

The Main Spheres of Criminal Activity Committed by the Transnational Organized Crime on Materials of the Republics: Kyrgyzstan, Kazakhstan and Russian Federation

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Abstract: A study is devoted to results of the analysis of the main spheres of criminal activity made by a transnational organized crime on materials of the Kyrgyz Republic, the Russian Federation and the Republic of Kazakhstan at the present stage. There are formulated and stated the current tendencies and specific circumstances, influencing on commission in the specified states of such most dangerous crimes as: the international terrorism, crimes in the sphere of drug business, kidnapping and trafficking of people, crimes in the sphere of economy, illegal international weapons trafficking.

Key words: A transnational organized crime, the international terrorism, drug business, criminal activity, crimes in the sphere of economy

INTRODUCTION

The analysis of the available special literature and law-enforcement practice in the Post-Soviet countries shows that to number of the most dangerous spheres of criminal activity of a transnational organized crime (further TOC) can be carried: the international terrorism, the industry of drug business, trafficking of people, legalization (money laundering) of the income from criminal activity, theft and smuggling of cars, illegal international weapons trafficking, an illicit international trafficking in bioresources where the specific circumstances are influenced on growth, based by us in this work.

Organized groups of the CIS countries, involved to the one of the most dangerous spheres is the international terrorism where the violence becomes the main tool for realization of the aspirations (Chufarovskiy, 1998).

A. Yu. Nazarov, speaking about terrorism in the CIS countries points to three groups of the interconnected reasons, namely) so-called deep (historical, sociocultural, religious, ethnic, geographical, etc. determinants); basic (deep economic and political crisis, marginalization of many social and professional groups, a condition of psychological discomfort and constant alarm in which the considerable part of the population stays); current (mass migration, an aggravation of the international relations, the actual lack of borders within the CIS). The primary part of scientists are agreed with it so we share this opinion and them.

For each taken state and group of the countries a certain tendency is observed where there is made a merging of terrorism both with international and to internal organized crime. So for example, studying of various sources is allowed us to tell about a causal complex of dissemination of terrorism in Kyrgyzstan and separate from which there are typical for other CIS countries.

First, the considerable regrouping of the political forces, entailed redistribution of spheres of influence as within the country and beyond its limits, occurred after getting of independence by Kyrgyzstan. Such situation become Kyrgyzstan the object of close attention of certain foreign countries where this state began to be considered by them as the possible sphere of their interests. Actively operating various extremist groups and the organizations are testified about it. But it was become typical and for some other CIS countries. Besides there is necessary to tell about the occurred political events in Kyrgyzstan in 2005 and 2010 where "political" players of other foreign countries are involved in it.

Secondly, activation of terrorism both in Kyrgyzstan and in other states of the CIS was promoted by destruction of command system for which there was inherent a total, rigid control of activity of political institutes in general and also after behavior of the personality in particular. Certainly such situation can cause disputes but it is necessary to remember about reality and there is testified to it the world experience of social development. Various sources are shown that

exactly more favorable condition for terrorist activity are societies with open democratic type of development.

Thirdly, it is necessary to notice that existence of the long-term centers of the confrontation and the social tension, passing into a stage of the open conflict because of national and regional contradictions (for example in the South of Kyrgyzstan) lead to application of violence, including the terrorism.

Fourthly, the proceeding strengthening of the influences of organized crime on an aggravation of processes of confrontation it is observed today. And as the Kyrgyz scientist Bazarbayev (2004) absolutely fairly writes: "... by the present it is already hard to say where the criminal extremism has been finished and the political has been begun. At least, it was become obvious that organized crime had already been employed and would be employed the representatives to bodies of executive and legislature power in various regions of the country and if to speak frankly, the leading political parties have in the staff the people with the criminal record" (Bazarbayev, 2004). It certainly allows to influence for decision-making of authorities.

Fifthly, an aggravation of ethnoclan and religious groups, Islamic coloring of terrorism are become typical for such states as Kyrgyzstan, Uzbekistan, Tajikistan and certain regions of Russia it is one of global problems of all world community today. In this case it is about religious fanaticism.

Sixthly, it should be noted economic, social, cultural and spiritual contradictions which serve for increase in crime in general and terrorism in particular. According to official data, participation about 500 citizens of Kyrgyzstan and 2000 citizens of Russia in the Syrian conflict are an example of it in which they earn rewards for participation.

Seventhly, rather new manifestation of terrorism at the present stage characteristic for the states of the former USSR is the national terrorism. A fertile field for it there are territorial disputes unresolved for this time between Kyrgyzstan, Kazakhstan, Tajikistan, Uzbekistan which conduct sometime into armed conflicts. A striking example to it there is collision between frontier guards and citizens of Kyrgyzstan, Uzbekistan and Tajikistan as a result of which there were victims from both parties.

Eighthly, it should be noted that feature of modern political terrorism is a bond with political extremism, radicalism, the basis of which are the contradictions arising between authorities and the population and formation on the basis of it the social groups with opposite political and other interests which are used by certain group of political forces for the purpose of seizure of power. Events in Ukraine in Georgia can be an example.

DISCUSSION

Overcoming of the national borders of this or that state for modern terrorism is characteristic and it is given transnational character to it.

In Russia, it can be an example the acts of terrorism with takings of hostages and skyjacking of aircrafts by the Chechen organized criminals supported by the Chechen separatists (Luneev, 1995), vigorous activity of the Chechen criminal communities in the territory of the largest cities in all spheres of criminal business" (Yatsenko, 2003a).

All this confirms about tendencies of expansion of terrorism with other criminal activity of an organized criminal group. That is today nobody can deny that the terrorism should be considered from a position of the increasing merge of the terrorist organizations with activity of criminal communities where to drug business is assigned not the last part.

And there is no wonder as one of the largest sources of the income the TOC is occupation the drug business, now turned into the advanced transnational industry. Because of a growing demand such industry continues to remain to rather perspective, bringing to organized crime of the CIS countries considerable profit against adjustment among themselves of stable relations, including with criminal formations of foreign countries.

As it is fairly specified in the Report of the International Committee on control over drugs in 2009: "...scales of drug problems are so great that they pose serious threat for political, economic and social stability not only Afghanistan but also other countries as in the Western Asia and other regions. Special threat of a drug traffic and abuse of drugs still remains for Iran (the Islamic Republic), Pakistan, the Russian Federation, the countries of Central Asia, the Caucasus and Arabian Peninsula".

In Kyrgyzstan, it is recognized that invasion of Islamic extremists and international terrorists on the territory of the country in 1999-2000 and also Islamic fighters in Surkhandaryinsk area of Uzbekistan in August, 2000 are connected with drug business.

The extensive geography of the routes of distribution and refinement used thus transportations and concealment of drugs by organized crime brings to them multi-billion revenues about what there are written by Abdugarimov, Barannik and other researchers.

It is necessary to notice the determining role of criminal business in development of transnational criminal groups about what it is testified an emergence of other types of their activity accompanying a drug business. It is confirmed by experts of the international committee on control over drugs.

Such situation, occurring at the regional level, can be reflected on the distribution in transnational scales. For example, besides the specified kinds of activity there are also such crimes as traffic in arms, legalization of the criminal income, corruption, organized extortion, contract murders, etc.

Researches of a number of scientists are shown about special danger of influence of corruption on illegal trade of drugs where "...to 50% of all profit is spent for bribery and obtaining necessary data. Necessary information on employees law enforcement agencies about the corrupted officials about a conjuncture of the market, the prices of drugs, etc." are gathered.

Not less important problem for the world community are the crimes connected with legalization of the income from criminal activity, characteristic for the international organized crime practically of all countries. So, serious concern is caused with that according to experts, the main sources of the TOC, bringing to them considerable incomes are their crimes committed in the following spheres: trafficking of people including the sex industry; gaming; criminal car business; arms trafficking; illicit international trafficking in bio-resources, infringement of cultural values and works of art; realization alcoholic and other forged products. It should be noted that quite often organized formations, income gained in such way, use for creation of conditions in the country or several states for possibility of management of the main spheres of life of society. As in the presence of considerable financial means the TOC by means of large-scale penetration into state governing bodies can have negative impact on their activity up to the actual occupation of the political and economic power in the country. About same it is written by other modern scientists who are engaged in this subject matter.

It is possible to claim without doubts that each phase of model of legalization of the criminal income has the specific goal and a set of various ways of achievement of this or that result necessary for the TOC.

It is possible to note that a number of young Kazakh scientists, it is also supported idea that an organized criminal group, using a scope and freedom of the market relations, "criminalizes the economic sphere and doesn't allow it to develop according to laws of the civilized market and democratic society".

Along with other considered transnational crimes not less dangerous act of the international character is trafficking of people. This type of criminal activity got in recent years more transnational scale.

So, A. Yu. Olimpiyev writes: "...trafficking of people is the largest international business in which an important

role is played by organized crime. Being one of ways of extraction of the criminal income, trafficking of people annually makes huge profit for transnational criminal syndicates about 10 billion US dollars". But this type of encroachments in the international community didn't receive integrated understanding so far.

B.N. Beysenaliyev, for example, writes that "...the current legislation of the Republic of Kazakhstan establishes connection of trafficking of people with a number of illegal acts such as murder for the purpose of use of organs or the victim's tissues, kidnapping for the purpose of exploitation, the organizations or maintaining of a house of prostitution and procurement, trade of minors, incitement to a suicide, etc."

But at the same time, certainly, all above authors as well as legislators of other CIS countries, recognized that the concept "trafficking of people" incorporates three elements interconnected among themselves: First, the purpose of commission is the exploitation of the person, caused by mercenary motivation; secondly, the stage-by-stage actions, consisting in recruitment, transportation, transfer, concealment and also there can be other acts for exploitation; thirdly it concerns a way of commission of act where it is about various forms of coercion, stealing, deception of breach of confidence, an abuse of power, use of material or other dependence, bribery of other person for receiving consent of the victim.

This approach corresponds to the international concept of the term "trafficking of people" containing in Article 3 of the protocol "about the prevention and suppression of trafficking of people, especially women and children and punishment for it".

The specified type of criminal activity, judging from the analysis of a number of literature is the most attractive for the TOC, proceeding from the following in our opinion, the reasons today.

The observed process of globalization of the political, economic, social relations, followed by its negative consequences, expand the scales of an illegal segment in the form of illegal migration that turns it into global business which bring to the TOC enormous profit.

Many sectors of this criminal business, for example, connected with transportation of women for prostitution for use of a slave labor because of gaps or lack of obstacles of legislative character and also weak work of law enforcement bodies are led only to smaller risk of criminal prosecution of the TOC against low expenses, unlike transportation of drugs, antiques, the weapon, etc.

Latent criminal activity of the TOC, connected with trafficking of people because of variety of ways of its

commission for the purpose of exploitation of the person and forms of compulsion of the victims, allows to use the victim repeatedly, thus turning him/her into a constant source of the income.

The aggravation of a situation with trafficking of people is connected with a demand by separate category of society of primary part of the world, pursuing various aims. There are as a rule: sex industry; compulsory use of forced labor it can be various forms of enslavement for the purpose of receiving noncommercial services (fictitious adoption, compulsory pregnancy, the conclusion of fictitious marriage, etc.); trade of members of the body for transplantation. So for example, today it is increased the need for implants of members of the body for the persons needing it. And lawful withdrawal of members of the body doesn't satisfy escalating demand that is caused an emergence of the black market. There is no doubt that this niche was filled and is filled by the TOC. The specified sectors of criminal activity will be developed and in the future, joining ranks of the TOC.

To the transnational crimes which are bringing in quite big incomes also it is belonged arms trafficking which in no small measure is influenced growth of a number of especially dangerous crimes. Quantitative indicators of number of the crimes committed with use of firearms are testified to it.

It is no coincidence, the Kyrgyz scientist Mavlyanov (2009) writes: "...the increase in arms trafficking is in direct dependence on a condition of a political and economic situation in the country. Economic and political instability, emergence of the centers of the regional and international conflicts, criminalization of the majority of spheres of society, led to the noticeable growth of organized crime that by-turn, caused uncontrollable distribution of the weapon". In this case statements of the specified author are confirmed with the known political events which occurred in Kyrgyzstan in 2005 and in 2010 when a big arsenal of the weapon was captured in hands as the population and organized criminal groups. Despite, the measures taken by law enforcement agencies, the population of the country was returned only the small part of arms, captured by it during the conflict.

It is no secret that a huge number of weapons, uncontrollable by the government of Ukraine, taken by various armed groups both from military warehouses during the conflict and from among incoming illegally of other foreign countries is created the conditions for formation of the black market of the weapon.

Complexity of the situation that it isn't always possible to define a borderline between illegal and lawful deliveries of arms. It is understood in the European Union and there fore so far leaders of a number of the countries

interfere with delivery of a different type of arms including lethal on the territory of Ukraine. So in our opinion, the main reasons are: first, because of appeal of the income which can be received by interested persons as a result of illegal sale of the weapon. The part of the weapon and with high technical capabilities can be fallen into hands of the terrorist organizations and groups pursuing various aims to which their financial base allows to play the leading role in this market today. Secondly, current situation promotes uncontrollable delivery of the weapon which can be fallen finally again to the countries of Europe through criminal structures and it will be negatively affected a criminogenic situation of any country of the European Union. Thirdly, the high price of arms will become priority motive for various armed groups for creation of "the black market" and it will only aggravate already difficult situation in Ukraine so it will be affected negatively on economy of Europe which giving the credits during the proceeding military conflict, risks "to bog down" for a long time in so unpredictable situation what to be reflected in its more vulnerable countries.

We share an opinion that exactly the present system in the sphere of a lawful turn of the weapon, allowing to be transformed to criminal activity, facilitates commission of crime by the TOC (Yatsenko, 2003b).

CONCLUSION

Thus on the basis of the above it is possible to draw the following conclusions: on the basis of the analysis of a number of sources, it is possible to note that on expansion of scales and modernization of criminal activity of the TOC in the sphere of drug business are influenced by the following factors: first, the drug business turned de facto into the transnational industry of criminal business, bringing in to organized crime large incomes. Secondly, high profitability of the industry of drug business is mainly connected with drug rings which possess the essential market power in comparison with producers and consumers who have very limited opportunities to have impact on a world market situation. Thirdly, the transnational criminal formations which are engaged more in a drug business as a rule have certain territorial sales markets and also specialize on separate types of production (synthetic drugs, heroin, opium, cocaine, etc.). But at the same time, there is a probability an entry with appeared new types of production into the new markets where practically there is no serious competition. Fourthly, the scale of criminal activity of the TOC must be considered as multidimensional process. On the one hand, the separate criminal organizations which are engaged in

drug business are focused to carry out the activity functional and differentiated, i.e. on stages (for example, it is production of drugs, processing their transportation and realization, legalization of money received from drug sales, etc.). On the other hand, the TOC preference can be given to complete multifunctional process of a drug business (i.e. from production till the distribution). Fifthly, the dominant position of new generation of synthetic drugs among other groups, allows attracting more wide range of consumers at the expense of possibility of decrease of price and increase of psychotropic influence at the minimum dose of its consumption and it becomes the most highly profitable type of drug business of the TOC. Sixthly, to the large-scale distribution of drug business is promoted: Sophistication of the ways of activity; ensuring its safety including, caused by corruption in authorities of this or that state; arms of the special groups, eliminating objectionable persons; existence of security service, engaged in "special investigation"; complexity of structure of the TOC, allowing to avoid criminal liability by the members of the top and average management of this criminal chain; transnational nature of criminal activity sometimes complicates, according to the operating jurisdiction of this or that state, effectively to counteract its distribution and also allows to cover a number of other types of crimes (for example, contracted murders, kidnappings, terrorism, legalization of the criminal income, etc.).

The problem of transnational crime goes far beyond separately taken state and its growth becomes complicated against of the specific factors. There is increasing of the internationalization of the considered crimes where finally, the illegal income, gained of the TOC in such way, passes without fail process of "money laundering" on purpose of their subsequent legalization.

By the TOC of the CIS countries at legalization of the criminal income, the illegal activity (drug business, terrorism, trafficking of people, crimes in the sphere of economy, etc.) there are used a set of ways and also many-sided complex forms and methods of their achievement which allow to counteract disclosure and investigation of this category of crimes against existence of the minimum income and the transactions, connected with money laundering and concealment of vestiges of a crime that promotes distribution of the specified criminal acts.

REFERENCES

- Chufarovskiy, Y.V., 1998. Terrorism is a global problem of the present (the methodological analysis). Investigator, 5: 36-39.
- Luneev, V.V., 1995. Terrorism: psychological roots and legal estimates (a round table). State and law, No. 4. Pages: 27.
- Mavlyanov, A.S., 2009. Criminal liability for illicit trafficking of firearms, ammunition, explosives and explosive devices: author's abstract of dissertation of candidate of law sciences. Bishkek.
- Yatsenko, V.A., 2003a. Transnational organized crime: (Criminological characteristic and prevention): dissertation of candidate of law sciences. Rostov-on-Don, Pages: 71.
- Yatsenko, V.A., 2003b. Transnational organized crime: (Criminological characteristic and prevention): dissertation of candidate of law sciences. Rostov-on-Don, Pages: 85.