

Summary

The year: 2020.

Specialty / field of study (code and full name): 40.04.01-Law

Level of study: master's degree.

Institute or Higher school: Law University.

Department of criminal law disciplines and forensic expertise

The subject of the final qualifying work:" Organized crime: problems of concept and prevention".

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The relevance of the research topic. Organized crime as a phenomenon in modern society has developed relatively recently, but, despite this, it already belongs to one of the most complex and highly socially dangerous phenomena. As with other terms in criminology, organized crime is defined differently, and, surprisingly, members of the scientific community have not reached a compromise on the unity of its meaning to date. This is partly because, unlike murder, robbery, or many other types of crime, organized crime is a conceptual rather than a legal category. However, the issue of definition is important, since the way a state defines organized crime has very important implications for how it tries to explain it and for the steps it takes to prevent or control it.

Of course, all crime is organized to one degree or another. The criminal activities of juvenile delinquents, a small group of petty thieves, or a group of three-person fraudsters assume at least a minimum level of social organization. However, we do not usually mean by the term "organized crime" such activities or groups. All crimes and criminals are located along a continuum of organizational complexity that determines differences in terms of factors such as division of labor or stability over time. Importing, preparing, distributing, and selling illegal drugs is more organized crime than simple robbery; and a group of criminals who steal cars, modify them, and then ship them for sale outside the country. Indirectly, the term "organized crime" refers to groups and acts that are at the high rather than low end of any continuum of organizational sophistication.

Unfortunately, the tendency to use the term "organized crime" to refer to both one type of behavior and one type of personality often leads to cyclical reasoning. For example, the phrase "organized crime is related to the distribution of drugs in Moscow" is a tautology, because drug distribution itself is an organized crime, and the person who participates in it is by definition a member of an organized criminal Association. Generally, organized crime is defined in such a way as to emphasize the high level of cooperation between groups of professional criminals.

Definitions that usually identify organized crime with criminal associations undermine our potential understanding of the wide range of other social actors involved in organized crime. Thus, organized crime is more than an organization of professional criminals. There are victims, customers, regulators, suppliers, competitors, and innocent bystanders. From this point of view, the criminal organization is only one component of a much more complex system of relationships that includes organized crime. In addition, the configurations of these various elements are constantly changing, and these changes affect how a particular component (including the criminal community) is organized.

Thus, the lack of a unified interpretation of the concept of organized crime significantly complicates the process of preventing it, because it is impossible to build an effective system to counter what does not have a specific formulation. This fact confirms the relevance of the chosen research topic.

The degree of scientific development of the problem. Scientific analysis of the phenomenon of organized crime and its prevention system is reflected in the works of leading Russian legal scientists. Theoretical aspects of this criminological and criminal law problem were considered in their works by such scientists as L. D. Gaukhman, A. I. Gurov, V. G. Grib, G. V. Dashkov, A. I. Dolgova, V. N. Kudryavtsev, N. F. Kuznetsova, V. V. Lunev, S. V. V. ovchinsky, A.V. Shessler, and others.

Many researchers have addressed the problem of countering organized crime in various years: V. N. Burlakov, V. G. Grib, A. I. Dolgova, S. Ivantsov, V. N. Kudryavtsev, N. F. Kuznetsova, V. S. ovchinsky, V. E. Eminov, and others.

Thus, despite the significant scientific contribution of these authors to the development of the problem under study, many of its aspects are still insufficiently studied and require further theoretical understanding in order to improve the effectiveness of the organized crime prevention system.

All this determined the choice of the dissertation topic, its relevance, and determined the research features.

The object of the research is the development and current state of organized crime as a social and legal phenomenon.

The subject of the study is the peculiarities of the determination of organized crime, as well as measures to prevent it.

The purpose of the study is to formulate a unified approach to the definition of organized crime based on the study of an array of theoretical studies, as well as to build a system for its prevention.

To achieve this goal, it is necessary to solve the following interrelated tasks:

- to study the concept and features of organized crime as a systemic social and legal phenomenon;
- identify the criminological features of the personality of members of organized criminal groups;
- analyze the state of organized crime in Russia;
- clarify the specifics of the qualification of forms of complicity under the criminal code of the Russian Federation;
- specify the factors that influence criminal behavior;
- systematize ways to prevent organized crime.

Theoretical and methodological foundations of the research. The theoretical basis of the research consists of conceptual developments, provisions and conclusions presented in the works of Russian scientists on the General theory of law, criminology, criminal law, criminalistics, revealing the essence of the analyzed problem. The following methods contributed to the development of the problem: system analysis, qualitative and quantitative analysis, method of classification of social and legal phenomena, method of comparative analysis, method of legal and analytical processing of normative and other documentary material, etc.

The hypothesis of the study. The thesis concept is based on the hypothesis that the phenomenon of organized crime requires a theoretical rethinking and systematization of research results in this area to formulate a unified approach to this phenomenon.

The empirical basis of the study is the results of the analysis of legal statistics. We used statistical data of the Ministry of internal Affairs of Russia, reflected in departmental reporting and information and analytical documents from 2015 to 2019. The results of studies conducted by other authors, whose conclusions are used to compare trends in the problem under study, are also studied.

Provisions to be defended.

1. Organized crime is a stable centralized system of criminal communities and organizations that have a developed system of protection from state structures, systematically and purposefully conducting highly dangerous criminal activities for the state and society in order to gain profit, influence and power.

2. Transnational organized crime is a self-perpetuating Association of individuals who operate at the transnational level in order to obtain power, influence, and monetary and/or commercial benefits in whole or in part by illegal means, protecting their activities through corruption and/or violence, or protecting their illegal activities through a transnational organizational structure and the use of transnational trade or communication mechanisms.

3. Main distinguishing features of organized crime:

- special quantitative and social composition;
- means of achieving the goal;
- danger to society;
- purpose of criminal activity;
- high stability and flexibility.

4. "Organized criminal" is a participant in an organized criminal formation, with a certain set of negative moral and psychological properties and qualities that determine the nature and degree of public danger of the crimes committed by him, his place and role in the organized criminal formation.

The modern "organized criminal" differs from the traditional criminal in its ingenuity, professionalism, higher level of education, sociability, and good image.

5. Criminal activity is the systematic purposeful planning, organization and provision of crimes committed by criminal communities and organizations.

6. a Criminal organization is a stable structured group of specially trained individuals who have United in advance to systematically commit homogenous crimes, often under the guise of corrupt government officials.

7. Criminal community – a stable structured Association of individuals created to coordinate criminal organizations based on a certain ideology, characterized by a common Fund of funds, a developed system of communication and information, as well as a system of protection from justice.

8. Organized criminal activity is the systematic purposeful planning, organization and provision of crimes committed by criminal communities and organizations.

The scientific novelty of the research consists in the development of the author's definition of organized crime, the formulation of signs of criminal formations of different levels, as well as the construction of a theoretical model of the organized crime prevention system.