

New Tendencies and New Challenges in Organized Crime

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The changing international political and security environment has generated certain changes in the activities and priorities of the organized crime. The development of the organized crime as a phenomenon includes more and more the strengthening of the international links and cooperation. The aim of the present study is to highlight some key point of the actual organized crime, as for example the global and regional challenges for increased activities, the possible counter-actions of the law enforcement structures, highly rentable merchandises and services in the criminal market and the growing threat what the organized crime groups (OCG) mean. The study also informs the readers about the expected growth of some crimes in several fields and areas.

Keywords: changing conditions, profitable merchandises, growing threats and crimes.

Introduction

Organized crime has been having some extraordinary capabilities. It has succeeded to adapt to the local conditions with a speed exceeding the reactions of the political and legal structures. The organized crime detects any oscillation on the financial market, on the food markets, on the stock exchange, in the legal frames regulating all the aspects of the economic and financial processes. It is able to elaborate its own responses creating the conditions for the highest proficiency and the maximum profit. It is able to reinvest the revenues and launder its parts received from illegal activities in order to extend the influence onto other possible fields. The organized crime has two basic principles: protect and defend its own business shares in the already conquered fields and using all the opportunities to growth and consolidate its dominance in new fields. The high-level dynamism is a specific feature and vital condition of organized crime.

I. The situation in recent past

The first European Police Chiefs' Convention was held in The Hague in July 2011 under the aegis of Europol. More than three hundred representatives of the law-enforcement agencies discussed the priority fields of inter-agency cooperation. They underlined the urgent necessity to elaborate innovative methods of action to fight organized crime in many of its forms and fields, including thefts, financial crimes and terrorism. In the document "The Future of Organised Crime Challenges and Recommended Actions"² the police chiefs describe the situation of 2011 "*The conservative and reactive nature of policing and ever tightening budgets leave agencies insufficiently prepared for new threats. Having enjoyed a monopoly on crime fighting for many years, we remain good at policing what we are comfortable with, but our resistance to change means that we risk developing blind spots for those crimes that we do not routinely investigate.*"³ Is there any development since then? Have we made successful steps to shrink the already existing blind spots and to prevent the

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² „*The Future of Organised Crime Challenges and Recommended Actions*” Europol Police Chiefs Convention 2011 <https://www.europol.europa.eu/sites/default/files/documents/epcc-organisedcrimeconclusions.pdf> Downloaded: 23.09. 2023.

³ Ibid.

rapid growth of new ones? Yes, the law-enforcement agencies have achieved impressive results in many terrains fighting organized crime groups even cross-border crime organizations. The prevention is another problem. In this field, the focus was set onto the terrorist attacks to be prevented as early as possible. There were, also successful operation in many countries, but the terrorism is still an imminent and clear danger, however it has undergone certain changes.

Another clear risk factor is the massive migration, mostly illegal from different countries of Asia and Africa toward Europe. This is either a new phenomenon but in spite of the warning data collected from different sources even before 2015 none of the European countries were prepared either in economic or social or in national security and communication aspects.

Among the priorities in the document, referred above, the cybercrimes and frauds occupied the first place. The authors of the document underlined that the “*law enforcement often relies on doing what it has always done*”⁴ following the old routine and carrying out what was written in the protocols long time before. Meanwhile, the criminals do everything possible to be several steps ahead of the law-enforcement bodies. The chiefs of police also stated in 2011, the “*given the financial constraints under which we all currently operate, we need to consider smarter ways of working.*”⁵ It seems, the leaders of the European police bodies had already been aware of some challenges, risks and threats. The convention’s document pointed out the demographic shifts, the geopolitical unrests as the sources of appearing in Europe large diaspora communities “*excluded from mainstream employment, and therefore vulnerable to the influence of criminal groups.*”⁶

The foreseeably growing economic disparity between the immigrants and local population and among different social groups of the locals, aggravated by thy economic crisis, increased the vulnerability of the most exposed to poverty groups, pushing them closer to organized crime groups.

Among the wide range of problems, the law-enforcement leaders pointed out there was the question about the emerging markets too. These markets could be and really became the hotbed of economic, financial and ecological crimes and became sources of financing terrorism. The market of alternative suppliers of energy, the infrastructural services became a preferred field of activities of the organized and financially strong crime groups. Nowadays, there are also numerous cases of organized both national and international crime groups participating in the trade of rare materials. Another priority area of criminal organizations is the management of toxic waste and re-cultivation of contaminated pieces of land. The goal of these criminal is the “*monopolisation in markets in which there are large incentives, and which are not subject to sufficient scrutiny or competition from legitimate investors.*”⁷

The lack of harmony between the changing parameters of the criminal activities and the legislation prosecuting them is a permanent topic in all discussions at all the levels of law enforcement. Unfortunately, it seems, the situation has not changed since the police chiefs mentioned the problem in 2011.

More than eleven years ago, the leaders of the European police forces foresaw the growing menace of the internet-based crimes. They warned “*Internet and related technologies will not only put new tools at the disposal of all criminal groups, but will also expose new vulnerabilities in our information society.*” Practically it means that we have to find the new ways to combat the criminal intends of a new generation rather smarter and skilled in informatics than we have ever been. This

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

new and even newer generations are not only able to manage the IT background to be used for criminal purposes, but they are also able to develop the necessary capacities and capabilities, both hardware and software, at a much higher level. These factors may contribute to the faster and more efficient convergence of using IT capabilities operated by non-criminal elements for criminal purposes upon the requirements and need of organized crime groups and syndicates. Between them, the common point is the achievement of higher benefits, mostly of material and financial character. Their targets may be elements of vital infrastructure, scientific research institutes and programs, databases, mostly containing classified or highly classified data of different fields, what could represent value to be sold on the illegal markets, clouds, containing sensitive personal data, what can be used to influence individuals or groups of individuals. Production and supply systems, mass media, local media, selected social groups and groups of professionals may also become targets. Without the intention of generating panic, it is clear that these criminal efforts are able to influence the efficiency of governability what is an open risk to fulfill our international obligations and national strategic goals. This is the darkest possible perspective.

In 2011, the European police commanders paid great attention to the possible measures, ways and methods to prevent the increasing of the organized crime. They recommended “*collaboration with partners in the private sector, NGOs and academia.*”⁸ It is the clearest expression of abandoning the old “elitarian” approach to law enforcement when only the law-enforcement agencies had to deal with all the aspects of criminal activities and the role of extra-agency groups was strictly limited. The new approach meant the opening-up toward different and wider social and professional strata giving a chance to have a wider base including scientific researches, tools and studies in the given field. The role of civilian groups, NGO-s and even local civil watch organizations must be considered as regular auxiliary tool for law-enforcement activities at all the appropriate levels and not as an incidental and secondary option for gathering information.

Another recommendation of the Convention of the European Police Chiefs was to unify “*threat and risk assessments bringing together a range of EU security actors such as Europol, Frontex, SitCen, and ENISA.....*”⁹ This supposed fusion center could significantly reduce the time of data processing, analysis and assessment necessary for decision-making. This joint assessment could guarantee the coherent measures taken even by different agencies in different countries.

Since 2011 eleven years have already passed. Actually, we face an urgent need to boost up the process of widening the cooperation beyond the bodies and organizations, mentioned above. The harmonization of the activities must embrace the fields of training and development of new tools. The harmonized and coordinated training and preparation provides an important advantage of harmonic and well-prepared implementation of operative measures at international level, especially in cybercrime, economic crimes and fraud. All the crimes in these realms can be a part of asymmetric operations in a new field of unarmed warfare, where the targets are not aimed to take human lives but to worsen their living conditions and perspectives from the material, financial and socio-political point of view. In order to increase the efficiency of prevention the police chiefs recommended the standardization of tools of investigation as far as it fitted the local criminal procedural code. This legal base was one of the points where a wider cooperation was also required to harmonize the investigations in the procedural field. The police chiefs also recommended establishing a minimum requirement to start an investigation. Its implementation would be a significant step forward joint effort of crime prevention.

⁸ Ibid.

⁹ Ibid.

II. Actual situation and challenges

Sadly, the relatively short and intensive time passed since the first convention of the European police leaders was over, did not bring all those results, which had been aimed then. According to the document emitted by the European Parliament “*Organised crime in Europe: Emerging trends and policy challenges*”¹⁰ published on 25th March, 2022 the damage caused by the organized crime to the European economy in 2019 was 139 billion euros, what is practically 1% of the GDP of the European Union.¹¹ As for 2021, the organized crime groups have been diversifying their criminal activities. While the 80% of these groups were active in one field, mostly drug-related crimes, smuggling, trafficking, property crime, fraud,¹² etc. ... actually they try to extend their activities onto other fields as well. This intention sharpens the controversies between groups also increases the use of violence protecting and extending respectively their sphere or territory of influence. According the referred above EP document, 60% of organized crime groups use the violence as permanent part of their activities.¹³ If we search for the reasons of this diversification tendencies, we see that the changes of European regulation to be more strict and rigorous and the activities of the law-enforcement agencies shrank the opportunities of the organized crime groups to keep their dominance and use the benefits of one single field of activities. In order to be on the safe side, the crime organizations try to secure their permanent flow of incomes, necessary on one hand for the operation of their group and on the other hand for their own benefit.

Another factor of the increasing violence is the possible further internationalization of criminal activities and the intromission of foreign groups in the markets where some “national” crime groups were the dominant protagonists.

Another repugnant data in the European Parliament’s paper was that the cyber-related crimes are increasing. This phenomenon is considered as a side-product of the globalization, digitalization, development of new technologies¹⁴ also the neglecting behavior of IT-users. When the pandemic changed the life of the huge masses, the cyber criminals have adapted their *modus operandi* immediately. In 2021, we saw a steady rise of crimes through IT-networks. This tendency was absolute clear in the realm of transactions using cryptocurrencies. The challenge for the law-enforcement forces is still imminent. Although some successful operation against criminals using the IT-technologies were carried out, in many places, in many countries the tools of investigation and legislation for sanctioning such crimes is still far from being up-to-date.

One of the long-lasting plagues of all the times and countries is the corruption. This crime has multiple faces and levels but the threat what it means is universal. Corruption is a tool, which makes the criminal organizations easier to achieve their goals, to obtain and consolidate of their protection and advantages, what corruptive links with decision-makers can offer them. Although the Criminal Code if each country describes this crime and all the possible collateral phenomena, the prosecution is not so easy. The corruptive links between state actors, non-state actors, private companies, sometimes representing the interests of organized crime groups, or even individuals, might influence on the process of investigation and even on the decisions in the courtroom. “*Europol reports that 60 % of criminal networks in the EU engage in various forms of corruption, and that*

¹⁰ *Organised crime in Europe: Emerging trends and policy challenges* At a Glance 25.03.2022. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA\(2022\)729338](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2022)729338) Downloaded: 28.09.2022

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

*more than 80 % use legal business structures to carry out or to hide criminal activities.”*¹⁵ In all European Union member countries anti-corruption strategies have been elaborated, but their efficiency did not achieve the optimum level. A significant step forward would be that all the countries joined the European Public Prosecutor's Office, actively and widely using the tools and resources of this body to constrain corruption.

The internationalization of organized crime activities is another big challenge for the law-enforcement structure. According to the European Parliamentary document, *“almost 70% of such networks are active in more than three countries: 65% are composed of members of multiple nationalities. Non-EU criminal groups also operate within the Union's borders; over half of organised criminals active in the EU are thought to be non-EU nationals.”*¹⁶ So, it is another challenge for the law-enforcement structures. Speaking in the practical language, the services, including the national security bodies as well, also have to internationalize their activities, to strengthen their contacts across the borders, to make the exchange of information a daily routine, to overcome the still existing legal barriers by improving the legislation in the given field. The internal challenge is that all the security services involved in investigation and prosecution of organized crime have to switch their mentality from old style exclusiveness to the new style of appropriate openness and cooperation with the society. The services also have to improve their training system and language skills. They also have to pay growing attention to the regular renovation of their tools and capabilities. The challenge for the governments is to understand and accept the growing importance of countering the organized crime with special attention to corruption.

We have already touched the changes in the types of crimes, provoked by the pandemic. We have seen how the organized crime groups have adapted to the new circumstances, how they used the newly opened opportunities for their own benefits. It would not have been possible without the positive, receptive attitude on behalf of the population. In this regard, the *“EU Serious and Organised Crime Threat Assessment 2021”* states that *“A global economic crisis may bring ordinary EU citizens into closer proximity to organized crime. Communities may become more tolerant of certain types of crime such as the distribution of counterfeit goods or the cultivation of cannabis.”*¹⁷ This higher level of social tolerance to crimes is not a challenge, but it is a clear threat. The acceptance of benefits brought to certain social strata, certainly to the most vulnerable ones, by the organized crime may create an ambience when the organized crime groups will be able to exercise influence on the population in different fields of activities as well.

For the whole law-enforcement community the acceptance of criminal benefits by locals means new and more difficult conditions to implement its mission. It is like navigating in headwind, so it requires new skills, new abilities also new capabilities. The dynamic upgrading of intelligence activities in this field is one of the essential requirements.

The ranking of the most destructive crimes gives us a real picture about the threats of these criminal activities for the European society. The Interpol document considers the cybercrime to be the most dangerous. On the second place is the trade in the illegal drugs in the EU, on the third the environmental crime. This type of crime is one of the newest threats, not only in continental scale but globally as well. To fight with this crime the law-enforcement bodies need not only an urgent

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ EU Serious and Organised Crime Threat Assessment 2021 p. EU SOCTA 2021 p. 97 https://www.europol.europa.eu/cms/sites/default/files/documents/socta2021_1.pdf Downloaded: 28.09.2022

updating of the criminal code but a significant scientific support on behalf of the experts of biology, chemistry, geology, meteorology, entomology, ornithology and other scientific fields.

On the fourth place, we find the trade in illegal firearms and explosives. It is a “classic” crime in our region, where huge stocks of firearms are out of control as consequence of the armed conflicts in the Balkans.

The fifth place is given to another well-known crime, the fraud. The evolution of the modus operandi of this crime shows that the perpetrators widely use the advantages of the internationalization and globalization of the economic and financial relations.¹⁸

III. Consequences of the Russian-Ukrainian war in the field of organized crime

Any military conflict raises the activity of criminal groups. Since the profit is the utmost motive for the criminals, their activities will be aimed at obtaining the maximum benefit. Obviously, the organized crime groups have better chances to achieve this goal. Which are the types of crimes, which have higher revenue?

- Operation on the illegal markets of goods, financial transactions and foreign currencies;
- Operations, related to emission of false, falsified or counterfeited personal identification documents, banking documents,
- Falsification of foreign and domestic currencies,
- Cybercrimes,
- Money laundering,
- Smuggling goods and humans, including material values, pieces of art, narcotics, currency, illegal migrants, among them potential terrorists,
- Production and commercialization of non-licensed goods, medicines, food, etc.

The list is not complete and it cannot be. According to the assessment of the Europol, “serious and organised crime is both resilient and versatile and continues to evolve and adapt to reduce the risks to its own business, maximise profits, exploit new opportunities and evade law enforcement attention.”¹⁹ The permanent evolution of the versatility and resilience of the organized crime relay special responsibility on all the law-enforcement and national security community. Let us take only one of the crime types referred above! Smuggling goods and humans has always been a highly rentable crime even in peacetime. The benefits from this crime increase parallel to the increasing tension and clashes between the belligerent sides. People forced to leave their habitat, try to save as much of their material assets as possible and take it to safe places. Once the legal opportunities might be limited, due to the armed conflict, the organized crime groups are in the position to facilitate to take these assets out from their original place. Since the organized crime groups have the necessary contacts and network, even across borders, able to provide illegal services for remuneration, it does not matter, whether illegal migrants, terrorist groups, or non-state actors use these illegal services. There is a chance that they may intend to perpetrate asymmetric or hybrid operations, even under alien flag. It is a clear and imminent threat.

IV. Conclusions

It is an old axiom that the most efficient way of operating a criminal organization is having support from inside the governmental structures as high level as possible. This is the real and already

¹⁸ Ibid.

¹⁹ Ibid.

tangible threat! If organized crime groups or syndicates succeed to control even partially the preparation, the taking and the implementation of decisions of the political structures the organized crime represents an absolute high level of national security threat.

Another source of a growing threat is the convergence of the terrorist organizations, which had already passed the change of their tactical paradigm. The shift of terrorist methods from the openly violent and repugnant action to the slow and systematic “smooth and smiling” infiltration is a real strategic threat we should not ignore. The earlier we recognize its possible destructive and menacing consequences, the earlier we can react and counter-act.

What refers to further threats, the Europol assessment says: “As digitalisation increases, so do the challenges from the increasing spread of misinformation, fake news and conspiracy theories. The use of deepfakes will probably become a serious challenge for the digital environment.”²⁰

What about the geopolitical factors? The Europol assessment was written before 24th February, 2022, before the Russian aggression against Ukraine. Nevertheless, the document pointed out the “active conflicts in Ukraine and between Armenia and Azerbaijan.[...] Stability in certain post-conflict areas remains fragile and there is a risk of relapsing into active conflicts should conditions deteriorate.”²¹ Seemingly, the circumstances are still worsening, so the crime rate in the realm of the organized crime might grow significantly. In this growth, the cross-border cooperation between criminal organization and groups from different countries may play an important role.

As I have already mentioned before, the third place of the environmental crimes among the most threatening types of crimes ranked in the Europol assessment document, was a surprise. Following this, the document forecasts the “Criminals will seek to profit from development by orchestrating increasingly complex and far-reaching fraud schemes involving investments, energy and green certifications. Waste management and recycling will become key sectors.”²²

What could the law-enforcement and national security structures do to prevent and thwart the organized crime? Neither the prevention nor thwarting is an exclusive mission for those bodies. When implementing their tasks they must have a solid support on behalf of the society and its representatives, the legislators and the government.

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²⁰ Ibid.

²¹ Ibid.

²² Ibid.