



## Research Article

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# The Characteristics of Transnational Organized Crime and the Factors Which Have Contributed to its Development

Mirseda Shehdula<sup>1</sup>

Ervin Karamuço<sup>2</sup>

<sup>1</sup>Faculty of Political Sciences and Law,  
"Aleksander Moisiu" University,  
Durrës, Albania  
<sup>2</sup>Prof. Assoc. Dr.,  
Faculty of Law,  
University of Tirana,  
Tirana, Albania

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## Abstract

*The purpose of this paper is to analyze how transnational organized crime has changed over time, what factors have led to its development and what are its main characteristics. Transnational criminal organizations differ significantly from one another in terms of organizational structure, type of activity, size and territorial extent. Transnational organized crime operates through a network of homogeneous, interconnected groups. It is active in a number of areas ranging from bank fraud, cybercrime, drug trafficking, trafficking of goods and people to the seizure of government funds. The globalization process is one of the most important factors in the development of this phenomenon. One of the biggest problems is the participation of organized crime in political power at the horizontal (legislative and executive) and vertical (central and local) levels, as well as the influence on the judiciary. Continuous international cooperation as well as concrete steps in the design and harmonization of legislation are some elements to curb cross-border organized crime.*

**Keywords:** *organized group, organized crime, transnational organized crime, international cooperation, globalization*

## 1. Introduction

Organized transnational crime represents one of the most important topics of discussion in all discussions and political meetings at national and international levels. This phenomenon requires coordinated action by all international actors in order to minimize the consequences of organized crime, which for this reason and due to globalization has reached extremely large proportions. The globalization process has created winners and losers in its development. In practice, its devastating effects have led to greater inequality and poverty worldwide. They closed small businesses; Businesses and many families were destroyed. These effects have strengthened the mafias, which were able to create opportunities and jobs during this crisis by correcting the unequal distribution of income.

(Musacchio, 2018) Organized crime is no longer just an internal problem, but an international problem. Today, criminal groups operate in many countries simultaneously to exploit global criminal and legal markets. (Picarelli, 2011:268)

Why are criminal organisations becoming multinational criminal organisations, and why is this justified? It is, in part, a response to the opportunities and challenges presented by globalisation. It is the negative aspect of the contemporary interdependence movement. Globalisation has helped all firms in some way, but illegal enterprises have gained more than others. They have profited from the growth of ethnic networks as well as the globalisation of trade, banking, and communications. The latter is especially crucial since, for a variety of reasons, immigrant and diaspora communities are breeding grounds for organised crime (Williams;2000:188).

No legal system seems to be able to fully control the growth of transnational organised crime, and no economic or financial system is impervious to the lure of profit. All three can withstand varying degrees of reports that are disproportionately higher than what the legal system provides. No form of government is immune to the emergence of a transnational criminal organisation (Shelley;1995:485). States' compliance with their commitments to defend human rights and their accountability for violations of human rights resulting from criminal interests face a variety of significant obstacles due to organised crime( Oliveria 2023: 5).With the exception of Italy, the scientific community, governmental figures, and general public of practically all European nations believed that organised crime had little impact on them before to the 1980s. In the 1980s, this view started to shift. This shift was caused by a number of long-term processes as well as a number of significant localised historical events (Fijnaut, 2004; Paoli, 2001:2).

Giving a somewhat honest, thorough, and helpful evaluation of the state of affairs throughout Europe is challenging. It makes sense for such an evaluation to be founded on procedures that are significant in tracking the application of the pertinent laws. Naturally, international organisations are limited in their ability to execute the norms they have formulated in sovereign states.

However, there may be rewards for adhering to regulations. The international evaluation of the application of international provisions can help achieve this. (Militello, Hetzer, 2013:247).The post-globe War II economic boom and technological explosion, along with the current geopolitical environment that has swiftly arisen after the collapse of the socialist globe, are the basic causes behind the growth and increasingly global nature of organised crime.

The ease with which respectable enterprises can conduct themselves and their ever-expanding international reach are major contributing factors to the rise in unlawful transnational activities. The expansion of commercial air travel, telecommunications (including phone, fax, and computer networks), and the use of computers in enterprises are the three main technological advancements that have the greatest impact on the rise of international crime (Shelley;1995:465).Political discourse, as well as official papers both domestically and internationally, frequently characterise organised crime as a danger to national security. Thus, organised crime appears to exist in two different realms: it is a type of criminal activity, but it has also assumed the role of a political and national security concern in certain instances. (Campbell ;2014: 221).Since transnational organised criminal organisations can emerge under a variety of political and economic circumstances, policy interventions cannot simply be homogenous. Each of them takes advantage of the disparities in banking, investing, and criminal regulations between different countries, as well as the shortcomings in law enforcement in their home country (Shelley;1995:485).

## 2. Literature Review

According to the United Nations Convention against Transnational Organised Crime, an organised criminal group is any group that has been in existence for a while and is made up of three or more people who work together harmoniously to commit one or more serious crimes or criminal offences in order to directly or indirectly benefit financially or materially.While a structured group means a group that is not formed randomly for the immediate commission of a crime and which does not

require the roles of its members to be defined, the continuity of their membership to be ensured or a developed structure.

We do not mean for the organisation to be vast when we define organised crime as an organisation for criminal purposes. A very tiny crime unit may exist (Williams, 2000:186).

A detrimental rise in social, political, and economic dysfunction in states and communities is reflected in organised crime. These criminal groups can be identified by the presence of individuals who work at the regional, municipal, national, and international levels. These individuals can be politicians, businesspeople, union members, or just armed individuals. They are a member of an underground government that offers protection and other benefits to people who pay for committing heinous crimes. Organised crime poses a threat to people and global security to the extent that it is permitted to engage in the most serious types of criminal activity (such as arms trafficking, migrant trafficking, human trafficking, and support for terrorist attacks) (Buscaglia, 2013:61). The United States has exerted considerable pressure on states to prevent the financing of terrorists by charitable organizations and has hit out at governments and charities that have not yet banned such activities (Sanderson, 2004:50)

The Security Council has recently given organised crime's effects on stability, security, and peace more consideration. The Council regarded drug and human trafficking, transnational organised crime, and piracy as "new challenges and threats to international peace and security" in 2010 (Hansen, 2014:63). Mutual cooperation is not only a logical strategy to prevent cross-border criminal litigation, but also an effective tool to build, benefit from and expand the scope of bilateral and other agreements. From a geopolitical perspective, what was once a limited phenomenon in some countries has become a widespread process of infiltration and collaboration. (Ristau et al., 1996:534).

Both the EU and North American countries have considered a range of individual and structural measures related to organized crime (Albanese, 2012:6). All European governments have implemented considerable institutional and legal reforms to combat organised crime, and all major international organisations, including the United Nations, the Council of Europe, and the European Union, have enacted ad hoc measures in this regard. (Fijnaut, 2004; Paoli, 2001:1). Historically, law enforcement authorities have been more concerned with organised crime than the military. In the same way, any issue pertaining to the host nation-states is seen as a political issue that calls for diplomatic solutions. (Keene, 2018:vii)

The outcome of a two-year effort to assess crime and resilience in each of the 193 UN member states is the Global Organised Crime Index. It is envisaged that by using these data, the Index would contribute to the development of a truly global response to the ubiquitous threat posed by transnational organised crime.

A composite measure of variables utilising several data points is called an index. The factors that this index uses to measure organised crime are based on definitions of the term as well as associated ideas and practices. On the other hand, defining organised crime is a notoriously challenging task. Even while it is widely acknowledged that crime occurs everywhere, there are several types of crime, each made possible by distinct actors who change and adjust to different situations. The main international tool against organised crime, the United Nations Convention against Transnational Organised Crime, went into effect in 2003, requiring member nations to define organised crime. The main international tool against organised crime, the United Nations Convention against Transnational Organised Crime, went into effect in 2003, requiring member nations to define organised crime. Unable to come to an agreement, the Transnational Organised Crime instead clarifies two constants within the broad context of organised crime rather than offering an exact definition of the crime. The convention's definitions of "serious offence" and "organised criminal group" provide the foundational elements necessary for an action to be classified as organised crime while also allowing for the flexibility to address the broadest range of issues. For instance, a wide spectrum of criminal affiliations, from loosely connected networks to hierarchical structures, may be referred to as an organised criminal group. Similarly, by emphasising the word "serious offence," the agreement guarantees that organised crime and low-level criminal behaviour are kept apart.

Furthermore, the agreement expressly addresses profit-driven activities, enabling responses and regulations to differentiate organised crime from acts driven entirely by political motives, like terrorism. Currently, there is a growing consensus among the convention's member states to forgo definitional arguments around the term "organised crime" and acknowledge that it is ambiguous, encompassing a wide range of constantly evolving circumstances and actions, and that there are numerous ways to interpret and conceptualise the term. Nevertheless, some kind of definition is necessary for an index to provide genuine insight and value. The Index takes into account both highly-organized criminal activities that take place within state borders as well as transnational organised crimes, while depending (though not solely) on international tools to designate different criminal markets.

The United Nations Office on Drugs and Crime (UNODC) has been working to reduce drug use, organised crime, corruption, and terrorism for 20 years. In order to prevent these threats and promote peace and sustained well-being in their place, we are dedicated to achieving justice, security, and health for all. Due to the fact that states are frequently unable to handle these issues on their own, UNODC promotes transnational ways to action and provides useful assistance. With the help of our global programmes and network of field offices, we carry out this activity all over the world.<sup>1</sup>

Human rights are seriously threatened by organised crime, both directly and indirectly. This covers the freedoms of life, liberty, and security as well as other rights against cruel and inhumane treatment. Human trafficking is one of the many illicit economies that directly violates human rights; other illegal economies that limit rights include cybercrime and environmental crimes. Criminal organisations in charge of illicit markets prey on and endanger the livelihoods of individuals. Particularly vulnerable populations include women and young people, who may experience exploitation, discrimination, and displacement in addition to other violations of their fundamental rights (Oliveira, 2023, line 2). The dichotomy between the definitive definitions' vagueness and the dramatic tone of general evaluations, which clogs internal debates in most European countries, is reflected in the rhetoric and actions of key international organisations.

### 3. Methodology

We use general qualitative and descriptive methodologies to get information from secondary sources. A summary of the definitions of organised crime in general and transnational organised crime in particular can now be produced using these techniques. to ascertain what elements have contributed to its remarkable growth and the effects it has on social, political, and economic spheres. Using the aforementioned methods we manage to raise research questions as follows:

1. How transnational organized crime has evolved?
2. What are the characteristic elements of transnational organized crime??

While the raised **hypothesis** is: "The development of transnational organized crime goes hand in hand with economic, technological and political developments".

Research questions have been answered throughout the paper, based on information collected from different sources. We can prove the hypothesis by analyzing how the process of globalization is one of the main factors in the development of transnational organized crime.. The process which in its development has generated winners and losers. At the end of the paper relevant conclusions will be given and if we can make the relevant inductions or deductions.

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<sup>1</sup> <https://www.unodc.org/unodc/en/aboutunodc/index.html#:~:text=About%20the%20United%20Nations%20Office%20on%20Drugs%20and%20Crime>

#### 4. The Rise of Transnational Organized Crime

This chapter discusses in detail how transnational organized crime developed and what factors influenced its spread around the world. These factors can be due to both political and economic developments in individual countries.

Furthermore, the rapid developments technology and the increase of interdependence between states, has made transnational organized crime take extraordinary proportions and made it very difficult to fight it.

##### 4.1 *The factors that have influenced the development of transnational organized crime*

What is noticed by different actors, such as those who deal with the study of organized crime and those who deal with the fight against this form of crime on the ground, see this category of crime as very sophisticated and quite serious in dealing with it. Even though until recently it was thought that it could be fought only through the implementation of laws and acts related to criminal investigation and prosecution. (Campbell; 2014:222).

It is important to keep in mind that the mafia system has expanded and will continue to expand in areas where special interests take precedence over the welfare of the general public. This has resulted in a volatile political climate where social injustices impede individuals from leading respectable lives and where citizens actively participate in politics. All levels of decision-making are either devoid of possibility or have extremely flimsy grounds. (Roth, 2013: 293). Through the corrupting of people and the legal system, transnational crime threatens the legitimacy of democratic governance and the rule of law. In civilizations transitioning to democracy, organised criminal organisations frequently take the role of the state because their representatives hold important positions in the first legislatures, which are in charge of creating the new legal framework for the community. The presence within state institutions of criminal organizations, with the aim of realizing their objectives regarding illegal profits, harms the interests of the general public and endangers political stability. This is true both for the officers of the groups in which they operate and for the countries in which they do business. (Shelley, 1995:468).

As demonstrated by Russia, where criminal organisations have successfully tested the contemporary pattern of entwining politics, business, and crime, global criminal networks are becoming more and more influential in the transformation of states. Corruption serves as a means of exchange for the influence that gangs, mobsters, and criminal cartels have on governments, legal businesses, and politicians (Sullivan, 2023:53). The distinctive national and regional characteristics that set apart various organised crime groups from one another. Their differences also stem from the extent of globalisation: they can function inside national borders, across state borders, or even within municipal limits, i.e., transnational operations. The Italian mafia, Chinese triads, Colombian drug cartels, Japanese bōryokudan (Yakuza), and, more recently, Russian criminal organisations that have crossed national borders are among the many countries and territories that these global criminal organisations operate in (Chitadze;2016:19).

If we refer to the different factors that have contributed to the growth of organized crime in the West, we can include: globalization, neoliberal deregulation, the expansion of the Schengen area, less border controls since the fall of the Iron Curtain, electronic banking, continuing even further with the growth of offshore tax havens, the expansion of non-western diasporas within western urban conglomerates and an increase in cross-border flows of refugees. But these are not the only factors, underlining that in different countries can there are other factors that in the framework of globalization affect the development of organized crime (Schmid, 2018:9). Globalisation has coincided with an increase in armed conflict as well as the growth of NSAGs (military, criminal, and rebel organisations) in conflict areas. (Caparini, 2022:8).

The increasing number of people wishing to immigrate to the European Union from Second and Third World nations is the reason behind the growth of illegal markets in Europe. This expanding

demand can only be partially satisfied lawfully because to the restrictive migration laws of practically all Western countries. As a result, a veritable people smuggling and trafficking business has developed in both the source and destination countries (Fijnaut, 2004; Paoli, 2001:2). Transnational organized crime has seen a revolution thanks to the "digital age." Criminal organizations now have the means to operate more profitably and efficiently across borders thanks to the Internet and cyberspace. (Ida, 2016:513)

The expansion of worldwide commerce is a contributing cause to the rise in international crime. International business trends are followed by organised criminal groups. In civilizations transitioning to democracy, organised criminal organisations frequently take the role of the state because their representatives hold important positions in the first legislatures, which are in charge of creating the new legal framework for the community. (Shelley;1995:468).

#### 4.2 Some categorizations of transnational organized crime.

With the assistance of dishonest public officials at the highest echelons, transnational criminal organisations oversee all operations and enjoy considerable social protection from marginalised groups (e.g those vulnerable to ethnic prejudice seeking protection). Furthermore, there is no doubt that the growth of democracy as well as global peace and security are threatened by the connections between organised crime and public sector corruption. When arms trafficking drives regional wars, criminal groups obstruct peace and "bias and buy" democratic systems to their benefit, so impeding the growth of democracies. In summary, socioeconomic dysfunctions, a lack of international coordination among nations to develop appropriate public policies, a lack of civil society preventive mechanisms, and political weakness all influence transnational organised crime and corruption. (Buscaglia, 2013:62)

The economic advantages that transnational organised crime offers contribute to its success. Although this is a concerning idea, it is one that needs to be acknowledged if we are ever to solve the issue. Jobs and other benefits are supplied and multiplied by organised crime. A portion of the money made by organised crime is reinvested in regional economies (Williams, 2000:189). Other authors make a different type of categorization of transnational crimes in these objectives: 1. *Provision of illegal products*: drug trafficking, theft of property, counterfeiting; 2. *Provision of illegal services*: human trafficking, cybercrime and fraud, commercial vices. (Albanese, 2012:2); 3. *Business or government infiltration*: Extortion and blackmail, money laundering, corruption. (Albanese, 2012:5)

It is important to emphasise a few transnational organised crime trends: It is spreading and diversifying; Organised crime is acquiring more and more power over property, which contributes to its larger economic influence than it did previously; Criminal groups are trafficking a wider range of items, and organised crime is become more sophisticated and employing more advanced weaponry (Williams, 2000:193). Processes of global exchange give rise to and shape patterns of transnational crime, just as economics, politics, and culture create and influence patterns of crime within national borders. Global interdependence does not cause or result in transnational organised crime; rather, it is an almost inevitable part of international processes of change on a worldwide scale. Criminal activity is becoming more and more collective (corporate), much like the major players in the economy and politics. The core characteristics of the modern criminal are the mingling of corporations and criminals and the exploitation of global commercial opportunities. (Rista et al., 1996:533). Organisations are increasingly being used by organised crime to support illegal activity. The organisation frequently serves as a requirement for carrying out specific crimes. Numerous criminal offences involving a firm have regulatory frameworks attached to them. (Korsell,2018:173).

Transnational organised crime is on the rise in weak and conflict-affected governments, reflecting the dynamics of social disarray, economic opportunism, global integration, inadequate governance, and historical hostilities. (Locke, 2021:15). The network of illegitimate governments appears to be overwhelming US foreign policy on the American continent. The worldwide policy put forward by the NSC several years ago needs to be implemented more aggressively for the security of the United States. (Noriega, 2015:7).

## 5. Discussions

Giving a complete picture of transnational organized crime is challenging due to the fact that the term was coined later than expected and has since generated controversy. We must admit that this type of phenomenon has been developing for three decades, which is also due to the increasing interdependence between states. The free movement of people, goods and services, which is enshrined in various international treaties and conventions, has led to the sometimes-inadvertent abolition of borders between different states and a reduction in the number of people. However, this is not the only crucial factor that needs to be considered.

Added to this is the rapid technological development that has led to the development of globalization. Globalization is one of the key factors in the spread and strengthening of transnational organized crime. The process that has created winners and losers in its development.

Using all the information acquired by different authors, we are able to prove the above-mentioned hypothesis: "the development of transnational organised crime goes hand in hand with economic, technological, and political developments". Considering the research issues for a moment, how has transnational organised crime evolved over time? and 2. What characteristics of global organised crime are unique?, each of which is answered in broad and thorough depth.

The forces and opportunities of globalisation have led to the transformation of criminal organisations into multinational criminal organisations. It is the negative aspect of today's interdependent tendency.(Williams, 2000:188). A multinational criminal organisation can arise under any kind of government. No economic or financial system can withstand the lure of profits at levels and reports that are disproportionately higher than what the legal system delivers, and no legal system seems to be able to entirely limit the expansion of transnational organised crime (Shelley, 1995:485).

On the other hand, we can also say that just as organized crime has become part of the government or has a very large influence on the government, at the same time the states are fighting against it. We can mention here the continuous cooperation of the anti-crime structures. of European countries with others such as Albania. The latter is known as one of the countries in Europe for the impact of organized crime. In recent years, a Special Structure Against Corruption and Organized Crime has been created in Albania, which investigates and fights organized crime. It also investigates the involvement of public officials in corruption and organized crime. This structure was created as a kind of example based on Spain. All the work followed by the Special Structure Against Corruption and Organized Crime has led to the arrest of many officials involved in corrupt affairs and in relation to organized crime.

A detrimental rise in social, political, and economic dysfunctions in nations and communities is reflected in organised crime. Individuals active at the regional, local, national, and international levels are what define these criminal gangs (Bucciaglia ;2013: 61). The increasing number of immigrants from Second and Third World nations attempting to join the European Union is the reason behind the growth of illegal marketplaces in Europe (Fijnaut, 2004; Paoli, 2001:2).The "digital age" has revolutionized transnational organized crime. The Internet and cyberspace have provided criminal organizations with a tool to carry out profitable activities with greater efficiency and extraterritorial capacity (Ida, 2016:513).

Taking joint and coordinated steps between international and national institutions remains one of the most important elements for combating transnational organized crime. While technological developments may have contributed to the growth of this crime, they have also made the combat against it more effective.

## 6. Conclusions

It is abundantly evident that the rise of organised crime poses a major global danger to both domestic and international security.Cooperation and taking steps to combat it by all internal and international

actors requires a joint coordination as efficient and based on well-drafted legal provisions and adapted to the current system of the development of organized crime.

The process of globalization is not a direct consequence of the development of this phenomenon. But as a process that comes as a result of rapid technological, economic, political and interdependence developments between countries, in addition to the positive consequences it brings, we will inevitably have to deal with the negative consequences as well. Where in this case the development of international markets, of international financial transactions, the increase of the gap between the rich and the poor, would definitely lead to the favoring of these criminal groups. The "opening of borders" between the countries of the world, i.e. the increase in the freedom of movement of people, caused many national criminal groups to move to larger countries. This resulted in these groups becoming even larger and expanding their activity Including here mostly the countries of the Western Balkans and not only from these countries.

Technological advancement, the use of very advanced tools makes it very difficult to track and catch people involved in these organized criminal groups. From what has been studied, it can be seen that organized crime has penetrated the politics and governance not only of undeveloped or developing countries. But it has also penetrated into democratic societies with a very high economic level above; no country is immune to the influence of organized crime. The state's legislative, executive, and judicial branches as well as representatives of commerce, trade, the media, and other organisations are all involved in this crime as leaders or active participants. To combat organized crime, some member states or non-members of the European Union have created special structures. These structures cooperate with each other from different countries to combat organized crime and the participation of public officials in corrupt affairs and participation in crime organized.

Technological advancement, the use of very advanced tools makes it very difficult to track down and catch people involved in these organized criminal groups. From what has been studied, it can be seen that organized crime has penetrated into politics and governance not only in underdeveloped countries or in development. But it has penetrated into democratic societies with a very high economic level. So, as mentioned above, no country is immune to the influence of organized crime. One of the best consequences of globalization as a global phenomenon is precisely the technological development. What has been mentioned more during the paper is that this development has been used more by criminal groups. But we can also say that this technological development has made it even more to simplify the investigation and fight against transnational organized crime. By using advanced special tools and devices.

What should be underlined is the increasing attention that this phenomenon has received from all international instances in the USA and from the EU, especially after the 2010s, where concrete actions were taken in drafting and harmonizing legislation and the taking of steps by the relevant competent bodies to fight this phenomenon. The USA and the EU are providing continuous support to the countries of the Western Balkans and Asian countries, exchanging qualified staff in the field of investigation and fighting organized crime. On the other hand, enabling them to be equipped with the most advanced devices to track the actors organized crime. It is a long and very difficult road from all political, national and international judicial actors, which requires continuous coordination in joint cooperation and exchange of mutual experience.

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