан се борат против организираниот криминал, [http://radar.bezbednost.org › uploads › 2021/04](http://radar.bezbednost.org/uploads/2021/04), стр. 67 - 70

- Given that organized crime is largely linked to financial crime, the Financial Police within the Ministry of Finance is another important participant, tracking suspicious financial transactions through legal financial channels.
- The Customs Administration, the Financial Investigation Unit within the Ministry of Finance and the Public Revenue Office also have responsibilities for dealing with financial crime and money laundering.
- Finally, the Agency for Management of Confiscated / Confiscated Property is an important institution that has to deal with revenue and crime.

In the Republic of Macedonia, as integral elements of the system for fight against organized crime, ie services that have competencies for fight against organized crime appear:

- ✓ The Public Prosecutor's Office
- ✓ The court,
- ✓ The police,
- ✓ The Financial Police,
- ✓ Financial Intelligence Unit,
- ✓ Public Revenue Office,
- ✓ Customs Administration and
- ✓ The intelligence agency.

❖ The Public Prosecutor's Office is defined as a single and independent state body that prosecutes the perpetrators of criminal acts and other punishable acts determined by law, and performs other activities determined by law. In the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and in the Public Prosecutor's Office established for the area of a court with extended jurisdiction,

specialized departments for monitoring and detection of crime are established with a special professional service:<sup>91</sup>

➤ The function of the Public Prosecutor's Office of the Republic of Macedonia in our legal system is based on the provisions of Article 106 of the Constitution of the Republic of Macedonia, the provisions of the Law on Public Prosecution, the Law on Criminal Procedure, and other laws. The Public Prosecutor's Office, in accordance with Article 2 of the Law on Public Prosecutor's Office, is determined as a single and independent state body that prosecutes the perpetrators of crimes and other punishable acts determined by law, and performs other activities determined by law. Within the Public Prosecutor's Office, the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption functions as a separate organizational unit.

➤ The Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption is competent to act:

✓ for crimes committed by a structured group of three or more persons, which exists for a certain period of time and acts in order to commit one or more crimes for which a prison sentence of at least four years is provided, with the intention to directly or indirectly acquire financial or other benefit,

✓ for criminal acts committed by a structured group or criminal organization on the territory of the Republic of Macedonia or other countries or when the criminal act is prepared or planned in the Republic of Macedonia or in another country,

✓ for criminal offenses of abuse of official position and authority from receiving a bribe of significant value, criminal offenses of unauthorized production and distribution of narcotic drugs, psychotropic substances and precursors, money laundering and other proceeds of crime of greater value, terrorist endangerment order and security, bribery of

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<sup>91</sup> „Службен весник на Република Македонија“ број 150 од 12 декември 2007 година, „Службен весник на Република Македонија“ број 111 од 3 септември 2008 година.

significant value, criminal association, crimes of trafficking in human beings, smuggling of migrants, trafficking in minors.

➤ The Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption in its work to provide evidence necessary for the successful conduct of criminal proceedings also applies special investigative measures such as:

- ✓ Interception of communications and entry into a home and other premises or vehicles to create conditions for interception of communications,
- ✓ Covert surveillance, monitoring and visual-audio recording of persons and objects with technical,
- ✓ Inspection and search of a computer system, confiscation of a computer system or part of it or a computer data storage database,
- ✓ Apparent (simulated) purchase of objects, as well as apparent (simulated) giving a bribe apparent (simulated) receiving a bribe,
- ✓ Controlled delivery and transportation of persons and objects,
- ✓ Using persons with disguised identities to monitor and collect information or data.

➤ The Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, in the performance of its function, realizes direct, intensive and close cooperation with the bodies competent for detecting the perpetrators of criminal acts, and especially with:

- ✓ The Department for Organized Crime at the Ministry of Interior of the Republic of Macedonia,
- ✓ The Financial Police at the Ministry of Finance of the Republic of Macedonia,
- ✓ Office for Prevention of Money Laundering and Financing of Terrorism,
- ✓ The Public Revenue Office, the Customs Administration, as well as with
- ✓ State Commission for Prevention of Corruption.

❖ **Courts** - In the Basic Court Skopje I - Skopje, a specialized court department has been established competent for the trial of acts in the field of organized crime and corruption for the entire territory of the Republic of Macedonia. The specialized court department is competent to judge for:<sup>92</sup>

- criminal offenses committed by a structured group of three or more persons, which exists for a certain period of time and acts in order to commit one or more criminal offenses punishable by imprisonment of at least four years, with the intention to directly or indirectly acquire financial or other benefit,
- criminal acts committed by a structured group or criminal organization on the territory of the Republic of Macedonia or other countries or when the criminal act is prepared or planned in the Republic of Macedonia or in another country,
- criminal offenses of abuse of official position and authority, receiving a bribe of significant value and illegal mediation committed by an elected or appointed official, official or responsible person in a legal entity; and
- criminal acts of unauthorized production and distribution of narcotic drugs, psychotropic substances and precursors, money laundering and other proceeds of crime of significant value, terrorist endangerment of constitutional order and security, bribery of greater value, illegal influence on witnesses, terrorist organization, terrorism crimes human trafficking crimes smuggling of migrants, trafficking in minors.

❖ **Police** - The grounds for carrying out activities for combating organized crime of the police are given in the Law on Internal Affairs. The affairs related to the prevention of committing criminal acts and misdemeanors, detecting and apprehending their perpetrators and taking other measures determined by law to prosecute the perpetrators of those acts are considered as internal affairs. The Ministry of Interior, and in that framework the activities related to the prevention of committing crimes and

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<sup>92</sup> Article 32 of the Law on Courts,

misdemeanors, detecting and apprehending their perpetrators and taking other measures determined by law to prosecute the perpetrators of that part are carried out through bodies composed of of the ministry. As bodies within the ministry, they appear:<sup>93</sup>

- Public Security Bureau and
- Security and Counterintelligence Directorate.

"Public Security Bureau" is a body within the Ministry that performs police work in the Ministry and whose organization and competence is regulated by the Law on Police (Article 3 paragraph 1 of the Law),

"Security and Counterintelligence Directorate" is a body within the Ministry that performs internal affairs related to security and counterintelligence (Article 3 paragraph 2 of the Law).

The police are part of the Ministry in which police work is carried out through police officers. The main function of the Police is protection and respect of the fundamental freedoms and rights of man and citizen guaranteed by the Constitution of the Republic of Macedonia, laws and ratified international agreements, protection of the legal order, prevention and detection of criminal offenses, taking measures to prosecute perpetrators acts, as well as maintaining public order and peace in society. Police matters relating to and related to organized crime are actions of police officers relating to:<sup>94</sup>

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<sup>93</sup>„Службен весник на Република Македонија“ бр.42/2014), Закон за изменување и дополнување на Законот за внатрешни работи („Службен весник на Република Македонија“ бр.116/2014, Закон за изменување и дополнување на Законот за внатрешни работи („Службен весник на Република Македонија“ бр.33/15) и Закон за изменување на Законот за внатрешни работи („Службен весник на Република Македонија“ бр.33/15

<sup>94</sup> Article 2, 3 and 5 of the Law on Police

- preventing the commission of crimes and misdemeanors, detecting and apprehending their perpetrators and taking other measures determined by law to prosecute the perpetrators of those acts;
- identification and search for direct and indirect property gain obtained by committing a criminal offense;

The police conducts criminal investigations by applying the police powers, operative-tactical and preventive measures in accordance with the law. The criminal investigation begins with a police investigation or with a decision of a competent police officer for the establishment and implementation of criminal control, criminal processing and action for which appropriate records are kept in accordance with the law.<sup>95</sup>

According to the Law on Criminal Procedure, a judicial police has been established in the Republic of Macedonia. Judicial police ex officio or by order of the public prosecutor undertake measures and activities in order to detect and criminal investigation of crimes, prevent further consequences of crimes, catch and report their perpetrators, provide evidence and other measures and activities that can be used for the smooth conduct of criminal proceedings. Judicial police conduct investigations and actions ordered or entrusted by the court and the public prosecutor's office.<sup>96</sup>

The duties of the judicial police are performed by the police officers in the organizational units in the Ministry of Interior, the Financial Police Directorate and the Customs Administration, the members of the judicial police in the investigation centers of the public prosecution and the officers assigned to the public prosecutor..<sup>97</sup>

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<sup>95</sup> Article 14 of the Police Law

<sup>96</sup> Article 46 of the Law on Criminal Procedure, "Official Gazette of the Republic of Macedonia" number 150/2010

<sup>97</sup> Article 48 of the Law on Criminal Procedure

The Judicial Police works on the orders of the competent public prosecutors. The members of the judicial police are responsible to the competent public prosecutor for their actions in accordance with the provisions of the law on criminal procedure.<sup>98</sup>

The Judicial Police is in fact a criminal police that works closely with the Public Prosecutor's Office. One of her children is directly in the team of the Public Prosecutor's Office in the investigation centers of the Public Prosecutor's Office. Most of the judicial police are composed of inspectors from the Ministry of Interior, the Financial Police Directorate and the Customs Administration, who remain in their ministries and are more closely linked to the competent prosecutor. The Judicial Police is the main collaborator of the Public Prosecutor's Office.

❖ The Financial Police aims to protect the financial interests of the Republic of Macedonia by detecting and criminalizing the criminal offenses of money laundering and other proceeds of crime, illicit trade, smuggling, tax evasion, as well as other criminal offenses with illegal property gain of significant value.<sup>99</sup>

➤ The Financial Police has the following competencies related to the fight against criminal offenses that have the character of organized crime:<sup>100</sup>

✓ detects and conducts criminal investigations of criminal offenses that are prosecuted ex officio such as: money laundering and other proceeds of crime, illicit trade, smuggling, tax evasion and other criminal offenses with illegal property gain of significant value, as well as catching and reporting to their perpetrators, providing evidence, other measures and activities that they can use for the smooth conduct of

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<sup>98</sup> Article 51 of the Law on Criminal Procedure

<sup>99</sup> "Official Gazette of the Republic of Macedonia" No. 12/2014, 43/2014 and 33/2015

<sup>100</sup> Article 12 of the Law on the Financial Police

criminal proceedings ex officio or by order of the public prosecutor through the exercise of powers in the judicial police in accordance with law;

✓ collects and analyzes data on cash transactions, undertakes pre-investigation and other measures when there are grounds for suspicion of committed crimes, monitors the traces of money in order to detect criminal offenses established by law, inspects and reviews accounting data and records in computer systems in the presence of a responsible person or a person authorized by him and performs other activities in accordance with law;

✓ performs forensic computer analysis of temporarily seized, computer systems and other electronic devices;

✓ coordinates, initiates, files criminal charges, exchanges information and organizes trainings for persons involved in the system of irregularities in order to protect the financial interests of the Republic of Macedonia and the European Union;

✓ prepares and submits a proposal of a strategy for protection of the financial interests of the Republic of Macedonia and the European Union.

➤ In performing the tasks within its competence, the Financial Police cooperates with the Public Prosecutor's Office of the Republic of Macedonia, the Ministry of Interior, the Public Revenue Office, the Customs Administration, the Financial Intelligence Office, the State Commission for Prevention of Corruption, the State Audit Office, the State Foreign Exchange Inspectorate, The State Market Inspectorate and other inspection bodies, state bodies and legal entities that are legally competent for prevention and detection of criminal offenses. State administration bodies and other state bodies, institutions or legal entities that ex officio collect data and keep records, in accordance with the law, they are obliged to submit that data at the request of the Financial Police.

➤ The financial police can cooperate and exchange information with foreign police and state bodies, organizations from other countries and international

organizations in the field of financial crime on the basis of bilateral agreements and ratified international agreements on matters within its competence..<sup>101</sup>

❖ Financial Intelligence Unit - with the adoption of the new Law on Prevention of Money Laundering and Financing of Terrorism. The Financial Intelligence Unit is functioning and has the basic competence to collect, process, analyze, store and submit data obtained from entities that are obliged to take measures and actions to detect and prevent money laundering and terrorist financing. The Office has the following competencies in the area of activities related to organized crime:<sup>102</sup>

➤ prepares and submits reports to the competent state bodies, whenever there are grounds for suspicion of having committed the crime of money laundering and terrorist financing;

➤ cooperates with the entities referred to in Article 3 of this Law, the Ministry of Interior, the Financial Police Directorate, the Public Prosecutor's Office, the Customs Administration, the Public Revenue Office, the State Foreign Exchange Inspectorate, the Securities and Exchange Commission of the Republic of Macedonia, the National Bank of the Republic of Macedonia. The Agency for Supervision of Fully Funded Pension Insurance, the Agency for Insurance Supervision, the State Commission for Prevention of Corruption and other state bodies and institutions, as well as other organizations, institutions and international bodies for combating money laundering and terrorist financing.

➤ concludes cooperation agreements and exchanges data and information with the authorized bodies of other countries and international organizations involved in the fight against money laundering and terrorist financing.

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<sup>101</sup> Article 12 of the Law on the Financial Police

<sup>102</sup> Article 40 of the Law on the Financial Police

❖ Public Revenue Office - The Public Revenue Office performs the part of the activities related to the activities that have the character of organized crime, administrative and other professional activities related to:<sup>103</sup>

- supervision over the application of the measures and actions determined by the Law on Prevention of Money Laundering and Other Proceeds from Crime and Financing of Terrorism against the organizers of games of chance in a casino (casino),
- legal entities and natural persons performing the following services:
  - ✓ real estate turnover,
  - ✓ auditing and accounting services,
  - ✓ giving tax advice or
  - ✓ providing consulting services, legal entities that receive cases and real estate as collateral and citizens' associations and foundations.

❖ Customs Administration - The main competencies of the Customs Administration in the area of activities for fight against organized crime are:<sup>104</sup>

- conducting customs control, investigative and intelligence measures in order to prevent, detect and investigate customs offenses and criminal offenses;
- taking measures and activities in order to detect and criminalize criminal acts in the field of customs operations, prevent further consequences of such crimes, catch and report their perpetrators, provide evidence, other measures and activities that can be used for smooth running of the criminal procedure, ex officio or by order of the public prosecutor through the exercise of competencies in the judicial police;

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<sup>103</sup> Article 4 of the Law on the Public Revenue Administration

<sup>104</sup> Article 10 of the Law on Customs Administration

The Customs Administration cooperates with the customs administrations of other countries in the field of customs operations in detecting and preventing customs offenses and criminal offenses in the field of customs operations, training of customs officers, promotion of technical development, etc., in accordance with ratified international agreements. Under the auspices of the World Customs Organization, a network of customs intelligence exchange offices has been established, which aim to contribute to their strengthening and greater efficiency in the fight against customs fraud and violation of customs legislation through their regional and global exchange..

Intelligence Agency - as a separate body of the state administration, and the following competencies are given:<sup>105</sup>

- Collects data and information relevant to the security and defense of the Republic of Macedonia and the economic, political and other interests of the state.
- Performs analysis and research of data and information and obligatorily informs the President of the Republic of Macedonia, the Government of the Republic of Macedonia and other state bodies on issues of importance within their scope.
- Cooperates with state bodies on issues of common interest. In achieving mutual cooperation, the Agency and the state bodies are obliged to mutually submit data, notifications, information and to coordinate the actions within the competence of the Agency.

### **3.4.3. Normative framework for fight against organized crime in Northern Macedonia**

The normative framework was generally assessed as sufficient to enable the fight against organized crime and is largely in line with EU legislation. Northern Macedonia has ratified the relevant international conventions in this area, which provides a basis

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<sup>105</sup> Закон за Агенцијата за разузнавање „Службен весник на РМ бр19/95, член 2 и 6

for combating organized crime in accordance with international standards and engaging in international cooperation in this regard: <sup>106</sup>

- Organized crime often has a transnational component, so regional and international cooperation and knowledge sharing is a must. Various international reports have shown that the criminal landscape in Europe is undergoing rapid change, and organized crime groups are significantly more flexible, interconnected and cooperative, while becoming financially and politically stronger. The authorities in Northern Macedonia use the cooperation channels provided by Interpol, Europol, SELEC, but also the liaison officers of other countries.
- Northern Macedonia signed the Agreement on Operational and Strategic Cooperation with Europol in 2009, in order to expand cooperation and support in the fight against serious forms of international crime, especially through the exchange of information and regular contacts at all relevant levels. The Department of Serious and Organized Crime of the Ministry of Interior has established a workstation with direct access to the European Counter-Terrorism Center at Europol, enabling the exchange of data through a secure communication link for the exchange of information (SIENA).
- Northern Macedonia has been a member of Interpol since 1993. There has recently been an improvement in the area of information exchange. From the end of 2018, the databases of border controls are interconnected with those of Interpol through the tool FIND (Permanent Database of the Interpol network), which means that every control of passengers, travel documents and vehicles automatically passes through the browsers of Interpol for persons, documents and vehicles.<sup>26</sup> The cybercrime departments are also linked to the Interpol cybercrime databases.

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<sup>106</sup> Белградски центар за безбедносна политика (БЦБП), (2021), Неостварување на заложбите: како владите од западниот Балкан се борат против организираниот криминал. <http://radar.bezbednost.org> › uploads › 2021/04, стр. 70 -76

➤ Cooperation is also related to training and capacity building, as many of these activities are provided by international partners. The Ministry of Interior uses EU and US assistance programs, the TAIEX instrument, numerous bilateral and multilateral programs, etc. One of the most relevant training opportunities is the agreement between the Ministry of Interior and the European Police Academy (CEPOL). The EC encourages the authorities to continue to respond to the opportunities offered by CEPOL, despite budget constraints. The importance of this opportunity has been confirmed by the Ministry of Interior.<sup>28</sup> The Financial Police also uses training offered by international partners, such as the OSCE Mission to Northern Macedonia and the embassies of the United Kingdom, the United States, Italy and the Netherlands.

➤ The first obstacle in assessing the results of the country's efforts to fight organized crime is access to the data to be analyzed and, most importantly, the quality of the data that can be obtained. Northern Macedonia has a weak data management system for organized crime and organized crime groups. UNODC research shows that Northern Macedonia, like most countries in the Western Balkans, does not have statistical systems for recording, reporting and analyzing information. A special challenge is to follow the case through the criminal justice process, from investigation through prosecution to verdict, with a single identifier. There are also no data on the economic value of organized crime. The lack of an adequate data management system seriously hinders the possibility of developing evidence-based policies.

The Republic of Macedonia has ratified and accepted the following Conventions most important multilateral agreements and other acts related to the fight against crime:

➤ The European Convention on Joint Assistance in Criminal Matters was signed in 1999.

➤ The United Nations Convention against Transnational Organized Crime was signed in December 2000 and ratified in January 2005.

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime
- Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the United Nations Convention against Transnational Organized Crime.
- UN Convention on the Illicit Traffic in Narcotic Drugs and Psychotropic Substances,
- UN Convention against Corruption,
- Council of Europe Convention on Laundering, Detection and Confiscation of the Proceeds from Crime
- Convention on Criminal Procedure for Corruption.

One of the ways to achieve an effective fight against organized crime is the creation of a legal basis for a new system of processing and providing the use of data between the competent authorities of the state. For this purpose in 2009 in the Republic of Macedonia was adopted the Law on National Criminal - intelligence database that regulates inter-institutional cooperation and coordination in order to prevent and detect crimes. The goals that are achieved with the adoption of this law referred to the following:<sup>107</sup>

- overcoming problems and shortcomings in inter-institutional cooperation, such as insufficient coordination between bodies, insufficient use of data, untimely exchange of data, increased costs and uneconomical use of material and human resources;
- standardization and normalization of the data of the bodies in charge of fight against organized crime;

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<sup>107</sup> Службен весник на РМ бр. 120/2009

- strengthening, exchange of information and cooperation with international organizations in charge of supporting the fight against organized crime and terrorism (Interpol, Seci Center, Europol, etc.);
- overcoming the shortcomings in the information and data that will be exchanged, processed and stored;
- enabling exchange of analytical products and preparation of joint analytical products;
- introduction of an early warning system that will generate and send electronic alerts to the competent authorities involved in the investigations, which will enable coordination of mutual activities, in order to eliminate the possibility of conducting parallel, uncoordinated investigations for the same entities.

#### ▪ **3.4.4. Financial aspects of organized crime in Northern Macedonia**

In the Republic of Macedonia, as well as in other countries in the world, there is organized crime that leaves harmful consequences. It contributes to certain activities to be criminalized and can be seen everywhere, such as in the economy, in politics, in public administration, among citizens:

- Throughout the Macedonian transition period, from independence until today, the problem of organized crime has been constantly linked to the threat to national security or the direct undermining of the foundations of statehood and the state. Organized crime in Macedonia has some special features and functions, it sets higher goals than the well-known classic criminal acts.
- Organized crime in the Republic of Macedonia is closely related to business (criminal privatization, public procurement, illegal financing of political parties, smuggling of permitted and illicit goods, non-payment of huge amounts of customs duties, taxes and excises), and to a much lesser extent (at least in relation to countries in the region) with blackmail, extortion and murder.

➤ Corruption, expressed as giving and receiving bribes in large companies and in the state administration and counterfeiting money, are two important elements of organized crime in the country. Key industries that emerge as the starting point for organized crime are: the construction industry, the waste management industry, tourism, security companies, the tobacco industry, and so on. Construction and especially real estate are risks of money laundering.

➤ Money laundering is a multi-stage process of converting the proceeds of illegal activities into funds originating from ostensibly legal sources, without revealing their true source, nature or ownership. Money laundering has serious economic and social consequences which mean: undermining national security, shaking the integrity of the economic-financial system, lowering the rating of the national economy which at the same time becomes attractive for (short-term) investments of criminals, increasing crime and more.



## **CONCLUSION**

Organized crime is one of the main threats to human security. It is a threat to national security, but it also hinders the social, economic, political and cultural development of a country, and attacks public, financial and security institutions. Effective fight against it requires national and global strategy and action. This implies maximum engagement of the entities for fight against organized crime at the level of not every country as well as of the international community, at the same time and concretely.

The international community today has a clear global approach to effectively combating transnational organized crime in the area of prevention and taking effective measures against transnational organized crime and strengthening cross-border cooperation to prosecute and combat organized crime. The cornerstone in the reorganization of national efforts to create the institutional basis for the effective suppression of

organized crime is the United Nations Convention against Transnational Organized Crime.

Today, organized crime comes from all over the world. Organized crime is a very lucrative activity for organizations engaged in this type of activity because the realized criminal activities generate income whose value is estimated to be in the hundreds of billions of dollars.

Organized crime organizations are flexible, innovative, and resilient. They operate as networks of organizations that are profitably oriented, constantly looking for new opportunities and working across countries and beyond. Organized crime networks are sensitive to the tactics implemented by the competent institutions, have a high level of knowledge and experience of business practices and demonstrate a high level of resilience to traditional interventions and reactions of bodies and institutions to organized crime.

In order to be able to successfully respond to the challenges of organized crime, it is necessary to have a complete picture of how organized crime operates, what are the areas and means it uses and what tactical means to use in intelligence and conducting investigative procedures. It is also necessary to provide strong legal and legislative support and to create conditions for full implementation of the laws, to set targeted priorities in the fight against organized crime and to include more legal competencies in the fight against organized crime. Mixed multi-agency or institutional teams need to be built and action frameworks and strategies defined.

International cooperation is the only possible response to the fact that crime knows no national borders and that, on the other hand, the universal understanding of human rights and freedoms is necessarily a unique and effective response to any form of threat or violation. The cooperation is realized through the application of international instruments such as extradition, international mutual legal assistance and other forms.

Successful fight against organized crime requires taking action to prevent crime and anticipate its future actions, providing and protecting sensitive information and cooperating with other actors in the fight against organized crime worldwide. The methods of work should be aimed at building strategic relations of cooperation and developing international awareness in the fight against crime.

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