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# Reforming Techniques to Combat Organized Crime in the Context in View of Securing Human Rights and Freedoms

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## Abstract

The aim of this research was to detect shortcomings and provide suggestions for the development of new strategic directions in order to make combating organized crime more effective for providing security and comprehensive protection of human rights and freedoms. This aim was achieved through the methods of descriptive statistics, comparison and contrasting, descriptive analysis, pragmatic approach, forecasting. The main strategic directions of reforming measures to combat organized crime include: cooperation between government agencies, in particular, cooperation between government agencies and community representatives; destruction of the economic component of organized crime, criminal markets and criminal links between different types of criminal activities; providing proper level of education and digital literacy of law enforcement and other agencies; involving digital technologies and research findings in combating organized crime; creation of an appropriate national and international legal framework; securing the rights and freedoms of suspects or the accused; establishment and development of international cooperation to

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combat organized crime. This study is not comprehensive, thus opening up prospects for further research on improving the legal framework and the practical implementation of its provisions in combating cross-border and national organized crime.

**Keywords:** countering crime; combating crime; human freedoms; human rights; organized crime.

## Técnicas de reforma para combatir el crimen organizado en contexto con miras a garantizar los derechos humanos y las libertades

### Resumen

El objetivo de esta investigación fue detectar deficiencias y hacer sugerencias para el desarrollo de nuevas direcciones estratégicas a fin de hacer más efectivo el combate al crimen organizado, para brindar seguridad y protección de los derechos humanos. Este objetivo se logró a través de los métodos de estadística descriptiva, comparación y contraste, análisis descriptivo, enfoque pragmático. Las principales direcciones estratégicas de las medidas de reforma para combatir el crimen organizado incluyen: cooperación entre agencias gubernamentales, cooperación entre agencias gubernamentales y representantes de la comunidad; destrucción del componente económico de la delincuencia organizada, los mercados delictivos y los vínculos delictivos entre distintos tipos de actividades delictivas; proporcionar el nivel adecuado de educación y alfabetización digital de las fuerzas del orden y otras agencias; involucrar las tecnologías digitales y los resultados de la investigación en la lucha contra el crimen organizado; creación de un marco legal apropiado; garantizar los derechos y libertades de los sospechosos o acusados; establecimiento y desarrollo de la cooperación internacional para combatir el crimen organizado. Este estudio no es exhaustivo, por lo que abre perspectivas para futuras investigaciones sobre cómo mejorar el marco legal y la implementación práctica de sus en la lucha contra el crimen organizado.

**Palabras clave:** lucha contra el crimen; combatir el crimen; libertades humanas; derechos humanos; crimen organizado.

## **Introduction**

Combating organized crime is one of the priorities of national and international criminal law policy. The reason is that this type of crime is one of the most dangerous (Mkrtychan and Khadzhy, 2020), because it violates fundamental human rights and freedoms, infringes national and universally recognized values (Vaccaro and Palazzo, 2015), while socially dangerous activities of the vast majority of criminal organizations go beyond the borders of one state. This, in turn, requires the development of new both national and transnational (or supranational, as noted Fijnaut (2016), strategies and techniques to combat organized crime.

Besides, the rapid technological progress, increasing digitalization of social relations (financial transactions, payments, sales relationships, public administration services, etc.) promote the development and improvement of organized crime (Potapenko, 2020) the management of criminal organizations in many countries is being facilitates; the financing of organized crime is being simplified; ways of carrying out criminal activity of such organizations are being improved; interstate relations between different criminal organizations are being strengthened.

This is an extremely dangerous trend, which requires an immediate response from state national law enforcement agencies and international organizations. Their activities should focus on developing the latest practical tools to combat organized crime. In turn, making law enforcement more effective will help stabilize the dynamics of organized crime, and subsequently reduce its level both nationally and internationally.

Moreover, certain law enforcement actions applied by law enforcement agencies in order to counter the activities of members of organized criminal groups often violate the rights and freedoms of persons detained as suspects. The rights and freedoms of individuals should be protected equally for victims and suspects/the accused. Therefore, the rights and freedoms of both victims and perpetrators must be secured in developing new ways and techniques of combating organized crime at all levels.

### **1. Literature Review**

The importance of the chosen subject matter is confirmed by the attention that scholars, practitioners, law enforcement agencies and other national government agencies pay to it. Fundamental research in this area deals with a comprehensive study of the concept, dynamics, description of changes and opportunities in combating organized crime (Nelen and Siegel, 2017); study of the role and effectiveness of national law enforcement agencies (police) in combating this type of crime (Sabet, 2012).

Most studies cover particular aspects of combating organized crime at different levels. In particular, the researchers pay attention to developing and reforming the main measures to combat organized crime in some countries at the level of national legislation, including the United States (to establish special law enforcement agencies to combat this type of crime) (Ibragimov, 2017), Mexico (to develop criminal justice reform areas) (Shirk, 2016), Ukraine (identification of problems in combating organized crime and the development of international cooperation in this area) (Poplavsky, 2019), the Russian Federation (development of tools to combat transnational organized crime through the cooperation of all government special bodies) (Orlova, 2021), Serbia (assessment of the opportunities that the reformed public administration offer in mitigating the negative effects of organized crime through the cooperation of special government bodies), the Netherlands (the importance of partnership between special government bodies and local communities in combating organized crime) (Groenleer, Cels and De Jong, 2020).

Some studies, which has recently increased in number, focus on exploring the features of cross-border organized crime and developing measures to combat such manifestations (Scherrer, 2009). In particular, the problems of combating organized crime are examined in terms of the need for cross-border cooperation in combating such crimes (Klymenko, 2018) at the level of associations of individual states (G8) (Radosavljević, 2020; Sherrer, 2009), (CIS) (Nizamedinkhodjaev, 2017) among other levels in order to develop a common strategy to make the situation with organized crime more stable.

The studies also cover certain aspects of organized crime, in particular its economic component (Savona and Riccardi, 2015), and the impact of the organized crime on the economic security of the state (Spanò, Di Paola, Caldarelli and Vona, 2016). The types of crimes that prevail in organized crime are highlighted (Gachúz, 2016), which is conducive to the development of special tools to combat certain areas of organized crime.

Nevertheless, a number of issues remain insufficiently studied despite adequate number of works on combating organized crime in some countries and at the transnational level. This makes counter-measures against this type of crime significantly less effective. Securing human rights and freedoms guaranteed by national (Constitutions of States) and international (Convention for the Protection of Human Rights and Fundamental Freedoms, hereinafter referred to as the Convention, the Universal Declaration of Human Rights, hereinafter referred to as the Declaration) regulatory acts is one of the basic principles and the ground for the activities of law enforcement and other government agencies in combating crime, in particular organized crime (Lestanin and Nikac, 2019).

But the researchers have not adequately covered the issue of securing the rights and freedoms of both victims and detainees for criminal activity as part of criminal organizations, although it would help to find a balance between law enforcement in this area and protection of rights in the state (Berar, 2015).

The topicality of the research issue, as well as a number of unresolved issues related to human rights and freedoms in combating organized crime determined the aim of this study, which is to identify shortcomings and provide suggestions for new strategic directions to improve combating organized crime from the perspective of security and comprehensive protection of human rights and freedoms. This aim provided for the following objectives to be fulfilled in this study:

- study the level of organized crime in some countries and the world;
- identify the most frequently violated rights and freedoms in combating organized crime;
- determine the main directions of combating organized crime at the current stage.

## **2. Methodology and Methods**

In order to achieve the aim and fulfil the objectives set in the article, this research was conducted in a clear sequence, following the stages of studying the issue based on the logic of presentation of the material. The stages were the following:

- formulation of the subject matter and determining the scope of the study;
- search and selection of literary source base;
- selection and study of statistical data;
- analysis of the material presented in selected sources and assessment of the finding of those studies;
- identification of unresolved issues related to combating organized crime in terms of securing human rights and freedoms;
- determining the aim of research;
- drawing conclusions and providing practical recommendations for resolving the chosen issues;
- outlining prospects for further research in this area.

This study involved statistics on the Organized Crime Index of selected countries and their resilience to organized crime, statistics on the criminal markets in selected countries with a breakdown by type of organized crime (statistics on 42 countries were selected out of 193 countries the highest, average and lowest Organized Crime Indices). Information on violations of the rights and freedoms of persons engaged in organized crime constituted the empirical background of the study. The expert opinions on the imperfections of current methods of combating organized crime at the national and transnational (cross-border) levels were analyzed.

The article provides a detailed study of the provisions of international and national strategies that enshrine recommendations on the activities of law enforcement agencies to combat organized crime in order to develop suggestions for new strategic directions in combating organized crime to make law enforcement in combating this socially dangerous factor more effective. The regulatory framework consists of documents that enshrine data on the establishment, purpose and main activities of international law enforcement organizations to combat transnational organized crime (African Union Mechanism for Police Cooperation (AFRIPOL), n. d.; Association of Southeast Asian Police Commanders (ASEANAPOL), n. d.; Cooperation Council for the Arab States of the Gulf (GCCPOL), 2020; European Union Agency for Law Enforcement Cooperation (EUROPOL), 2021; International Criminal Police Organization (INTERPOL), n. d.; Police Community of America (AMERIPOL), n. d.).

The aim of the article was achieved through the following methods:

- descriptive statistics was used to select data to assess the level of organized crime in particular countries and evaluate the statistics;
- comparison and contrasting were used for comparative analysis of statistics on organized crime in the selected countries, as well as the proposed strategic directions to improve combating organized crime at the national and international levels;
- descriptive analysis was used to arrange, classify and summaries information on the previous research on issues related to combating organized crime in selected countries and the world, and the effectiveness of law enforcement activities in this area;
- the pragmatic approach to data collection and analysis was applied to determine the main grounds for reforming techniques and measures to combat organized crime in accordance with current needs;
- the forecasting method was used to develop suggestions and recommendations for improving measures to combat organized crime at the national and cross-border levels.

### 3. Results

The development of new tools to combat organized crime at the current stage is necessitated by the rapid development of criminal cross-border relations and the danger that the activities of criminal organizations pose at both national and international levels. Organized crime is not a new phenomenon in the world: organized crime in some countries is quite ingrained. According to some research, almost 80% of countries have a high level of crime in general and organized in particular. The Index of Organized Crime in 193 countries (see Table 1 for the data on the crime index and resilience index of selected countries) was determined through the comparison of the following indicators:

- the scale, scope and impact of certain criminal markets on government agencies and spheres of society;
- structure and influence of criminals on government agencies and areas of social life;
- the degree and effectiveness of measures of countries' resilience to negative influences that provide protection against threats of organized crime (Global Initiative against Transnational Organized Crime, 2021).

**Table 1. The Organized Crime Index and the Resilience Index of countries (on a scale from 1 to 10)**

Country	Organized Crime Index (ranked among 193 countries)	Criminal Market Index	Criminals Index	Resilience Index (ranked among 193 countries)
Mexico	7.57 (4)	8.00	7.13	4.46 (112)
Afghanistan	7.08 (7)	6.90	7.25	2.67 (172)
Turkey	6.89 (12)	6.40	7.38	3.54 (151)
Vietnam	6.28 (29)	6.05	6.50	4.67 (99)
Russia	6.24 (32)	6.10	6.38	4.04 (129)
Serbia	6.22 (33)	5.55	6.88	4.92 (93)
Ukraine	6.18 (34)	5.60	6.75	4.00 (133)
China	6.02 (41)	5.90	6.13	5.46 (60)
Montenegro	6.00 (45)	5.00	7.00	4.46 (112)
Italy	5.82 (53)	5.35	6.38	6.29 (33)
Spain	5.78 (55)	5.30	6.25	6.63 (27)



United Arab Emirates	5.75 (57)	6.75	4.75	5.33 (68)
France	5.67 (59)	5.70	5.63	6.83 (26)
United States	5.50 (66)	5.50	5.50	6.58 (28)
Bulgaria	5.43 (70)	5.10	5.75	5.29 (71)
Croatia	5.07 (85)	4.75	5.38	5.58 (51)
Greece	4.93 (92)	4.10	5.75	5.25 (72)
Germany	4.90 (95)	4.80	5.00	7.67 (13)
UK	4.89 (99)	4.40	5.38	7.88 (8)
Netherlands	4.69 (107)	5.00	4.38	7.42 (18)
Czech Republic	4.63 (112)	4.75	4.50	6.25 (34)
Romania	4.59 (115)	5.05	4.13	5.58 (51)
Sweden	4.57 (116)	4.25	4.88	7.46 (16)
Portugal	4.55 (117)	4.10	5.00	6.46 (29)
Japan	4.53 (118)	4.05	5.00	7.46 (16)
Hungary	4.50 (122)	4.25	4.75	5.08 (84)
Israel	4.42 (124)	4.20	4.63	6.00 (38)
Belgium	4.34 (127)	5.05	3.63	7.00 (25)
Switzerland	4.34 (127)	4.30	4.38	7.13 (24)
Austria	4.04 (141)	3.95	4.13	7.42 (18)
Poland	4.02 (143)	4.40	3.63	6.13 (35)
Australia	4.00 (145)	3.75	4.25	7.96 (6)
Denmark	3.87 (150)	3.85	3.88	8.21 (4)
Norway	3.82 (153)	4.00	3.63	7.92 (7)
Canada	3.67 (161)	3.45	3.88	7.25 (22)
Estonia	3.60 (163)	3.45	3.75	7.83 (9)
Latvia	3.52 (164)	3.65	3.38	7.42 (18)
Singapore	3.13 (174)	3.25	3.00	7.71 (12)
Georgia	2.97 (177)	3.05	2.88	5.71 (43)
Finland	2.72 (181)	2.80	2.63	8.42 (1)
Luxembourg	2.37 (185)	2.35	2.38	7.50 (15)
Liechtenstein	1.78 (190)	2.00	1.75	8.42 (1)

The data in the Table 2 add arguments to the above-mentioned danger to society that the both domestic and transnational organized crime pose. Moreover, this is also determined by the types of crimes that prevail in organized crime. These are mainly crimes that have a well-established system of their commission, which includes ways to overcome obstacles, specialization of individual members of a criminal organization in committing a particular crime, the use of proven effective methods and means of committing, ensuring maximum concealment of a certain type of crime. Such crimes include: human trafficking, people smuggling, arms trafficking, wildlife crimes, non-renewable resources crimes, drug trafficking, trafficking in psychotropic substances (cannabis, heroin, cocaine, synthetic drugs) (see Table 2 for the Organized Crime Index in selected countries).

The types of crimes listed in the Table 2 violate a number of fundamental human rights and freedoms enshrined in the Convention, the Declaration, national constitutions, as well as other national and international regulatory acts.

These include:

- the human right to life, which may be violated by wildlife crimes, drug trafficking, arms trafficking, etc. (Article 2 of the Convention);
- the right to have his honor respected and his dignity recognized, as human trafficking and people smuggling dishonor them (Article 3 of the Convention);
- people smuggling and human trafficking in the vast majority of cases is associated with slavery and forced labor in violation of Article 4 of the Convention;
- the right to liberty and security of person violated by human trafficking and people smuggling (Article 5 of the Convention);
- the right to respect for private life (Article 8 of the Convention), etc.

**Table 2. Types of Organized Crime Index in selected countries (on a scale from 1 to 10)**

Country (ranked among 193 countries)	Criminal markets in general	Human trafficking	People smuggling	Arms trafficking	Wildlife crimes	Wildlife crimes	Non-renewable resources crimes	Heroin trafficking	Cocaine trafficking	Cannabis trafficking	Synthetic drug trafficking
Mexico (1)	8.00	7.5	8.5	8.0	7.5	7.0	7.5	8.0	9.0	8.0	9.0
Afghanistan (6)	6.90	8.5	8.0	8.5	6.0	4.0	8.0	9.5	1.0	7.0	8.5
United Arab Emirates (8)	6.75	8.5	6.5	6.5	5.5	7.5	6.0	7.0	6.0	6.5	7.5
Turkey (13)	6.40	7.0	9.0	9.0	4.0	3.0	9.5	8.0	4.0	5.0	5.5
Russia (27)	6.10	6.5	6.0	4.5	7.5	7.5	5.0	7.0	4.5	5.0	7.5
Vietnam (29)	6.05	6.5	7.0	4.0	6.5	8.5	6.0	7.0	4.0	4.5	6.5
China (37)	5.90	6.5	6.0	2.5	8.5	9.0	4.5	6.5	3.5	4.0	8.0
France (42)	5.70	6.0	6.5	6.0	4.0	5.5	4.5	6.0	6.5	6.5	5.5
Ukraine (50)	5.60	7.0	6.5	8.0	6.5	4.0	7.0	5.0	3.5	5.0	3.5
Serbia (51)	5.55	5.0	6.5	7.5	4.0	4.0	4.0	7.0	5.5	6.0	6.0
United states (53)	5.50	5.5	4.5	6.5	2.5	5.5	4.5	6.5	7.0	5.0	7.5
Spain (58)	5.30	7.0	7.0	4.0	3.5	5.0	2.0	7.5	6.0	7.0	4.0
Italy (63)	5.25	7.0	6.5	5.5	2.5	3.5	5.5	4.5	7.5	5.0	5.0
Bulgaria (71)	5.10	6.0	5.0	3.5	5.5	5.0	5.0	6.0	4.0	5.0	6.0
Belgium (74)	5.05	5.0	5.5	5.5	2.5	3.5	3.0	4.0	7.5	6.5	7.5
Romania (74)	5.05	6.5	5.5	3.5	6.0	5.0	4.0	5.5	5.5	4.5	4.5
Netherlands (77)	5.00	5.5	4.5	5.0	3.0	4.0	4.0	4.0	7.0	5.5	7.5
Montenegro (77)	5.00	4.5	5.5	6.0	3.0	4.5	3.5	5.5	7.5	5.5	4.5
Germany (92)	4.80	5.5	7.0	6.0	1.5	3.5	2.5	4.5	6.5	5.0	6.0
Czech Republic (95)	4.75	5.0	5.0	4.5	3.0	5.5	3.0	4.5	4.5	6.0	6.5
Croatia (95)	4.75	4.5	6.0	3.5	5.0	2.5	4.5	5.0	5.5	5.5	5.5

Hungary (95)	4.75	6.0	6.0	3.5	3.5	4.5	5.5	4.5	5.0	5.5	5.5
UK (109)	4.40	6.0	5.0	3.5	2.5	4.0	2.0	4.5	6.5	4.5	5.5
Poland (109)	4.40	5.5	4.5	3.5	2.0	2.5	5.5	4.0	4.5	5.5	6.5
Switzerland (117)	4.30	5.0	3.0	6.5	1.5	3.0	7.0	2.5	5.5	5.5	3.5
Sweden (118)	4.25	4.5	5.5	6.0	2.0	3.5	2.0	4.0	4.5	5.0	5.5
Israel (121)	4.20	5.5	2.5	5.5	1.5	2.0	5.5	3.0	4.5	6.5	5.5
Portugal (127)	4.10	4.5	4.0	4.0	3.5	3.5	3.0	4.5	5.0	4.5	4.5
Greece (127)	4.10	5.5	7.5	3.5	2.0	2.5	3.0	6.0	3.5	5.0	2.5
Japan (130)	4.05	5.0	4.5	3.0	4.0	6.0	3.0	2.0	3.0	4.5	5.5
Norway (133)	4.00	5.0	3.5	3.5	2.5	4.0	3.5	5.0	4.5	4.0	4.5
Austria (136)	3.95	4.5	5.0	6.5	2.0	2.5	2.0	4.5	3.5	4.5	4.5
Denmark (143)	3.85	4.0	4.5	4.0	1.5	2.0	2.0	5.0	5.5	5.0	5.0
Australia (148)	3.75	3.5	3.0	3.5	3.0	3.5	2.0	3.5	5.0	3.5	7.0
Latvia (152)	3.65	4.5	3.5	3.5	1.0	2.0	2.0	4.5	5.0	3.5	7.0
Estonia (160)	3.45	4.5	3.0	3.0	1.5	1.5	3.0	3.0	3.5	5.0	6.5
Canada (160)	3.45	35	4.0	2.5	2.0	3.0	3.0	5.0	3.5	3.0	5.0
Singapore (164)	3.25	5.5	2.5	2.0	2.0	5.0	1.5	4.0	3.0	2.0	5.0
Georgia (169)	3.05	3.5	2.0	2.0	3.5	3.5	3.0	3.5	2.0	3.5	4.0
Finland (177)	2.80	3.0	2.5	2.5	1.0	1.5	2.0	3.5	4.0	3.5	4.5
Luxembourg (187)	2.35	3.5	2.0	2.0	1.0	1.5	1.5	3.5	3.0	2.5	3.0
Liechtenstein (188)	2.00	2.0	1.5	2.5	1.5	1.5	1.5	2.0	2.5	3.0	2.0

Own elaboration.

In view of the danger of crimes committed by organized criminal groups and the resulting violation of human rights and freedoms, the government policy of some countries focuses on enshrining all the necessary preventive instruments at the national level. The integration of some countries and the creation of their unions necessitated the development of common techniques of combating organized crime at the international level. A number of international organizations have been established for this purpose to carry out law enforcement activities, in particular combating

organized crime (see Table 3). The states realize law enforcement through law enforcement agencies, which often have separate units to combat organized crime in the state at the national level.

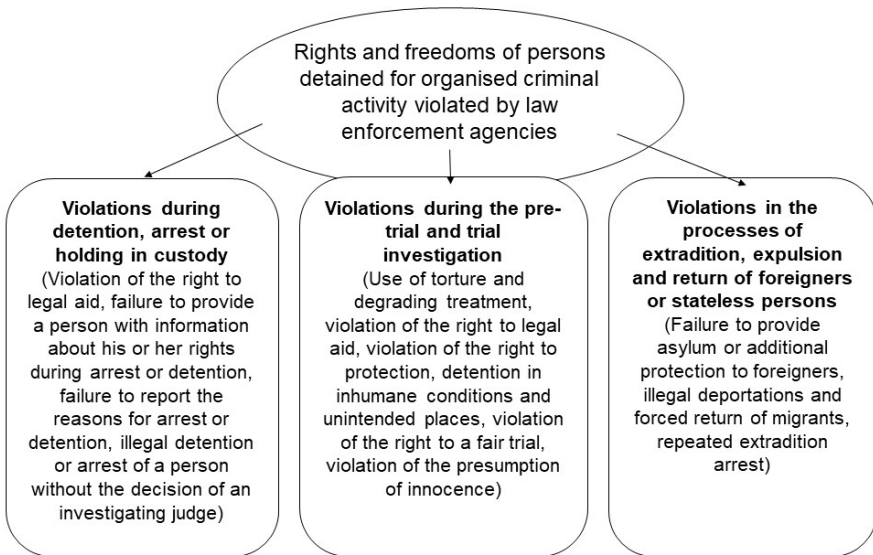
**Table 3. Types of Organized Crime Index in selected countries  
(on a scale from 1 to 10)**

<b>Name of the international organization</b>	<b>Activities</b>
INTERPOL (n. d.)	The International Criminal Police Organization, established in 1923 and comprising 194 states; it is engaged in coordination activities supporting the activities of law enforcement agencies to search for a person (object), the administration of justice, providing legislative support of their activities, etc.; coordination of international search; combating organized crime
EUROPOL (2021)	The EU law enforcement agency established in 1994, which includes all EU countries; it is engaged in activities that support information exchange between countries, coordinates operational activities and analysis of operational and law enforcement activities of member countries, ensures the harmonization of activities to combat crime, in particular organized crime
ASEANAPOL (n. d.)	The international law enforcement agency for combating transnational crime in the Far East established in 1981, which includes 10 countries (Brunei, Vietnam, Indonesia, Cambodia, Laos, Malaysia, Myanmar, Singapore, Thailand, Philippines); coordinates and strengthens international cooperation of law enforcement agencies of member states in combating transnational crime
AFRIPOL (n. d.)	The international law enforcement organization for police co-operation in Africa established in 1963, consists of 55 African countries; provides strategic, operational and tactical activities of law enforcement agencies of member states in combating organized transnational crime
AMERIPOL (n. d.)	The American police community established in 2007, has 18 member states (30 member organizations); the main objective is combating drugs, as well as other types of organized crime and providing the national security
GCCPOL (2020)	A law enforcement unit of the Secretariat General of the Gulf Cooperation Council, established in 1981, which provides the UAE's links (mostly) with partners, in particular, combating organized crime

Own elaboration.

The social danger and the scope of organized crime determine a large number of international law enforcement agencies to combat it.

Unfortunately, they are still not able to ensure respect for human rights and freedoms in the course of proceedings. The rights and freedoms of criminals are violated quite often when combating organized crime, as well as in the course of practical implementation of measures to expose criminal activity and detect perpetrators of crimes. This is usually the case during detention, arrest or holding in custody; during the pre-trial investigation; in the processes of extradition, expulsion and return of foreigners or stateless persons (see Figure 1).



**Figure 1: Violation of the rights and freedoms of persons engaged in organized crime by law enforcement agencies (Own elaboration).**

These illegal actions by law enforcement agencies violate the Convention and the Declaration, the regulatory acts on extradition, combating cross-border crime, as well as national regulatory acts that enshrine fundamental human rights and freedoms.

The current state policy of each country focus on maximizing the rights and freedoms of each person, which are subject to the legal regulation. The vast majority of states that are members of particular unions, or parties to the international legal acts are guided in their criminal policy by a number of national and international legal acts that establish the main

areas of combating organized crime, in particular cross-border crime. Nevertheless, almost all strategies and recommendations for combating this type of crime need some improvement in view of the current needs and continuous humanization of all spheres of life, including law enforcement. The above statistics on the Organized Crime Index in some countries and their Resilience Index show that high level of country’s resilience to the risks of increasing level of organized crime is not always a guarantee of the low crime rate. This, in fact, proves the need to develop a new approach to combating this dangerous phenomenon.

This is why a number of countries are trying to take into account the shortcomings of legislation in this area and its practical implementation when developing a strategy to combat organized crime at the national level (Ohr, 2015). Providing security and interests of the state and society, protection of human rights and freedoms in the face of threats of personal, social, national and international nature posed by organized crime are the main objectives of those strategies. Those strategies aim to develop new tools and areas of this field, improve existing ones and recommend methods of applying these tools. Moreover, national strategies usually include quite similar areas of improvement and modernization in combating organized crime in the context of globalization, humanization of legislation, as well as geopolitical, economic and technological world development trends (see Table 4).

**Table 4. Strategic directions for improving measures to combat organized crime**

<b>Strategic direction</b>	<b>Description</b>
Establishing and strengthening cooperation between government bodies and other agencies	<ul style="list-style-type: none"> <li>- providing national security through the integration of representatives of government (law enforcement, judicial) agencies and non-governmental organizations, ensuring effective and timely exchange of information between them in order to combat organized crime;</li> <li>- establishing partnerships between specialized government bodies and local communities to ensure teamwork in combating organized crime</li> </ul>
Making law enforcement activities aimed at ruining the organized crime groups and focusing on the highest priority crimes more efficient	<ul style="list-style-type: none"> <li>- development of special measures to combat certain types of organized crime;</li> <li>- ensuring the effectiveness of law enforcement agencies in combating such crimes as human trafficking, people smuggling, wildlife crimes, drug trafficking;</li> <li>- break off criminal connections in the organized criminal activity by exposing certain types of criminal activity and breaking them;</li> <li>- identification and destruction of connections between organized crime and terrorism, corruption, extremism, etc.</li> </ul>

<p>Neutralization or destruction of the economic component of organized crime</p>	<ul style="list-style-type: none"> <li>- investigation of crimes committed by criminal groups and individuals against the economic and financial component of the national economy;</li> <li>- ensuring seizure of illegal profits and criminal proceeds;</li> <li>- termination of legitimate business that finances organized crime;</li> <li>- making fight against money laundering more effective;</li> <li>- counteracting the penetration of the criminal component into the legal economy</li> </ul>
<p>Combating criminal market</p>	<ul style="list-style-type: none"> <li>- combating criminal markets engaged in human trafficking, arms trafficking, public sector fraud and financial transactions in the public sector, cybercrime, money laundering and illicit proceeds, people smuggling (migrants), intellectual property crimes, corruption offences, environmental crimes;</li> <li>- mitigating risks and impact of criminal markets on the criminal structure and performance</li> </ul>
<p>Establishment and development of international cooperation in combating organized crime and its coordination</p>	<ul style="list-style-type: none"> <li>- improving the mechanisms of cooperation between the national law enforcement agencies of different states with international law enforcement agencies to combat organized crime;</li> <li>- ensuring coordination and exchange of information between national and international law enforcement agencies in combating organized crime, and making those processes more efficient;</li> <li>- creation of international databases that will be useful in combating organized crime</li> </ul>
<p>Using knowledge and skills, research finding to forecast the dynamics of organized crime and prevent it</p>	<ul style="list-style-type: none"> <li>- increasing the level of special knowledge in the field of anticipating the development of phenomena that give rise to and contribute to the development of organized crime;</li> <li>- identification of determinants and main trends in the development of organized crime;</li> <li>- forecasting the future state of organized crime in order to effectively combat certain types of crime in the structure of organized crime</li> </ul>
<p>Development of a new legal framework in combating organized crime, and adaptation of the current one</p>	<ul style="list-style-type: none"> <li>- development of new acts that will regulate new techniques and areas of combating organized crime;</li> <li>- revising current regulatory acts and certain provisions that determine measures to combat organized crime in line with current needs of national security</li> </ul>
<p>Providing an educational component for law enforcement and other agencies involved in combating organized crime</p>	<ul style="list-style-type: none"> <li>- training of law enforcement and judicial officers in digital literacy;</li> <li>- development of new educational programs for law enforcement officers and other agencies involved in combating organized crime;</li> <li>- permanent adaptation of the activities of national bodies engaged in combating organized crime to new ways and tools of criminal activity;</li> <li>- developing the necessary knowledge, skills of law enforcement and other government agencies involved in combating organized crime, and gaining the experience necessary for a digital investigation</li> </ul>



Application of the latest digital technologies, as well as research and development products in combating organized crime	<ul style="list-style-type: none"> <li>- expanding the use of new technologies to make combating organized crime more effective;</li> <li>- providing quick access to digital evidence and testimony;</li> <li>- ensuring the effective storage of data and information of law enforcement agencies on combating organized crime;</li> <li>- solving the problem of legal access to hidden and encrypted information on criminal investigations and prosecutions;</li> <li>- ensuring the security and confidentiality of law enforcement and other government agencies involved in combating organized crime</li> </ul>
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Source: Department of National Security of Spain (2019); European Commission (2021).

The strategic directions in combating organized crime that we identified are universal for stabilizing the dangerous situation with the growing level of organized crime in the selected countries and the world as a whole. As these directions are universal in the context of globalization at the international level, there is a need to develop a strategy for combating organized crime that will be taken into account in developing national strategies in this area. But they should also provide for a specially authorized person (such as an ombudsman) in view of such aspects of the research as violation of the rights and freedoms of persons involved in organized crime and current requirements for respect for the rights of suspects and the accused. This person (or probably a separate structural unit) should control the observance of the rights and freedoms of those criminals who committed organized crime or were involved in it. This will comply with the principles of humanity and human-centeredness of law enforcement. This should not, however, mean unjustified commutation of punishment or release from punishment and serving of those guilty of such criminal activity.

So, the International Draft Strategy for Combating Organized Crime may include structural components and areas of updating those activities, in particular:

- argumentation of the need to develop such a Strategy, which is due to current global geopolitical, technological and economic processes;
- the purpose of the Strategy to achieve the maximum expected effectiveness of measures to provide national and international security by law enforcement agencies involved in combating organized crime, as well as to ensure protection of human rights and freedoms in the implementation of the said measures;
- the main strategic directions to improve combating organized crime, which include: enhancing cooperation between different government agencies, as well as between government agencies and community representatives to ensure teamwork in combating organized crime; breaking the economic component of organized

crime, criminal markets and criminal connections between different types of criminal activity; providing the proper level of education and digital literacy for law enforcement officers and the officers of other agencies involved in combating organized crime; use of the latest digital technologies, knowledge, skills and research findings on combating organized crime; development of an appropriate national and international legal framework; ensuring that the rights and freedoms of suspects or the accused of being involved in organized criminal activity are observed; establishment and development of international cooperation to share information, data and experience in combating organized crime.

#### **4. Discussion**

The study indicates that one of the essential and priority measures in combating crime in general both nationally and internationally is the development of the latest techniques and tools to combat organized crime (Hrebeniuk, 2019) The reason is that organized crime has unfortunately become an integral part of crime in some countries and in the world, so it can no longer be considered an unusual phenomenon for any country (Xholi, 2017), although some approaches to determining the main features of organized crime and ways to combat it are debatable and cannot be considered universal and securing human rights and freedoms in this area.

The suggestion to consider organized crime as a political crime (Barnes, 2017) does not correspond to reality, notwithstanding the fact that combating crime in general and its type in particular is part of the criminal policy of states. This approach may lead to conditional recognition of punishment for organized crime as political repression, which is a violation of human rights and freedoms. Therefore, such an approach will not promote either combating organized crime or securing the rights and freedoms of persons engaged in criminal activity as part of organized criminal groups.

The author cannot agree with the suggestion to take certain measures in combating organized crime either. We can't fail to agree that combating organized crime is an important and complex activity, but there is a doubt about the need to establish additional government bodies (law enforcement agencies) that will focus on this type of activity (Ibragimov, 2017). Each state already has specially authorized bodies to combat and counter crime in general, being provided with all the necessary tools and resources for that purpose.

The establishment of additional bodies will duplicate existing bodies, moreover, this will require additional government funding. Therefore, this measure is inappropriate. It is also inappropriate for the same reason

to establish additional special international bodies that will deal with combating organized crime only (Fijnaut, 2016). Establishing cooperation, partnership between government bodies (police, prosecutor's office, tax service, etc.) and local communities, public organizations will be more effective and will allow for team multidisciplinary work (Groenleer, Cels and De Jong, 2020). In turn, this will be another guarantee of observing the rights and freedoms of persons engaged in criminal activities as part of the criminal organization and victims of such activities.

The possibility of applying restorative justice to perpetrators of crimes as part of the criminal organization is doubtful (D'Souza and L'Hoiry, 2021). Restorative justice involves a special approach to justice, where a meeting of the victim with the offender is arranged, usually with the involvement of members of the wider public to eliminate (settle) the consequences of the offense (Restorative Justice Council, n. d.). The possibility of applying this form of justice to persons who have committed crimes as part of a criminal organization is doubtful, as this type of crime is extremely dangerous and the consequences of it cannot be eliminated or corrected in the vast majority of cases.

### **Conclusions**

The conclusion drawn from the study about an urgency of the reforming measures to combat organized crime, which is caused by geopolitical, technological and economic processes that have radically changed the features of the organized crime.

The main strategic directions of reforming the activities of law enforcement agencies to combat organized crime were identified on the basis of the results of the study. They are universal for both national and international law enforcement activities and include:

- enhancing cooperation between different government agencies, as well as between government agencies and community representatives to ensure teamwork in combating organized crime;
- breaking the economic component of organized crime, criminal markets and criminal connections between different types of criminal activity;
- providing the proper level of education and digital literacy for law enforcement officers and the officers of other agencies involved in combating organized crime;
- use of the latest digital technologies, knowledge, skills and research findings on combating organized crime;

- development of an appropriate national and international legal framework; ensuring that the rights and freedoms of suspects or the accused of being involved in organized criminal activity are observed;
- establishment and development of international cooperation to share information, data and experience in combating organized crime.

The Draft Strategy for Combating Organized Crime of advisory nature to member states should be developed at the international level. It should include the following structural components: grounds for the need to develop this strategy; the purpose of creating this strategy; main strategic directions of activity to combat organized crime and their explanation.

This study is not comprehensive and does not solve all the problems of making combating organized crime more effective and ensuring full respect for human rights and freedoms in the course of such activities. But the suggestion on the up-to-date Strategy for Combating Organized Crime and identification of the main strategic directions opens up prospects for further research in this area, which will improve both the legal framework and the practical implementation of its provisions on combating organized crime at the cross-border and national levels.

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