

Countering transnational organized crime as the main task of law enforcement cooperation in the border regions

S Davidov^{1*}, D Kim² and Zh Ibragimov³

¹ Altai State University, Law Institute, 68 Socialist Avenue, Barnaul 656049 Russia

² Barnaul Law Institute of the Ministry of Internal Affairs of Russia, 49 Tchakolova str., Barnaul 656038 Russia

³ Eurasian National University, 2 Kanysh Satpajev str., Astana Republic of Kazakhstan

E-mail: davidov_ord@mail.ru

Abstract. The article describes the main trends in the development of transnational organized crime. Based on their analysis, proposals for further improvement of the legal framework, forms, and methods of cooperation between law enforcement agencies of neighboring countries in the fight against this phenomenon have been formulated.

Keywords: crime, transnational organized crime, enforcement agencies, law

1. Introduction

In the last decade, the activity of international (transnational) crime has increased. The danger of international (transnational) crime is aggravated by the erosion of state borders and the ongoing process of globalization, accompanied by the expansion and interpenetration of economic markets. This creates conditions for the emergence of new, previously unknown, its forms, which is why the danger is multiplied. Today, it is the transnational criminal corporations that occupy a dominant position in the criminal world. They systematically carry out criminal activities in several states and concentrate considerable financial resources under their control.

There is no doubt that organized criminal groups, whose activities have so far been limited to national frameworks, will expand their operations across national borders in order to use opportunities in other states.

The objective of this study is to analyze the development trends of organized transnational crime in modern conditions, as well as the search for adequate means and methods to combat it.

2. Materials and Methods

Within the framework of this research, the authors analyzed the results of previous studies on the problems of international cooperation in the fight against transnational crime. The most significant of them are (1) Doctoral Dissertations by Grigoriev, V. N., Davydov, V. O, Kuleshov, R. V., Nurgaliyev, B. M., Tretyakov, V. I., Tsepelev, V. F.; (2) Candidate Dissertations by Klimova, E. A., Nikishkin, I. K., Obukhov, I. A., Shamsumov, E. F., Ondar, A. E., as well as other scientific works and analytical documents of the Russian and foreign scientists on the subject studied have been studied.

During the study, the formal legal method allowed to study the key positions and provisions of the the OSCE, Council of Europe, European Union, CIS, as well as international treaties, acts of

international organizations, Russian and foreign regulatory legal acts. A comparative legal research method allowed a comparative analysis of these legal documents. Sociological methods were used to collect empirical material and substantiate the findings of the study.

3. Results

Terrorist acts, the public danger of which requires the combined efforts of several states, are generally attributed to international crime. International crime is particularly dangerous because of human civilization violations of the principles and norms of international law, which are fundamental to ensuring peace, protecting individuals and the vital interests of international cooperation in general. In Article 6 of the 1945 Statute of the International Military Tribunal and the similar Charter for the Far East of 1946, the definition and list of such crimes were presented for the first time. This list includes crimes against peace (planning, preparation, conducting an aggressive warrior, genocide, apartheid, ecocide, racism); war crimes (violating the laws and customs of war, killing the prisoners of war, hostages); crimes against humanity (murder, exile, enslavement, and other cruel actions against the civilian population, its prosecution) [1].

The proportion of international crime is determined by crimes of an international character, which in the era of globalization acquire the status of transnational. These crimes are provided for by both the relevant conventions and the norms of domestic (national) legislation [2]. Currently, the most common are: international terrorism; laundering of proceeds from crime; illegal manufacture and sale of narcotic drugs and psychotropic substances; illicit trafficking in weapons, explosives; human trafficking; counterfeiting of bank notes and documents; smuggling; international economic fraud.

Today, several of the most influential centers of transnational organized crime have taken shape in the world. They represent the backbone of the common organized crime system, seeking to control the criminal business far beyond their regions: the Colombian drug cartels, the Chinese triads, and the Italian mafia. An analysis of the criminal strategies of these centers leads to the conclusion that for the last twenty years, the strengthening of transnational parameters in the activities of criminal groups was typical. This is not least due to the internationalization of the drug business, a large-scale expansion of the arsenal of means and methods of this criminal activity. The emergence of a new route passing through Turkmenistan: from Afghanistan to Iran, then to Turkmenistan, Kazakhstan, Russia and other CIS countries, then to Europe can serve as an example. In addition, according to the UN Office on Drugs and Crime Prevention, there is evidence of the emergence of another, the so-called "Caspian" route [3]. On this route, the transit of Afghan heroin is carried out from Iran by sea to the ports of Azerbaijan and further to the countries of the Caucasus region, Kazakhstan, Ukraine, Russia, and Europe.

At the same time, it is necessary to take into account the complexity of the corresponding multi-way financial operations, which is also due to the new opportunities for the development of the financial activities of international organized crime, in particular, to legalize its funds. The problem is that the process of state control over the movement of financial flows becomes much more complicated.

This state of affairs is the basis for financing the activities of terrorists. As a result of the analysis of theoretical and empirical material, we can conclude that terrorism is not able to exist and develop without the support of organized crime. Having huge profits from criminal sources, modern extremist-terrorist organizations are mobile transnational structures that pose a threat to the foundations of statehood.

In these conditions, government agencies, law enforcement agencies, and financial and currency control bodies of the CIS should find an adequate response. Aware of the urgency and urgency of the problems of combating transnational crime, the international community should unite and support the efforts of the CIS countries [3, 4, 5] in solving these problems.

4. Discussion

Among the specialists, the problem of defining the concept of "international (transnational) crimes" ad

the insufficient study of legal issues of international cooperation in the fight against transnational crime attract the most attention [6, 7, 8].

Our conclusions on how to improve both the legal and organizational foundations of the studied field of international cooperation are based on the needs of modern practice in the fight against crime and complement the results of previous studies.

In our opinion, it is necessary:

- To coordinate the lawmaking of the border states in the area of combating organized crime. This kind of coordination should be based on a system of interstate treaties;
- To eliminate legal conditions that facilitate the commission of financial crimes and contribute to the corruption of the state apparatus, including the adjustment of criminal legislation, legislation in the field of banking, and securities;
- To coordinate and adjust criminal procedural legislation in order to organize, prepare, and implement investigative and other procedural actions, tactical operations, both in the territory of the Russian Federation and in the framework of international cooperation in criminal proceedings in the territory of foreign neighboring states;
- To provide continuous operational support of the course of investigation in relation to the analyzed category of crimes, both in the territory of the Russian Federation and within the framework of international cooperation in the field of criminal justice in the territory of foreign neighboring states.

5. Conclusion

At the present stage, the problem of studying transnational crime has become particularly relevant due to the qualitative change in crime, its sharp quantitative growth, and a significant expansion of the limits. In this regard, research in this area should be carried out comprehensively, in various aspects, and with the involvement of various forms of interaction.

The formulated proposals for improving cooperation in the field of countering transnational crime can be used in the rule-making activities of the legislative and law enforcement agencies of the border states.

References

- [1] Zhovtis E A Ed 2007 *Collection of international human rights instruments* (Almaty, Republic of Kazakhstan)
- [2] Presidential Executive Office 2014 *Military doctrine of the Russian Federation* (December 25, 2014; No Pr-2976) Available at: <http://www.kremlin.ru/acts/47334pdf> (Accessed 03 03 2017)
- [3] Government of the Russian Federation 2001 *Concept of cross-border cooperation in the Russian Federation* (February 9, 2001; No. 196-p) Available at: <http://www.consultant.ru/Online> (Accessed 10 02 2019)
- [4] Council of Ministers of the Interior of the CIS Member States 1995 Model Agreement on Cooperation of the Internal Affairs Bodies of Border Regions (February 17, 1995) Available at: <http://www.consultant.ru/Online> (Accessed 10 02 2019)
- [5] Commonwealth of Independent States 1999 The concept of interaction of the CIS member states in the fight against crime (April 2, 1999) *Commonwealth: information bulletin of the Council of Heads of State and the Council of Heads of Government of the CIS* **1**(31)
- [6] Zelinskaya N A 2006 *International crimes and international crime* (Moscow, Yurist: Russia)
- [7] Vikhlyaeva A O 2011 On the formation of the legal framework for the suppression of transnational crimes in the single territory of the Customs Union *Customs Business* **1** pp 33-38
- [8] Davydov V O 2018 *Investigation methodology for a transnational criminal activity of an extremist nature* (Abstract of the Dissertation of the Doctor of Jurisprudence) (Rostov-on-Don, Russia)