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## **THE FIGHT AGAINST ORGANIZED CRIME IN POST-SOVIET UKRAINE: REGULATORY FRAMEWORK, HISTORY, RESULTS (the 1990s)**

**Abstract.** *The purpose* of the article is to study the concept and manifestation of organized crime in Ukraine in the 1990s. **The Research Methodology.** General scientific and special methods have been applied, in particular owing to the historical legal method, the conceptual basis of “organized crime” has been elucidated, its historiographical characteristics have been presented, legislation has been analysed; applied systemic structural and formal logical methods made it possible to analyse the socio-political prerequisites that influenced emergence and actualization of organized crime during the 1990s, and also identified the peculiarities of organized criminal groups. **The Scientific Novelty.** Organized crime is one of the most dangerous illegal acts. Understanding the peculiarities of Ukrainian organized crime in a broader theoretical context is important for the development of qualitative criminological science. Therefore, under the conditions of Russia’s war against Ukraine, the level of crime is increasing, and therefore a theoretical and practical retrospective study of organized crime during the 1990s is important.

**The Conclusions.** On the basis of materials systematization of Ukrainian and foreign historiography, a normative and legal framework of Ukraine, a comprehensive description of the process of combating organized crime in the 1990s has been presented. The concept of organized crime, transnational organized crime has been conceptualized. Organized crime and corruption were among the most threatening problems for the Ukrainian statehood in the 1990s. After all, after gaining independence, Ukraine was at the transitional stage of establishing the institutions of a democratic system. It has been

determined that the post-Soviet organization in Ukraine is a continuation of the Soviet system, however, the Ukrainian crime is characterized by the primacy of a certain organization in a specific territory. Analyzing the legal acts of the 1990s, we can conclude that the activities of special police units in the fight against organized crime were regulated by a large number of legal acts, but specific law-making activities required a more systematic approach.

**Key words:** transnational crime, organized crime, fight against crime, war, martial law, criminological policy.

## **БОРОТЬБА З ОРГАНІЗОВАНОЮ ЗЛОЧИННІСТЮ В ПОСТРАДЯНСЬКІЙ УКРАЇНІ: НОРМАТИВНО-ПРАВОВІ ЗАСАДИ, ІСТОРІЯ, РЕЗУЛЬТАТИ (1990-ті рр.)**

**Мета дослідження** – розкрити поняття та з'ясувати форми діяльності організованої злочинності (ОЗ) в Україні у 1990-х рр. **Методологія дослідження.** У роботі використані загальнонаукові та спеціальні методи, зокрема, завдяки історико-правовому методу розкрито концептуальні засади поняття ОЗ, подано його історіографічну характеристику, проаналізовано законодавство; застосовані системно-структурний та формально-логічні методи дали змогу здійснити аналіз суспільно-політичних передумов, які вплинули на появу та актуалізацію ОЗ протягом 1990-х рр., а також виокремлено особливості організованих злочинних організацій. **Наукова новизна.** Розуміння особливостей української ОЗ в ширшому теоретичному зрізі є важливим для розробки якісної кримінологічної науки. Позаяк в умовах війни Росії проти України відбувається зростання рівня злочинності, важливим є теоретичне та практичне дослідження ретроспективи ОЗ протягом 1990-х рр. **Висновки.** На основі проведеної систематизації матеріалів української та зарубіжної історіографії, нормативно-правової бази України подана комплексна характеристика процесу боротьби з ОЗ у 1990-х рр. Здійснено концептуалізацію понять “організована злочинність”, “транснаціональна організована злочинність”. ОЗ та корупція були одними із найбільш загрозливими проблемами для української державності 1990-х рр. Адже після здобуття незалежності Україна перебувала на транзитному етапі встановлення інститутів демократичного ладу. Констатовано, що пострадянська ОЗ в Україні виступає продовженням радянської системи, однак українську злочинність характеризує першійсть певної організації на конкретній території. Проаналізувавши нормативно-правові акти 1990-х рр., можна зробити висновки, що діяльність спеціальних підрозділів міліції у боротьбі із ОЗ унормовувалася великою кількістю нормативно-правових актів, однак конкретна правотворча діяльність потребувала більш системного підходу.

**Ключові слова:** транснаціональна злочинність, організована злочинність, боротьба зі злочинністю, війна, воєнний стан, кримінологічна політика.

**The Problem Statement.** Organized crime is a complex phenomenon, a form of illegal activity. The issue of organized crime has a wide interpretation among Ukrainian and foreign researchers. There is a significant problem with developing a unified approach to the concept interpretation. In the definition of organized crime, according to Viktor Konopelsky, a lawyer-researcher, one should start from the understanding of this concept as “a whole complex system of various types of a criminal activity of organized groups of criminals” (Konopelskyi, 2023, p. 51). The issues of organized crime are studied by various branches of jurisprudence, political science, and international relations studies. One of the most common aspects of studying this issue is its transnational dimension. It is worth noting that transnational organized crime (TOZ) is a complex phenomenon that arose as a result of the globalized world system development (Sylistyo & Wiranata, Lestari, 2021, p. 43). On an international scale crime is essentially a continuation of the activities of organized crime, which went beyond the boundaries of one state and gained an international scope gradually (Skulysh & Hlushkov, 2012, p. 109). According to Klaus von Lampe, a lawyer in international law and

criminology, an activist of the “Global Initiative against Transnational Organized Crime”, the concept of TOZ can be outlined in three planes: “an illegal activity related to the crossing of international borders; transnational mobile criminal organizations, i.e. criminal organizations that operate in more than one country; the spread of illegal governance across international borders” (Lampe, 2014, pp. 75–76).

**The Review of Recent Publications and Research.** The most significant publications on the study of organized crime in Europe include the studies by K. von Lampe (Lampe, 2014), L. Paoli (Paoli, 2002), C. Fijnaut (Fijnaut & Paoli, 2004), F. Armao (Armao, 2003). In many studies there are covered the activities of organized crime in the Russian Federation and the countries of the former social camp. A. Kupatadze’s monograph focuses on the connection of organized crime in post-Soviet Georgia, Ukraine and Kyrgyzstan to the period of colour revolutions in the 2000s (Kupatadze, 2012); L. Shelley’s publications focus on a comprehensive review of the Soviet and post-Soviet politics, economy and organized crime (Shelley, 1994; Shelley, 1998; Shelley, 1999; Shelley, 2005). Among the Ukrainian scholars there should be singled out the studies by O. Shamara, O. Dzhuzha, L. Arkusha who do research on the issue of legislation development in the field of combating an organized crime and corruption (Shamara, 2021; Shamara, 2024; Dzhuzha, 2007; Arkusha, 2010). A number of authors gave a description, outlined the typology of organized crime, in particular P. Yepryntsev (Yepryntsev, 2022; Yepryntsev, 2023), T. Melnychuk (Melnichuk, 2023), V. Dremyn (Dremyn, 2010a; Dremyn 2010b), O. Busol (Busol, 2010; Busol, 2019), V. Vasylevych (Vasylevych, 2020). This work uses some aspects of theoretical argumentation in the context of scientific research, which were proposed by scientists V. Ilnytskyi and M. Haliv (Ilnytskyi & Haliv, 2022).

**The purpose** of the article: a theoretical generalization of the concept of organized crime, a retrospective historical and legal analysis of the fight against organized forms of crime in Ukraine in the 1990s.

**The Research Results.** In science, politics, and the public sector in the USA, Europe, and Ukraine, in particular, there is an ongoing debate about the interpretation of the concept of organized crime. The concept arose at the end of the 19th century in the USA and in the 1970s spread on the European continent quickly. At the current stage, the term is mainly interpreted “as a set of criminal acts, or an organization of people engaged in crime” (Fijnaut & Paoli, 2006, p. 308).

Conceptualization of the organized crime is carried out at two levels: the legal approach studies concepts in specialized legislation with “formal signs of demarcation and/or consolidation of the crime composition related to organized crime in acts of criminal legislation”; the academic approach reflects a system of scientific views that provide “a special way of presenting, understanding and interpreting” this type of crime (Melnichuk, 2023, pp. 11–12).

Significantly organized forms of crime became widespread in the world after the end of the “Cold War”, mainly in the post-communist countries and those that were under unstable, systemic crisis conditions (Busol, 2019, p. 60). In the USSR, the issue of organized crime was hushed up, because the very fact of it contradicted the foundations of communism (Yepryntsev, 2022, pp. 194–195). A lawyer P. Yepryntsev noted that at the beginning of the 1970s, the “general criminal system” was revived in the USSR, which manifested itself in such criminal acts as “racketeering, kidnapping, control of the income of businessmen, etc.” P. Yepryntsev, following the Ukrainian scholars, connected the manifestations of organized

crime with large-scale illegal activities of the so-called “traders”, who were engaged in the production and distribution of goods and services in the 1970s (Yepryntsev, 2023, pp. 39–40). The formation of the “mafia type of crime” was during the period of the end of the 1970s to the mid-1980s. During this period, it merged with various spheres of a public life and socio-political changes of the so-called “perestroika” (Yepryntsev, 2022, p. 196). The Canadian legal researchers P. H. Solomon and T. Vogelsong noted that until the end of the 1970s, in the Ukrainian SSR, like the rest of the Union republics, there was a fairly low level of crime for such an industrialized and urbanized country, and only in 1977 there was a significant increase in the level of crime mainly due to “the cessation of various forms of crime suppression and the impact of a growing shadow economy that began to produce and distribute large volumes of illegal consumer goods” (Solomon & Foglesong, 2000, p. 72). During the 1980s, a large-scale development of criminal communities took place, a system was formed, the so-called “elite” was singled out (“thieves in law” mainly). Responding to these changes, the state issues the Congress Resolution of the People’s Deputies of the USSR dated December 23, 1989 No. 976-1 “On Strengthening the Fight against Organized Crime”. The next step in countermeasures was the Decree of the President of the USSR “On Measures to Strengthen the Fight against the Most Dangerous Crimes and their Forms” dated February 4, 1991. In accordance with this legislative act, interregional offices for the fight against organized crime were established (Yepryntsev, 2022, p. 196).

It is worth noting that some researchers, especially foreign lawyers, believe that organized crime in Ukraine, in the 1990s arose after the collapse of the Soviet Union. This thesis is consistently refuted by a well-known American scholar L. Shelley, emphasizing that the “Soviet heritage” is one of the most important factors in the spread of organized crime, but it should be considered as a complex phenomenon, which should not be reduced only to the influence of shadow economy or attraction to authoritarian management methods. Instead, one should take into account “a targeted social policy on internal immigration, the failure [of the authorities] to integrate ethnic groups into the national leadership, the development of a large apparatus of social control, and conscious government decisions in recent years” (Shelley, 1998, p. 651). L. Shelley attributes M. Gorbachev’s anti-alcohol company to such important measures in the fight against organized crime, which, on the contrary, contributed to its growth. For example, in Ukraine, in her opinion, the ban contributed to increasing the level of professionalization of smuggling, and in general reduced the level of respect for law enforcement agencies significantly. However, the suppression of ethnic conflicts, which flared up with a new force after the collapse of the USSR, particularly in Azerbaijan and Georgia, and unresolved problems in Nagorno-Karabakh, Moldova, had a more significant impact. These unresolved inter-ethnic conflicts created a market for weapons, while the demobilized large numbers of soldiers had access to equipment, machinery and weapons (Shelley, 1998, p. 652).

In 1989 and 1990 the collapse of the Soviet economy led to a record increase in impoverishment of population, emergence of a considerable social differentiation that existed between a small layer of rich entrepreneurs who were involved in illegal enrichment. This model of business introduction became especially attractive to young men who sought to overcome poverty. At the same time, the state apparatus was weakened significantly (Solomon & Foglesong, 2000, p. 72), a large-scale reforming of the society led to a “generalized institutionalized crisis” (Dremin, 2010a, p. 105). The Ukrainian lawyer Viktor Dremin studied the phenomenon of the crime increase in Ukraine in the 1990s through the prism of

institutional theories, i.e. “crime is analysed through the prism of economic and sociological institutionalism”. V. Dremin described the development of Ukrainian society since the 1990s as being in a transit, i.e. transitional state. Under such conditions, there was a rapid increase in criminalization of the society, which the researcher explained by the peculiarities of the political, legal and economic situation, which he also outlined as the concept of an “institutional crisis” (Dremin, 2010b, pp. 15–16).

An accelerated rate of crime growth was evidenced by the data of official statistics of the period under analysis, which were analysed by the researchers O. Kulyk and B. Bobyr. According to their calculations, during the period of 1988 – 1997, there was a significant increase in the total number of crimes by two and a half times. Among them, “property crimes (a theft, robbery, fraud, and extortion), economic crimes (receiving bribes, drug production and drug trafficking) were the most recorded” (Solomon & Foglesong, 2000, p. 72). From 1986 to 1997, “in Ukraine the coefficient of crime intensity per 100,000 population was: in 1986 – 488 crimes; in 1987 – 484; in 1988 – 473 crimes; in 1989 – 623; in 1990 – 718; in 1991 – 921; in 1993 – 1,033; in 1994 – 1096; in 1995 – 1,241; in 1996 – 1,202; in 1997 – 1159” (Dremin, 2010, p. 107a). However, it should be emphasized that despite high rates of criminalization of Ukrainian society during the last years of the Ukrainian SSR and the first years of independence, Ukraine had lower rates than in the Russian Federation during the same period. In particular, “in 1993, when 1,032 crimes were registered in Ukraine per 100,000 population (a crime rate), in the Russian Federation – 1,890. The difference in indicators per 100,000 for the population over the age of fourteen was even greater: 1,287 versus 2,344. These data reflect long-standing differences between the two republics: in 1972, the coefficient for Ukraine was 283, and in 1971 for Russia – 536” (Solomon & Foglesong, 2000, p. 73).

Sharing the view that organized crime reflects the peculiarities of social relations development within the state, a researcher T. Melnychuk concluded that the post-Soviet state is a continuation of the Soviet system, but it should not be equated in different countries. In Ukraine, there were close ties with criminal groups of other former Soviet republics, however, “organized crime in Ukraine was never a single organization with common goals and ideas of a criminal behaviour. Numerous criminal gangs were usually named by location or by the name of their leader. For the Ukrainian organized crime, the formula “dominance of a certain organization in a certain territory during a certain period of time” was applied (Melnychuk, 2023, pp. 41–42).

Thus, the Ukrainian state was not ready for radical changes: a break in economic ties, hyperinflation and the so-called “wild privatization”. As the researcher P. Yepryntsev noted, privatization of the state property was carried out in such a way that criminal groups received large objects in industrial sector, real estate, and thus gained the opportunity to influence even entire sectors of economy. Therefore, organized crime accumulated a significant financial and property basis in order to influence the activities of state structures, while at the same time acting on a legal basis in a new economic situation (Yepryntsev, 2022, p. 196). As a result, at the end of the 1990s, there appeared “politico-economic groups of the criminal oligarchic type” in Ukraine, which played a significant role. At the same time, there was a tendency to strengthen control over the most profitable sectors of the economy, the growth of their financial and credit sphere, and involvement in privatization. There was also a regrouping of the organization and its separate formations into more influential criminal oligarchic formations (clans) (Dulskyi, 1999, p. 63). The Canadian-British analyst Taras



Kuzio noted that in Ukraine during the period under analysis, crime was one of the most influential groups in the society and blurred the line between criminal structures and the state significantly (Kuzio, 2015, p. 332). During the 1990s, a high level of violence was observed on the Crimean peninsula mainly, and later in Donetsk and Luhansk regions. In Donbas the peak of violence was considered to be in 1995 – 1996, when the sensational murders of some of the richest oligarchs and bosses of organized crime happened (Kuzio, 2014, p. 195).

The concept of organized crime is presented in Part 1, Article 1 of the Law of Ukraine of the Law of Ukraine “On Organizational and Legal Basis of Combating Organized Crime” dated June 30, 1993 – it is “a set of crimes committed in connection with creation and activity of organized criminal groups”. In Part 2 of this Criminal Code “the types and signs of these criminal offenses, as well as criminal legal measures against people who have committed such criminal offenses, are determined by the Criminal Code of Ukraine” (Chaplynskyi, 2004, p. 16).

The definition of the concept of “organized crime” was also formulated in Article 28 of the Criminal Code of Ukraine from 2001 “Commitment of a criminal offense by a group of people, a group of people with a prior conspiracy, an organized group or a criminal organization”. In particular, a “criminal offense” is defined as “committed by a group of people (two or more people); according to a prior conspiracy by a group of people”, who were also previously “organized into a group of people to commit this and other (other) criminal offenses, united by a single plan with the division of functions among group members, aimed at achieving this plan, known to all group members”. Typical features are a hierarchical structure and mutual relations of participants, a certain distribution of functions (Kryminalnyi Kodeks Ukrainy, 2001).

The Law “On Organizational and Legal Basis of Combating Organized Crime” contained a number of additions and clarifications that were approved by the Verkhovna Rada. Section 1 of Article 3 defines that the task of this legislative act is to create general legal and organizational principles in the field of combating organized crime, promoting its prevention and elimination; definition of the system of state bodies fighting organized crime and their interrelationships”. Therefore, in Article 4 as of May 15, 2004 it was stated that “1. Legislation on the fight against organized crime is based on the Constitution of Ukraine and includes this Law, the Criminal and Criminal Procedural Codes of Ukraine, the laws of Ukraine “On Operational and Investigative Activities”, “On the Police”, “On the Security Service of Ukraine”, “On the Prosecutor’s Office”, other laws, international legal agreements to which Ukraine is a party. 2. By-laws regulating relations in the field of combating organized crime cannot determine the powers of state bodies or the duties of individuals and legal entities that do not follow from the laws of Ukraine (Zakon Ukrainy, 2003).

In Article 5 of Section 1 of the Law of Ukraine “On Organizational and Legal Basis of Fighting Organized Crime” there is defined the system of bodies that fight organized crime: these are “state bodies specially created to fight organized crime; state bodies participating in the fight against organized crime within the scope of the performance of other main functions assigned to them”. The first group of state bodies includes the Coordination Committee for Combating Corruption and Organized Crime under the President of Ukraine; special units for fighting against the Ministry for Internal Affairs of Ukraine; special anti-corruption units and the Security Service of Ukraine. As for the state bodies that are also involved in the fight against illegal immigration, these are also the bodies of the Prosecutor’s Office and customs bodies, and the State Border Service bodies in Ukraine (Zakon Ukrainy, 2003).

The norms of the Criminal Code and the Code of Criminal Procedure occupy an important place in the system of combating organized crime. In the context of this research, it is also worth mentioning the following legal acts. The Law of Ukraine “On Operational Investigative Activities” dated February 18, 1992, which outlined the list of entities authorized to conduct investigative activities. In 2001, amendments were made to this law, in particular, the range of entities that received the right to conduct operational and investigative activities was more clearly determined. In particular, Article 5 it is stated that “operational investigative activities are carried out by operational units of internal affairs bodies – criminal, transport and special police, special units for fighting organized crime to ensure courts employees, law enforcement agencies and participants in criminal proceedings” (Rozum, 2018, p. 14).

In countering organized crime, a significant role is played by the structures of bodies whose activities are directly aimed at countering various manifestations of crime. In particular, these are police bodies whose powers and role were determined by the Law “On Militia” of 1990, in which special units for combating organized crime were also determined, and in 1991, an interregional Office for Combating Organized Crime was established within the Ministry for Internal Affairs. During the first years of independence, the Main Directorate for Combating Organized Crime of the Ministry for Internal Affairs of Ukraine was reorganized (HUBOZ, Ministry for Internal Affairs, Ukraine). The main areas of activity of this body were: detection of crimes in banking, credit and financial spheres, fight against corruption, bribery and illegal transactions with currency, detection of crimes during privatization processes, fight against gang formations and international crime. On February 24, 1994, the Law of Ukraine “On Amendments and Additions to the Law of Ukraine “On Organizational and Legal Basis of Combating Organized Crime” was adopted, according to which changes were made to the structures of HUBOZ. In particular, independent departments were formed similar to those that already existed in the structures of the Ministry for Internal Affairs of the Republic of Crimea and the State Security Service in the city of Kyiv and Kyiv region, the Security Service of other regions and the city of Sevastopol, Department for Internal Affairs on Transport of the Ministry for Internal Affairs of Ukraine (UVST (VVST)) and units for investigation of organized crime within investigative departments of personnel and operative cover units for combating organized crime (Rozum, 2018, p. 14).

The Decree of the President of Ukraine dated June 21, 1994 “On Urgent Measures to Strengthen the Fight against Crime” played a key role in the normative legal acts related to the activities of the State Security Service of Ukraine, in particular “Ministry for Internal Affairs of Ukraine, the Security Service of Ukraine, the State Customs Service of Ukraine, Administration of the State Border Service of Ukraine, Council of Ministers of the Autonomous Republic of Crimea, local state administrations with participation of General Prosecutor’s Office of Ukraine to implement coordinated measures systematically, aimed at strengthening the fight against banditry, corruption, and other serious crimes decisively. To focus on neutralizing armed criminal groups that are interregional and international in nature” (Ukaz Prezydenta Ukrainy, 1994). In the following years, the Verkhovna Rada of Ukraine supplemented the legal framework significantly, in particular, there were adopted the laws “On Preventive Detention of Persons”, “On Preventing and Combating Legalization (Laundering) of Proceeds Obtained through Crime or Financing of Terrorism”, “On Measures to Combat Illegal Drugs Trafficking, Psychotropic Substances and Precursors and their Use”. On October 5, 1995 the Verkhovna Rada adopted the Law of Ukraine “On the Fight against Corruption”, in which there were outlined the legal principles for combating

corruption. This law was important for the intensification of the HUBOZ structural parts activity (Rozum, 2018, p. 15).

An important role in the formation of international legislation on the transnational criminal law development is played by the UN, which implements its law-making activities through the activities of the General Assembly, the Security Council, and UN congresses on crime prevention and criminal justice (Popko, 2019, p. 78).

In 1997, after the merger of the Centre for International Crime Prevention and the United Nations Programme on International Drug Control, the United Nations Office on Drugs and Crime (UNODC) was established. One of the main areas of activity of the UNO is “the fight against transnational organized crime and illegal drug trafficking: implementation of the UN Convention provisions against Transnational Organized Crime, fight against drug production, consumption and trade; border management; control of precursors; combating human trafficking; fight against illegal trade in firearms; illegal migration”. Ukraine ratified 3 main conventions on the control of drugs and precursors, implements the UN Convention provisions against Transnational Organized Crime and the UN Convention against Corruption (Upravlinnia OON, 2012).

Since the 1990s, a numerical increase in the level of crime committed by organized groups and the level of crime in general has been recorded in Ukraine. The year of 1995 was a peak year, in particular, “a total level of crime amounted to almost 642 thousand crimes (1246 per 100 thousand population) or increased by 158% compared to 1991”. Analyzing the statistics, the researcher T. Melnychuk came to the conclusion that such a level of growth had not only certain objective reasons, but such figures could be the result of the following process: in 1991, on the basis of already existing specialized structures of the Ministry for Internal Affairs, a special service of the internal affairs bodies to combat organized crime was established, headed by HUBOZ, therefore, it can be assumed that it was aimed at the most maximum effectiveness (Melnychuk, 2023, p. 50). In 1990 and 1994, under the leadership of the Ministry for Internal Affairs of Ukraine, new special units began to operate, which contributed to the fight against organized crime comprehensively, this includes, in particular, the National Bureau of Interpol of Ukraine, the International Relations Service, etc. Another important step that contributed to the implementation of the Law “On Organizational and Legal Basis of Combating Organized Crime” was the creation of a single database on the accounting and activities of organized criminal groups on the basis of the automated information and search system of the AIPS “Scorpion” (Busol, 2012, pp. 160–161). Since 2000, statistics has shown a downward trend in the detection of organized crime, while at the same time there is a “fading of large-scale organized crime and criminal terrorism characteristic of the mid-1990s” (Melnychuk, 2023, p. 50).

**The Conclusions.** Organized crime is a complex phenomenon, a form of illegal activity. This phenomenon is the research subject in various fields of science, so this concept has a number of interpretations. Conceptualization of organized crime is carried out in two planes: the legal approach studies the concept in the relevant legislation; the academic approach reflects a system of scientific views that provide “a special way of presenting, understanding and interpreting” this type of crime.

Organized forms of crime became widespread in the world after the end of the “Cold War” significantly, in post-communist countries mainly and those ones that were under unstable, systemic crisis conditions. In 1989 and 1990, the collapse of the Soviet economy led to a record increase in impoverishment of population, emergence of a considerable



social differentiation and, at the same time, an increase in organized crime. At the same time, although organized forms of crime were a continuation of the Soviet system, Ukraine had its own peculiarities of this phenomenon, in particular, its territorial spread. After analyzing the legal framework of the 1990s, we can conclude that a number of legislative acts were adopted that normalized the activity of the law enforcement system, but this law-making activity required a more systematic approach, which was applied more clearly in the following years.

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## BIBLIOGRAPHY

**Arkusha, L.** (2010). *Lehalizatsiia (vidmyvannia) dokhodiv, oderzhanykh u rezultati orhanizovanoi zlochyynnoi diialnosti: kharakterystyka, vyavlennia, rozsliduvannia: monohrafiia* [Legalization (laundering) of income obtained as a result of organized criminal activity: characteristics, detection, investigation: monograph]. Odesa: Yurydychna literatura. [in Ukrainian]

**Armao, F.** (2003). Why is Organized Crime so Successful? In: Allum F., Siebert R. (eds.) *Organized Crime and the Challenge to Democracy*, (pp. 27–38). London: Routledge. [in English]

**Busol, O.** (2010). *Zakonodavstvo Ukrainy ta zarubizhnykh krain shchodo protyidii koruptsii. Mizhnarodnyi dosvid borotby z koruptsiieiu: monohrafiia* [Legislation of Ukraine and foreign countries on anti-corruption. International experience of combating corruption: monograph]. Kirovohrad: TOV “Polihraf-Cervis”. [in Ukrainian]

**Busol, O.** (2012). Rol orhaniv vnutrishnykh sprav ta inshykh derzhavnykh instytutsii Ukrainy v borotbi z orhanizovanoi zlochyynnistiu: istorychnyi aspekt [The role of internal affairs bodies and other state institutions of Ukraine in the fight against organized crime: a historical aspect]. *Borotba z orhanizovanoi zlochyynnistiu i koruptsiieiu (teoriia i praktyka): naukovo-praktychnyi zhurnal*, 1(27), pp. 158–169. [in Ukrainian]

**Busol, Yu.** (2019). Orhanizovana zlochyynnist v Ukraini: stan i problemy realizatsii derzhavnoi polityky u sferi protyidii tsomu yavyschu [Organized Crime in Ukraine: Status and Problems of Implementing State Policy in the Sphere of Countering this Phenomenon]. *Yurydychnyi chasopys Natsionalnoi akademii vnutrishnykh sprav – Legal Journal of the National Academy of Internal Affairs*, 2(18), 60–71. [in Ukrainian]

**Chaplynskyi, K.** (2004). *Orhanizatsiia i taktyka slidchykh dii pry rozsliduvanni zlochyyniv, vchynenykh orhanizovanyimi zlochyynnymi hrupamy: monohrafiia* [Organization and tactics of investigative actions in the investigation of crimes committed by organized criminal groups: monograph]. Dnipropetrovsk. [in Ukrainian]

**Dremin V.** (2010). *Instytutsionalna teoriia zlochyynnosti ta kryminalizatsii suspilstva. Avtoreferat na na zdobuttia naukovooho stupenia doktora yurydychnykh nauk za spetsialnistiu – kryminalne pravo ta kryminolohiia; kryminalno-vykonavche pravo* [Institutional theory of crime and society criminalization. – Manuscript. Thesis to obtain the Doctor of Law degree on the specialty Criminal Law and Criminology, Criminal Procedure Law]. Odesa: Odeska natsionalna yurydychna akademiia. [in Ukrainian]

**Dremin, V.** (2010a). Instytutsionalnyi krizis i kryminalizatsiia vlasti v tranzitivnom obshchestve: polytyko-kryminolohycheskyi analiz [Institutional crisis and criminalization the authorities in the transitive society: political and criminological analysis.]. *Naukovi pratsi Natsionalnoho universytetu Odeska yurydychna akademiia – Scientific works of the National University of Odesa Law Academy*, 9, 105–120. [in Russian]

**Dremin, V.** (2010b). *Prestupnost kak sotsyalnaia praktika: institutsionalnaia teoriia krimynalizatsii obshchestva: monohrafiia* [Crime as social practice: institutional theory of criminalization of society: monograph]. Odessa: Yuridicheskaia literatura. [in Russian]

**Dulskyi, O.** (1999). Borotba z orhanizovanyh zlochynnymy uhrupuvanniamy, likvidatsiia yikh lideriv ta kryminalnykh avtorytetiv – stratehichniy napriam ORD spetspidrozdiliv BOZ MVS Ukrainy [The fight against organized criminal groups, elimination of their leaders and criminal authorities is the strategic direction of the ORD of special units of the Ministry of Internal Affairs of Ukraine]. *Visnyk Lvivskoho instytutu vnutrishnikh sprav – Bulletin of the Lviv Institute of Internal Affairs*, 2(10), 59–65. [in Ukrainian]

**Dzhuzha, O.** (2007). *Orhanizovana zlochynnist v Ukraini ta krainakh Yevropy: posibnyk* [Organized crime in Ukraine and European countries: a guide]. Kyiv: Kyivskyi natsionalnyi universytet vnutrishnikh sprav. [in Ukrainian]

**Fijnaut C. J. & Paoli, L.** (2006). Organised crime and its control policies. *European Journal of Crime, Criminal Law and Criminal Justice*, 14(3), 307–327. [in English]

**Fijnaut, C. & Paoli, L.** (Eds.) (2004). *Organised Crime in Europe Concepts, Patterns and Control Policies in the European Union and Beyond*. Dordrecht: Springer. [in English]

**Ilnytskyi, V. & Haliv, M.** (2022). Theoretical Argumentation in the Historical Narrative of Ukraine of the Second Half of the 19th – First Half of the 20th century (on the Example of Research in the History of Education). *Eminak*, 3 (39), 66–80. DOI: [https://doi.org/10.33782/eminak2022.3\(39\).591](https://doi.org/10.33782/eminak2022.3(39).591)

**Konopelskyi, V.** (2023). Poniattia orhanizovanoi zlochynnosti ta yii zapobihannia [The concept of organized crime and prevention]. *Pivdennoukrainskyi pravnychyi chasopys – South Ukrainian Legal Journal*, 3, 47–52. [in Ukrainian]

**Kryminalnyi Kodeks Ukrainy.** (2001). Kryminalnyi Kodeks Ukrainy [Criminal codex of Ukraine. (2001). Information of the Verkhovna Rada of Ukrain]. *Vidomosti Verkhovnoi Rady Ukrainy*, 25–26, 131. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> [in Ukrainian]

**Kupatadze, A.** (2012). *Organized Crime, Political Transitions and State Formation in Post-Soviet Eurasia*. Basingstoke: Palgrave Macmillan. [in English]

**Kuzio, T.** (2014). Crime, politics and business in 1990s Ukraine. *Communist and Post-Communist Studies*, 47, 195–210. [in English]

**Kuzio, T.** (2015). *Ukraine: democratization, corruption, and the new Russian imperialism*. Santa Barbara, Denver: Praeger. [in English]

**Lampe, K. V.** (2014). Transnational Organized Crime in Europe. *Transnational organized crime: an overview from Six Continent, six continents* / edited by J. S. Albanese, P. L. Reichel. Los Angeles, (pp. 75–92). London, New Delhi, Singapore, Washington DC: Sage. [in English]

**Melnychuk, T.** (2023). *Organized Crime as Institutional Cluster. Transition from Traditional to Informational Model in Ukraine*. Switzerland: Springer. [in English]

**Paoli, L.** (2002). The paradoxes of organized crime. *Crime, law and social change: an international journal*, 37(1), 51–97. [in English]

**Popko, S.** (2019). Rol Orhanizatsii Obiednanykh Natsii u formuvanni transnatsionalnoho kryminalnoho prava [Role of the United Nations in the establishment of transnational criminal law]. *Publichne pravo*, 2 (139), 75–86. [in Ukrainian]

**Rozum, S.** (2018). Istoryko-pravovi zasady formuvannia normatyvno-pravovoi bazy pidrozdiliv MVS Ukrainy po borotbi z orhanizovanoi zlochynnistiu i koruptsiieiu [Historical and legal bases for formation of normative legal basis of division of the MIA of Ukraine to combat organized crime and corruption]. *Vcheni zapysky TNU imeni V. I. Vernadskoho. Seriya: yurydychni nauky – Academic notes of TNU named after V. I. Vernadskyi. Series: legal sciences*, 29 (68), 12–17. [in Ukrainian]

**Shamara, O. & Komashko, V.** (2021). Reformuvannia systemy orhaniv borotby z orhanizovanoi zlochynnistiu: problemy zakonodavchoho vrehuliuvannia, cherez pryzmu Yevroatlantychnoi intehratsii Ukrainy [Reforming the system of bodies fighting organized crime: problems of legislative regulation, through the prism of the Euro-Atlantic integration of Ukraine]. *Materialy naukovo-praktychnoho seminaru Protydiia orhanizovanii zlochynnosti: problemy teorii ta praktyky, m. Dnipro, 3 hrud. 2021 r.*, (pp. 45–54). Dnipro: Dnipropetrovskyi derzhavnyi universytet vnutrishnikh sprav. [in Ukrainian]

**Shamara, O.** (2024). Orhanizatsiino-pravovi osnovy borotby z orhanizovanoi zlochynnistiu v Ukraini: problemy zakonodavchoho vrehuliuvannia [Organizational and legal foundations of the

fight against organized crime in Ukraine: problems of legislative regulation]. *Informatsiia i pravo – Information and Law*, 2(49), 151–163. [in Ukrainian]

**Shelley, L.** (1994). Post-Soviet Organized Crime and the Rule of Law. *J. Marshall L. Rev.*, 28, 827–845. [in English]

**Shelley, L.** (1998). Organized crime and corruption in Ukraine: impediments to the development of a free market economy. *Demokratizatsiya – Democratization*, 6 (4), 648–663. [in English]

**Shelley, L.** (1999). Russia and Ukraine: Transition or tragedy? *Trends in Organized Crime*, 4(3), 81–107. [in English]

**Shelley, L.** (2005). *Policing Soviet society: The evolution of state control*. Routledge. [in English]

**Skulysh, Ye. & Hlushkov, V.** (2012). Poniattia transnatsionalnoi orhanizovanoi zlochynnosti ta yii spivvidnoshennia z teroryzmom [The concept of transnational organized crime and its relationship with terrorism]. *Law and Society*, 2, 190–194. [in Ukrainian]

**Solomon Jr., P. H., & Foglesong, T. S.** (2000). The two faces of crime in post-Soviet Ukraine. *East European Constitutional Review*, 9, 72–76. [in English]

**Sylistyo, I., Wiranata, I. J. & Lestari, S. I.** (2021). A Review Towards Theories, Concepts, Methods in International Relations, and Related International Legal Instruments for Conducting Research on Transnational Organized Crime. *Advances in Social Science, Education and Humanities Research*, 628, 43–51. [in English]

**Ukaz Prezydenta Ukrainy.** (1994). *Ukaz Prezydenta Ukrainy “Pro nevidkladni zakhody shchodo posylennia borotby zi zlochynnistiu”* [Decree of the President of Ukraine “On urgent measures to strengthen the fight against crime”] vid 21 chervnia 1994 r. № 396/94. URL: <https://zakon.rada.gov.ua/laws/show/396/94#Text> [in Ukrainian]

**Upravlinnia OON.** (2012). *Upravlinnia OON z narkotykiv ta zlochynnosti* [United Nations Office on Drugs and Crime]. URL: <https://vienna.mfa.gov.ua/ustanovi-oon-u-vidni/2722-unz-oon> [in Ukrainian]

**Vasylevych, V.** (2020). *Kryminolohichna polityka Ukrainy: monohrafiia* [Criminological policy of Ukraine: monograph]. Kyiv: Natsionalna akademiia vnutrishnikh sprav. [in Ukrainian]

**Yepryntsev, P.** (2022). Heneza stanovlennia ta rozvytku zlochynnykh spilnot v Ukraini [Genesis of formation and development of criminal communities in Ukraine]. *Yurydychnyi naukovyi elektronnyi zhurnal – Legal scientific electronic journal*, 2, 194–197. [in Ukrainian]

**Yepryntsev, P.** (2023). *Teoriia ta praktyka zapobihannia orhanizovanii zlochynnosti v Ukraini* [Theory and Practice of Preventing Organized Crime in Ukraine. Qualifying scientific work on manuscript rights]. (*The dissertation for the Doctor of Legal Sciences degree*). Kropyvnytskyi: Donetskyy derzhavnyi universytet vnutrishnikh sprav. [in Ukrainian]

**Zakon Ukrainy.** (2003). *Zakon Ukrainy “Pro orhanizatsiino-pravovi osnovy borotby z orhanizovanoi zlochynnistiu. Iz zminamy i dopovnenniamy, vnesenymy Zakonamy Ukrainy”* [The Law of Ukraine “On organizational and legal foundations of combating organized crime. With changes and additions introduced by the Laws of Ukraine”] vid 15 travnia 2003 r. N 762-IV. URL: [https://www.spfu.gov.ua/ua/documents/3868.html?fbclid=IwY2xjawEVxSdleHRuA2FlbQIxMAABHQIPFX7L\\_Y0TFIs850937KoQEeFMq9T2f1FAC7Zd2cl3CDTZinBfQh38Q\\_aem\\_DBWi0BzWRvgBG7igcFL8cQ](https://www.spfu.gov.ua/ua/documents/3868.html?fbclid=IwY2xjawEVxSdleHRuA2FlbQIxMAABHQIPFX7L_Y0TFIs850937KoQEeFMq9T2f1FAC7Zd2cl3CDTZinBfQh38Q_aem_DBWi0BzWRvgBG7igcFL8cQ) [in Ukrainian]

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