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ETHNIC CRIME IN UKRAINE

This article describes the features of the organization and hierarchical structure of ethnic organized crime groups. In particular, highlighted the ethnic characteristics of organized criminal groups, these include intra-group relations, support for national customs and traditions (fashion, relationships between older and younger family structure). It is generally characteristic of the representatives of the peoples who are still strong elements or preserved tribal relations. Ethnic criminal groups operating in the same area tend to unite, creating conditions for the formation of ethnic criminal organizations.

Keywords: ethnic crime; ethnic criminal groups; organized groups; criminal organizations.

At the present stage Ukraine of its development is in the process of significant transformation and it caused by the changing of the economic structure, formed new entities of property and politics, transforming basic values, placing life, changing of the lifestyle, traditions and others. This dynamic leads to the deterioration in other sectors of Ukrainian society connecting with problems of growing the ethnic crime. History shows that ethnic relations form the group of most complex problems that affect the state of crime in the country [1, p. 235]. Ethnic crime is characterized by high latency, especially that which is linked to organized crime and that does not actually enable us to assess the true extent of their criminal activity in Ukraine [2, p. 33].

As for the notion «ethnic crime», some scientists believe that such concept in its pure form does not exist, but most of scientists

still divided offenders on ethnic grounds. However, ethnic crime is more dangerous for ordinary crime. Criminal groups created on the basis of nationality, they are united, secretly, they have more stringent laws within the group, they do not let themselves the people of other nationalities.

Ukrainian lawyers and theorists are debating on entering the term «ethnic crime» into Criminal Procedure. Nowadays the international community does not provide constant terms to the definition of «ethnic crime». For example G. Zhashkov proposes the concept of «ethnic organized crime groups», H. Gevorgyan identifies «criminal ethnic formation», and E. Topilska introduces «ethnic grou», A. Kostyayeva, A. Bilyavskaya, R. Minna consider important concept of «ethnic criminal community», in statistical reporting of the Ministry of Internal Affairs used the term «organized criminal groups and organizations formed on ethnic basis».

Considering this concept R. Chevhadze believes that that «ethnic crime is conditional (operating) term covering the reality of crime associated with ethnicity, manifested in the mechanism of criminal activity in the formation of criminal groups and directly in the commission of crimes» [3, p. 99].

A. Zyukov leans toward the notion that ethnic crime as diversity of organized crime is the complex system of ethnic organized criminal groups, their relationships and activities [4, p. 96]. This author in his scientific papers gives such definition of ethnic crime, during which he understands crimes of ethnic groups in a group, united through common territory, economic relations, literary language, certain features of culture and nature, the presence of ethnically related tribes and nationalities, which is distinguished by its slender structure, as well as some of the representatives «ethnic group» because of anti-social movement traditions and customs of their ethnic group, expressing a pattern of representatives of the group [5, p. 9–10].

E. Rabdanova understands that an ethnic crime is set of crimes committed by organized groups, whose members belong to one ethnic group [6].

All the above listed terms that describe the phenomenon of ethnic crime, based on the notion of ethnicity. There are many definitions of ethnicity in the world. From Greek ethnos is translated

as tribe, people and means sustainable human community that historically occurs in a particular area and is characterized by the consciousness of its unity and identity, a common language, culture and way of life, customs, traditions and peculiarities of psychological composition [7].

In ethno and psychological dictionary ethnicity (ethnic group) (from the Greek, Ethnos tribe, band, nation) is historically constituted in a particular area stable set of people with a single language, common relatively stable features of culture and psyche and consciousness (awareness of its unity and difference from all other similar entities) recorded in the self-designation [8, p. 320].

We accept the opinion of E. Rabdanova about the fact that the most complete definition of ethnicity gives in his works S. Lurie: «Ethnicity it is a social community, which is inherent to the specific cultural patterns, which determine the nature of human activity in the world, and which operates in accordance with special laws designed to support certain unique value for each society cultural patterns within society for a long time, including periods of great social and cultural changes». Ethnicity is not the only structural unit, in which the individual is determined by nationality. Traditionally ethnicity contrasted with race. But if in race are primarily physical and physiological aspects, such as: appearance and features of the body structure, the concept of «ethnicity» is the dominant cultural conscious motive [6].

In general, the ethnic composition of the population of Ukraine is one of the multinational countries. It is legally registered in the Constitution of Ukraine and laws of Ukraine. In particular, according to the Constitution of Ukraine all citizens of Ukraine, regardless of their nationality, religion, origin, place of residence, political beliefs, cultural and linguistic self-identification form Ukrainian people. Article 11 of the Basic Law of Ukraine indicates that the state promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture and development of ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine. Article 3 the Law of Ukraine «On national minorities in Ukraine» (1992) to the national minorities attributes «citizens of Ukraine who

are not Ukrainian nationality, but show feeling of national self-awareness and affinity».

According to General Ukrainian population censuses 2001, the Ukraine is home to 48,240,902 people, 134 different ethnic groups who identify themselves as citizens of Ukraine. Of these, the majority are ethnic Ukrainian – 37,541,693 people, 8,334,141 – Russian, 275,800 – Belarusians, 258,600 – Moldovans, 248,200 – Crimean Tatars, 204,600 – Bulgarians [9]. Representatives of national minorities in Ukraine together account for 22,2 % of Ukraine's population. The national community in its cultural, social and other characteristics is quite different. Ethnic nature in Ukraine has distinct regional character.

Given the above, it should be noted that the term «ethnic crime» in Ukraine is not legislated, the more that there is no universally accepted views on the concept of «ethnic crime».

As for the «ethnic crime», some scientists believe that such concept in its pure form does not exist, but most of the offenders are still divided on ethnic grounds. However, ethnic crime is more dangerous for ordinary crime. Criminal groups created on the basis of nationality, united, conspiratorial, they have more stringent laws within the group and they do not let themselves to people of other nationalities.

So we offer in ethnic criminal groups understand like the structured community of people united by ethnicity for criminal activity in a certain area of social life that is material, informational base and defense mechanism of social control. There is another definition of ethnic criminal groups and it is organized criminal group or community is headed by leaders and their entourage of one ethnicity or nationality.

Consequently, ethnic crime exists in all countries and regions and has a direction and varies only a degree of cohesion, depending on the historical, ethnic, economic, social ways of development of society. Given the above, it seems appropriate to offer the very notion of ethnic crime and this is activity of citizens, foreigners, stateless persons, certain ethnic groups (families, clans, communities, camps), who combined on a national basis or because of social issues are related to the overall group morality or family ties, closed, aggressive, and are united (formed) for the implementation of specific criminal offenses with

clearly defined roles and pronounced leader who constantly are on the stage of development and distinguishes among the titular nationality specific criminal skills that are their psychological and feature different professional criminal classification. One of the most important issues in the application of criminal law is to recognize what specific crime committed by a person or group and what rate is provided for this crime. Absolutely and completely the issue solved in the qualification crimes. However, the problem of classification of ethnic criminal groups has not yet found their solution at thorough comprehensive study. That is why the analysis of these issues is theoretical and practical interest and research is important. Ethnic criminal groups divided according to the following reasons (grounds).

1. The nature of the occurrence and degree of organization:

Accidentally or situational united (in the absence of prior agreement): in this case the union is motivated by ethnic identity;

Established by prior agreement to commit crimes without evidence of internal organization or structure, in this case the union is on family and clan basis;

Stable, organized.

2. The structure:

Homogeneous

With complex structure and division of functions and roles.

3. Features:

Association of fellow-countrymen;

Shared religious beliefs;

Migration from foreign countries, including the Commonwealth of Independent States, in one of the regions of Ukraine;

Family relationships [10, p. 98–99].

Today organized crime has international character. In different countries, their common groups rarely intersect with groups from other countries. Currently, the most famous are those criminal ethnic groups: China, Hong Kong and Taiwan with six groups Triad; Colombia: Medelyinskij cartel and the Cali cartel; Mexico: Cartel in the cities of Juarez, Tijuana cartel and Hulf; Italy: Sicilian Mafia, Dranheta in Calabria, the Camorra in Campania, «Sacra Corona Unita» in Puglia; Japan: Boriokudan (Power Group), known as Yakuza; Turkey: 12 Turkish-Kurdish clans; American Mafia – «Cosa

Nostra» in the US and Canada, some also allocate the Russian mafia. In the former USSR states allocate Caucasian groups (which include Chechen, Armenian, Azerbaijani, Georgian and so on), Slavic and Chinese ethnic groups. Number of researchers have allocate group, based on immigrants from areas of fighting and States which are under economic crisis.

All these groupings have certain features such as the unit's main activities and more. For example, ethnic Chechen criminal groups mainly specialize in violent crimes; they often capture hostages and then demand ransom for them. It is known that today they control part of the oil business in Odessa. Chechens are trying not to attract special attention of law enforcement agencies and seeking to arrange as many people in their legal structure. As for the Chinese, Vietnamese, Thai ethnic criminal groupings, they usually commit crimes in their ethnic environment, dealing with hostage-taking. Crimean Tatars choose new perspective direction of activity and it is illegal seizure of land, Moldovan ethnic gangs engaged in smuggling, it may be harmless consumer goods, and much more serious are drugs and weapons. Americans like Gypsies are engaged in drug trafficking [11, p. 201].

By itself, the ethnic structure of organized criminal grouping can act as a criterion for distinguishing individual species. For example, B. Lyzogub studying the international experience of combating organized crime offers the division of organized criminal grouping on this basis: 1) Eastern European groups (Russian, Ukrainian, Polish, Lithuanian, etc.); 2) the Italian group (Sicilian, Calabria, Naples, American-Italian); 3) Negro group; 4) Nigerian group; 5) Latin American and Central American grouping; 6) Colombian communities; 7) Mexican groups; 8) Asian communities (Chinese, Korean, Japanese, Vietnamese, Caucasian, Chechen, Armenian, Azeri, Dagestan, Central Asian, Afghan, Pakistani); 9) «international». The common feature of all these criminal group is dominance in their part of persons of a particular ethnic or national origin, except for the last [12, p. 97–98, 240]. Thus, according to specified criteria can identify many types of organized criminal grouping formed on ethnic basis, as there are ethnic groups and nationalities all around the world.

It is also necessary to distinguish between ethnic gangs in the spheres of activity. According to specified criteria should highlight the following gangs, extortionists, thieves, those who commits robberies and armed assault engaged in trading of drugs, weapons, gambling, smuggle illegal migrants, vehicle thefts, etc. It should be mentioned that majority of ethnic gangs are «generalists» and members of some of them do not stop committing any crimes for maximum profit.

Besides ethnic gangs can be divided by the number of their membership to: Small (the number from 2 to 5 people); middle (the number from 6 to 15 people); big (number of persons over 15), and depending on the level of organization divided into highly organized and ethnic criminal groups with lower level of organization.

Acquisition of the organized group of external and internal signs of stability (if hierarchical structure and purpose of committing grave and especially grave crimes) usually indicates that the group transformed into a criminal organization [13, p. 4].

«Ethnic» criminal groups and criminal organizations differ from each other by such criteria as industry of criminal activities. Some groups or organizations have very narrow specialization and therefore focus their criminal activities only in one area, such as trafficking in arms or drugs, burglary, kidnapping, and others combine various directions for more income, for example, they do as illicit trade weapons and realization of counterfeit money, narcotic and psychotropic substances, etc. [14, p. 173].

Groups engaged in criminal activity with absolute certainty can not be called the ethnic in literal sense of the word. The composition of such groups often includes people of other nationalities who are not united by common territory. In such cases, can speak about the foreign-language criminal groups, or as the term «ethnic group» conditional and take it in quotes. The special features of ethnic organized criminal groups include intra-group relations and based on realized internal unity, often between members of fraternity. It is generally characteristic of the representatives of the peoples who are still strong or preserved elements of tribal relations.

In ethnically homogeneous units of organized crime members stored and maintained by national customs and traditions

(fashion, relationships between older and younger family structure). Ethnic criminal groups operating in the same area tend to unite, creating conditions for the formation of ethnic criminal organizations [14, p. 170].

It says that there is no nationality in crime and in the offender is. No one would be interested in the nationality of the offender, if the state will clearly follow the principle that the law is for all and citizens are confident in it: fair punishment befalls anyone who committed crime independent of nationality.

It's impossible to describe everything in depth but having marshal our wits we'd like to point out that opposition groups and organized criminal organizations formed on ethnic basis requires special attention and specific approaches, and scientists need to develop guidelines and practitioners that use them during detection, cessation, prevention and prejudice.

Consequently, ethnic crime is the illegal activities undertaken by persons united by ethnicity. This is not the struggle with people of certain nationality, is the protection of the interests of law-abiding citizens from criminals united by ethnicity. It should be deny the fact that the customs of the ethnic group may not always coincide with accepted social unwritten law and with the rules set out in the Criminal Code.

We understand that above considerations are not without comments or require more detailed understanding, in connection with what hope for broad discussion among practitioners, scholars and other experts on the problems of securing national strategy against ethnic crime.

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Етнічна злочинність в Україні

Обґрунтовано, що на сучасному етапі розвитку Україна зазнає значних перетворень: змінюється структура економічних відносин, формуються нові суб'єкти власності та політичної діяльності, трансформуються базові цінності, змінюються життєвий устрій і традиції. Доведено, що цей динамізм зумовлює загострення проблем зростання етнічної злочинності в інших сферах життя українського суспільства. Показано, що етнічні відносини становлять групу найскладніших проблем, які впливають на стан злочинності в

країнах. Розглянуто деякі підходи до визначення поняття етнічної злочинності, а також здійснено аналіз злочинів, що вчиняються організованими групами та злочинними організаціями, сформованими на етнічній основі.

Ключові слова: етнічна злочинність; етнічні злочинні групи; організовані групи; злочинні організації.

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Этническая преступность в Украине

Обосновано, что на нынешнем этапе развития Украина находится на пути значительных преобразований: меняется структура экономических отношений, формируются новые субъекты собственности и политической деятельности, трансформируются базовые ценности, меняются жизненный уклад и традиции. Доказано, что этот динамизм обуславливает обострение проблем роста этнической преступности в других сферах жизни украинского общества. Показано, что этнические отношения составляют группу самых сложных проблем, которые влияют на состояние преступности в странах. Рассмотрены некоторые подходы к определению понятия этнической преступности, а также проанализированы основные преступления, совершаемые организованными группами и преступными организациями, которые сформированы на этнической основе.

Ключевые слова: этническая преступность; этнические преступные группы; организованные группы; преступные организации.