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## **CRIMINOLOGICAL CHARACTERISTICS OF A TRANSNATIONAL CRIMINAL ORGANIZATION LEADER**

**Summary.** This article is devoted to the study of personalities of transnational criminal organization leaders. The following criminological characteristics is aimed at identification, collecting and systematizing information on personal qualities and role status of the leader of transnational criminal organization for the purpose of studying peculiarities of the formation and operation mechanism of such criminal associations. It is important to remember that in the present conditions, transnational criminal groups may include former and current employees of public authorities, local government, policemen, judges, customs officers, border guards, employees of financial institutions, individuals providing brokerage, insurance and other services, lawyers. Thus, when a transnational criminal organization is headed by a person from this list, there is a real opportunity to achieve the objectives of a criminal organization by introducing a variety of corrupt means.

**Keywords:** transnational organized crime, latent crime, criminological characteristics, criminal personality, peculiarities of the criminal organization leader.

### **Formulation of the problem.**

Recently a rapid growth of transnational crime in the world has been observed. This process is primarily caused by general globalization, technology development, communications, unprecedented expansion of international trade and economic activities, transport and tourism. In these circumstances, transnational criminal organizations effectively use economic and political situation in the world, as well as in certain countries, thereby increasing revenues from their criminal activities. The most widespread in the activities of transnational criminal organizations in modern conditions are terroristic crimes, legalization (laundering) of proceeds of crime, transnational corruption, counterfeiting, transnational cybercrime, intellectual property infringement, smuggling, trafficking in

drugs and art objects and crimes in the financial area.

In order to achieve the objectives of transnational criminal organizations, corruption mechanisms, by which the control over the government and law enforcement institutions of entire nations is established, are increasingly used.

Considering the obvious danger of spreading of this type of crime, a topic of criminological characteristics of a transnational criminal organization leader is of particular relevance for research and for the implementation of new methods of combating crime in the practice of criminal justice.

**Research on the topic.** Publications of M.G. Verbensky, O.N. Bandurko, P.D. Bilenchuk, V.V. Holina, O.M. Dzhudzha, A.D. Doroshenko, V.M. Driomin, G.P. Zharovska,

A.P. Zakaliuk, N.A. Zelinska,  
O.V. Kozachenko, G.P. Pozhydaiev,  
O.S. Pronevych, I.V. Pshenychny,  
E.V. Rasiuk, E.D. Skulysh,  
Yu.Yu. Sorochyk, O.V. Stoliarsky,  
O.Yu. Shostko, etc. are dedicated to  
the theoretical research of problems  
of combating transnational criminal  
organizations.

**The purpose of the article** is an analysis of the characteristics of personal qualities and status of a transnational criminal organization leader.

**Statement of the material.** In criminological science, much attention is traditionally paid to the research of offender. This need arose objectively in connection with the necessity to determine specific characteristics of a person with unlawful conduct that in the future will be the key to effective combating this behavior, and will contribute to the proper organization of combating both certain types of crime and crime in general.

Implementation of criminological research of the personality of the transnational criminal organization leader is aimed at identifying and systematizing data on personal qualities and his/her status in the gang in order to highlight the specific features of the mechanism of formation and functioning of criminal organizations.

However, it shall be taken into account that implementation of a full criminological research of the personality of the transnational criminal organization leader is extremely challenging. This is due to the lack of relevant statistical data, significant latency of this kind of crime, shadow mechanisms of its implementation and well-organized protection of such institutions from social control, as well as insufficient research of this issue.

Furthermore, such summarized criminological characteristics of the transnational criminal organization leader will be somehow conditional, as individual personal qualities are inherent in the leaders of criminal organizations of various kinds (e.g., counterfeiter, smuggler, etc.).

Giving a general description of the role characteristics of criminals of this category, it should be noted that, as a rule, there are three main categories of them. In particular, the structure of organized criminal organizations includes: a) direct perpetrators; 2) persons performing managerial and support functions; 3) persons heading criminal gangs and carrying out organizational and managerial functions [6, p. 87].

However, currently there is no consensus on the number of categories of criminals by a role criteria in the scientific community. In particular, V.K. Lysychenko and R.M. Shekhavtsov distinguish the following groups of offenders in this category: a) heads, b) persons providing safe functioning of the criminal gang, c) suppliers of logistics, d) perpetrators [5, p. 25].

Despite the diversity of scientific opinions regarding the characteristics of criminal organizations, it is necessary to understand that an essential feature and an important element of the characteristics of any transnational criminal organization is the presence of a leader (head). The need to head a criminal organization is objectively due to the needs of coordination and management of complex criminal activity, the desire to maximize profits. The leaders of such organizations are persons prone to analysis, able to manage, familiar with the technology of system criminal activity. The leader is the central figure in the transnational

criminal organization, he unites its members, makes criminal activities systematic and focused.

The nomination of the gang leader is carried out under the influence of two factors: objective, that is a member, who proved himself in the preparation and commission of crimes in the best way, is nominated, and subjective, according to which a person is nominated because of his or her personal qualities necessary for the performance of the leader functions in a criminal group [4, p. 9].

Forensic scientists single out the following functions of the transnational criminal organization leader:

1. Organizational – the leader organizes group activities, develops protection measures, manages the preparation, commission and concealment of crimes. It is noted that the leaders themselves may not have expertise in international criminal business, attracting advisers and consultants to their activities;

2. HR – recruitment of new members of the group and training their criminal skills;

3. Information – the leader ensures the supply of the necessary information, analyzes it and, if necessary, sends it to members of the criminal group;

4. Financial – accounting and distribution of proceeds received by the group, creating tangible assets of the group, their storage, specification of use, etc.;

5. Ideological – the leader can significantly influence the moral and psychological climate not only in the criminal environment, but also in society, demonstrating the standard of living, inaccessible to most people, thereby spreading the idea of the omnipotence of criminal gangs;

6. Strategy – means that groups function in accordance with the ideas and plans of leaders (managers);

7. Normative – the leader defines limits and rules of conduct within the criminal group, sets prohibitions, for which violation he/she applies appropriate sanctions;

8. Disciplinary (arising from regulatory), including the obligation to resolve various conflicts that often arise within the group [7, p. 46-48; 3, p. 123-124].

A leader of the transnational criminal organization is usually endowed with specific personality traits, psychological, leadership and organizational skills for implementation of management. These personal qualities of leaders of criminal organizations include ingenuity, enthusiasm, determination, risk appetite, good shape, criminal experience, ability to quickly navigate in a new environment, to make decisions in difficult conditions, to bend to his or her will, the ability to ensure secrecy of criminal activity.

These features allow the transnational criminal organization leader to affect the environment, to recruit new members of the criminal organization, to streamline the criminal group, to make plans to develop a long-term criminal activity and to commit specific crimes. Often the transnational criminal organization leader is able to induce its members to criminal acts by his/her example and authority.

In criminological research of the transnational criminal organization leader, it is noted that they are mostly men. They are characterized by self-esteem, pursuance of profit, disregard of the law and morality, interests of the state, society and individuals, a desire to obtain profits, disregard for basic

human values, someone else's property and person.

Studies data indicate a more adult age of members of transnational criminal organizations (30 to 50 years old) as compared with other categories of offenders, their higher educational and intellectual level. [6, p. 93-94].

Given the substantial latency of this type of crime, leaders of these organizations usually have no previous convictions or criminal past. The vast majority of them are married, have children, which indicates a desire for respectability. For example, leaders of transnational criminal organizations of economic orientation are often representatives of corporate sector, which generates profits. This category may include managers of strategic raw materials exporters, representatives of the military and industrial complex, financial and credit and intermediary sectors, oil and gas industry, sales of excisable goods. They are generally well aware of the economic legislation, the rules of the market economy, often – are qualified and experienced professionals, are well oriented in the political and economic situation and market conditions [1, p. 116].

The structure of transnational criminal organizations may include former and current representatives of the government and representative institutions of criminal justice, judges, prosecutors, lawyers, customs officials, border guards, employees of financial institutions that provide brokerage, insurance and other services.

Similar data is given in the works of M.G. Verbensky, noting that persons who commit transnational crimes are mostly characterized by high educational qualifications, a high level of social

adaptation, and a significant social status. Belonging of these criminals to the educated domain was the basis of getting a figurative definition of the "white-collar criminal" [2, p. 379].

In modern conditions, the leaders of transnational criminal organizations move to a higher level of activity. Given the high prevalence of corruption in some countries, they receive authority and official recognition, are part of the legislative, executive and judicial authorities of those countries.

The leaders of these organizations often go abroad, acquire citizenship of other countries, receive political asylum, hiding from criminal justice agencies, staying there permanently. Outside the state, they continue to manage criminal organizations, creating joint ventures for the legalization of proceeds of crime [7, p. 133].

**Conclusions.** Summarizing the study, it should be noted that leaders of transnational criminal organizations have such features as male gender, increased age limit, no criminal record, high social status, proper education and intellectual level, high level of training, a significant knowledge base in information technology economics, finance, international trade, experience of international cooperation, communication skills, knowledge of foreign languages. The leaders of these organizations may be corrupt representatives of the government and representative institutions, judges, police officers, border guards, customs officers, etc. They are well aware of the economic legislation, rules of the market economy, they are often qualified, experienced professionals, well oriented in the political and economic situation and market conditions.

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### **Висен В.**

#### **Кримінологічна характеристика лідера транснаціональної злочинної організації.**

**Анотація.** Статтю присвячено дослідженню особистостей лідера транснаціональної злочинної організації. Наведена кримінологічна характеристика спрямована на виокремлення, накопичення та систематизацію інформації про особистісні якості та рольовий статус лідера транснаціональної злочинної організації з метою пізнання особливостей механізму формування та функціонування таких злочинних об'єднань. При цьому важливо пам'ятати, що у сучасних умовах до складу транснаціональних злочинних угруповань можуть входити колишні та чинні працівники органів державної влади, місцевого самоврядування, правоохоронці, судді, митники, прикордонники, працівники фінансово-кредитних установ, особи, що надають посередницькі, страхові та інші послуги, юристи. Таким чином, коли транснаціональну злочинну організацію очолює особа з наведеного переліку, виникає реальна можливість у реалізації завдань злочинної організації шляхом упровадження різноманітних корупційних засобів.

**Ключові слова:** транснаціональна організована злочинність, латентна злочинність, кримінологічна характеристика, особа злочинця, особливості лідера злочинної організації.

### **Висен В.**

#### **Кримінологическая характеристика лидера транснациональной преступной организации.**

**Аннотация.** Статья посвящена исследованию личностей лидера транснациональной преступной организации. Приведенная кримінологическая характеристика направлена на выделение, накопления и систематизации информации о личностных качествах и ролевой статус лидера транснациональной преступной организации с целью познания особенностей механизма формирования и функционирования таких преступных объединений. При этом важно помнить, что в современных условиях в состав транснациональных преступных группировок могут входить бывшие и действующие работники органов государственной власти, местного самоуправления, правоохранительных органов, судьи, таможенники, пограничники, работники финансово-кредитных учреждений, лица, оказывающие посреднические, страховые и другие услуги, юристы. Таким образом, когда транснациональную преступную организацию возглавляет лицо из приведенного перечня, возникает реальная возможность в реализации задач преступной организации путем внедрения различных коррупционных средств.

**Ключевые слова:** транснациональная организованная преступность, латентная преступность, кримінологическая характеристика, личность преступника, особенности лидера преступной организации.