

ANALYTICAL REVIEW OF ENGLISH-LANGUAGE SCIENTIFIC STUDIES ON THE INVESTIGATION OF TRANSBOUNDARY ECONOMIC CRIMES



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Abstract. The article is devoted to questions of scientific researches of English-speaking scientists concerning transnational economic crime. The corresponding scientific doctrine must be developed in this case.

Keywords: *transnational economic crime, transnational crime, financial crimes, economic crimes, United Nations Convention against Transnational Economic Crime.*

Introduction

Research Rationale. Transnational economic crime is one of the most dangerous types of crime. Therefore, it is not surprising that much attention of both Ukrainian and foreign scientists has been paid to studying and countering it.

As our state aims to become a full member of the European community, it is necessary to study in more detail the advanced experience of foreign scientists studied transnational economic crime. Understanding of the directions of international studies will allow more effective interaction with foreign colleagues, and this will improve the quality of countering transnational economic crime both at the domestic and international levels.

Knowledge Level. The thoughts of foreign researchers on certain issues of combating transnational economic crime have been researched and quoted by V.A. Hlushkov, P.D. Bilenchuk, V.V. Korolchuk, G.P. Zharovska, E.D. Skulish, V.S. Polyanska, A.N. Gargat-Ukrainchuk and other domestic researchers. However, Ukrainian scientific thought there still have no understanding and generalization of how transnational economic crime studies are carried out in foreign English-speaking countries, and the latest research by English-speaking authors has not been analyzed.

The purpose of the article is to study and analyze issues related to scientific research of English-speaking scientists regarding transnational economic crime, countering transnational economic crime and conditions conducive to such opposition.

Statement of Basic Materials. Starting an analytical review of scientific studies of foreign scientists on the issue, it should be noted that the number of foreign studies in this area began to grow rapidly in the 80-90s of the twentieth century, when the world realized that globalization processes lead not only to an increase in welfare and greater openness of countries in common policy and trade, but also caused an increase in crimes with an international component. Criminal groups around the world easily understood the enormous benefits that can be obtained using

the latest achievements of science and technology. Therefore, scientists and practitioners from around the world, and above all from English-speaking countries, started to explore ways to counter this threat. In this article, we present an analytical review of some of the studies on countering transnational organized crime.

One of the first researchers of this phenomenon was Alan Castle. In his study of 1997, he notes that transnational organized crime is a security threat, in the meaningful sense of the word. The author in the first

section considers the statements of well-known politicians and lawyers that have been made regarding the status of transnational organized crime as a security threat, and thus offers characteristics that can be expected a priori from such a threat — that is, how to predict a threat to national security as soon as you see a certain phenomenon. In the second section, the author examines the concept of transnational organized crime, both conceptually and empirically, in order to present a clearer picture of this phenomenon and to evaluate the various ways in which its existence and activity pose a potential security threat. Finally, the researcher proposes an assessment of the degree of justification of the fears that were set forth in the first chapter. At that time, the author came to the conclusion that while the threat posed by criminal groups to the security of well-organized states is generally exaggerated, especially in the context of short-term existential threats, such a threat is at the same time very real for poorly institutionalized, undemocratic states and, therefore, for democracies only from the point of view of the future democratic development and political stability of new areas of democratization [3]. Modern scientists do not agree with the researcher in assessing the situation, although the presence of weak democracies undoubtedly contributes to the development of transnational economic crime. However, developed transnational economic crime, which covers only countries with unstable economies and weak government regulation, does not make sense, since it is the economic inequality between countries that contributes to a significant number of transnational economic crimes.

Many foreign authors analyzed international economic crime in the context of transnational organized crime, noting that the existence of these two concepts is impossible one without the other. So, a large-scale historical and analytical study of transnational crime has been conducted by Robert Mendel in his work "Dark Logic: Transnational Criminal Tactics and Global Security" [4]. The author notes that after the end of the Cold War, transnational non-state armed groups were the main source of global instability, transporting illegal flows of people, goods and services across international borders. And since this activity is very multifaceted and can be easily integrated into society, these

formations remain largely invisible until the invasion becomes permanent and difficult to eliminate. Thus, the threat of transnational organized crime ultimately undermines the security of countries around the world, including economic, cultural and political dimensions, and currently presents a challenge to international security, which is striking in its scope. R. Mendel thoroughly analyzes when and how transnational organized crime can use corruption and violence to achieve its goals, and when and how these criminal acts affect individual and state security the most. More importantly, the author determines when and how to successfully deal with the negative consequences of this tactic and activity. In doing so, he carries out a unique analysis of contemporary global security issues.

Jay S. Albanese in his work "Transnational Crime and the 21st Century: Criminal Enterprise, Corruption, and Opportunity" uses case studies, interviews and cutting-edge research to study links between transnational crime and organized crime [1]. Although the author is a well-known criminologist and he conducts basic research, however, the book is designed for a wide range of students and, therefore, written in a somewhat provocative journalistic style.

The scale and sectoral division of organized transnational criminal activity increased dramatically over the period from 1977 to 2002, according to Mets Berdal (Director of International Studies at the International Institute for Strategic Studies) and Monica Serrano (Mexican politician and lawyer). They submit 14 reports that address issues of whether there is something fundamentally new in the activities of transnational criminal corporations and whether it is a greater threat to the international political and economic system. The relationship of organized crime with the processes of economic globalization is considered in the reports, which dealt with the growth of financial crimes and cooperation between criminal organizations in the era of liberalization. The following reports explore the role of international and regional organizations in the fight against criminal activity. At the end, regional studies from Europe, the Balkans, the Middle East, and Latin America are provided [2].

In addition, certain labor is devoted to the consideration of precisely countering organized economic crime within certain

countries or organizations, or, conversely, within the whole world. For example, the work of Amandin Scherer "G8 against Transnational Organized Crime (Global Finance)" [5] is dedicated to the joint work of experts from the countries of the so-called G8 (eight leading countries of the world) against transnational economic crime. The author notes that the fight against money laundering, drug trafficking, illegal immigration, cybercrime and helping to strengthen judicial and police cooperation in criminal matters has been at the center of attention of the G8 since about the 1990s. This book sheds light on the nature, structure and method of work of the special G8 expert group on transnational organized crime, analyzing the development, production and implementation of relevant international norms and standards by this expert group. The book contains a detailed analysis of the insufficiently studied aspect of international politics: the intensification of the exchange of experience and enhanced cooperation against transnational organized crime at the international level and at the level of relevant expert groups and organizations. Such cooperation, the researcher notes, ultimately led to the intensive development of recommendations of the so-called "soft law" and the introduction of best practices. Until now, quite a few studies have focused on the organization and activity of expert groups: what kind of experts do they consist of, what character and influence does their collective work have in the global fight against organized crime.

G. Srikanth considers the fight against transnational crime in the countries of ASEAN and India. The author notes in his article that transnational criminal organizations have become one of the biggest threats to the sovereignty and economic development of modern states. Thanks to the globalization of business, improved communications and the rapid development of technology, such organizations have achieved a global level. Traditionally, states are set to combat the threats that arise as a result of subjects actions within the state. So, at first, it was not clearly defined how to deal with non-traditional threats, which were transnational criminal networks. Development of military capabilities, effective border patrol, strengthening military intelligence, etc. were considered as effective means of containing the problems that these non-state players

create. However, this experience has led states to develop appropriate strategies at the regional and global levels to counter transnational threats. Against the background of various initiatives taken at the regional and global levels, the author assesses certain initiatives undertaken by India and ASEAN countries in combating the threats that transnational criminal organizations create. The study stresses the need to develop an integrated approach, goes beyond military solutions, and concludes on the need to solve important problems and problems of people, as well as to involve the public in the fight against transnational crime [6].

Some English-language authors, instead of examining transnational economic crime in general, delve into its specific industries. Therefore, one of the most interesting is the work of Antonius Johannes Gerhardus Tjuijs "Transnational crime and the legal trade and antiquities trade" [7] from the point of view of the investigation of transnational economic crimes related to the issue of transnational movement of crime objects. The trade in illegal art and antiques was chosen by the author for several reasons. On the one hand, since this type of crime is known for its complex interaction between legal and illegal players, and on the other hand, since empirical studies of this type of crime are not enough.

The researcher focuses on the interaction between legal and illegal actors involved in transnational crimes. Such an interaction, as illustrated by the cases of Udo Proksha and Cornelia M., can sometimes be quite complex and multistage. Through this complexity of such cases, the interaction of various participants in crimes cannot be easily described using distinct and mutually exclusive categories, such as "transnational (organized) crimes", "legal enterprises" and "government agencies". Using case studies, the author shows that the boundaries between transnational crime, terrorism, corporate crime and state crime disappear. According to the researcher, the practical characteristics of the cases described by him turned out to be much more common for transnational crimes in general than was previously thought. So a study that focuses solely on the interaction of legal business entities and criminals, according to the author, can be an important and necessary addition to existing research. By studying the relationship between legal

and illegal players, one can understand the rather thin line between transnational crime, corporate crime and other types of crime. Only after these boundaries coincide transnational crimes can be considered from a broader perspective. From this point of view, transnational crimes always occur against a specific background of economic factors, government policies and gaps in legislation, as well as other factors. In addition, a systematic study of the interaction between legal business entities and transnational crime can help identify the different types and causes of such interaction. Finally, since the practical issues of the interrelationship of legal business entities with all types of transnational crimes are being clarified, the international community can develop more effective legislative and policy tools to counteract such a relationship.

The first half of the mentioned research is based on already existing literature on transnational crimes. In the second half, empirical studies are described by the author of the illegal trade in art and antiques, which has been done specifically for this study.

From the works of foreign scientists it can be concluded that their research is related to the works of Ukrainian scientists as follows:

- foreign English-speaking scientist consider transnational economic crime as an integral part of transnational crime in general. Therefore, the issue of countering transnational economic crime is also considered in the context of countering transnational crime;
- as well as domestic researchers, their foreign colleagues recognize transnational economic crime as one of the most difficult challenges of our time and are resolute in expressing the need for fighting and fighting this shameful phenomenon;
- in foreign English-language studies, as well as in domestic ones, there are general studies that consider transnational economic crime as part of transnational crime (including violent crime, human trafficking, etc.) and investigate the interrelationships between these phenomena; economic crime as a certain threatening phenomenon in the criminal world and the study of individual sectors of

transnational economic crime.

The difference in the approaches of domestic and foreign researchers is as follows:

- 1) the works of foreign English-speaking researchers quite a few relate to general theoretical questions. This is due to the influence of the relevant provisions of the common law, according to which theoretical questions (such as determining what exactly is a crime, what types of punishments exist, what exactly should be considered "cross-border", etc.) are related to the so-called doctrinal questions. They are considered in the general course of law. Therefore, researchers of transnational economic crime focus on specific types of transnational crimes and, accordingly, on the punishments specifically for these crimes;
- 2) the works of foreign English-speaking researchers are usually designed for a wider range of readers, among which legal experts or students who have not yet studied certain branches of law. This means that to attract readers and to draw more attention to their work, foreign English-speaking researchers consider it necessary to present the text in a journalistic, more interesting for a wide audience, style. Charts, graphs, various drawings are welcome; they attract the attention of the reader, as well as practical situations and their detailed explanation. At the same time, foreign English-speaking researchers avoid very complex sentences and try to clarify all the terms used by them. Therefore, it may seem that the work is superficial, but we cannot agree with this;
- 3) quite frequent in modern English-language studies cases where one's own experience or relevant materials that substantiate the opinion of the author or authors are contained at the end of the study. This differs from the approach of the Ukrainian scientists, who usually make references to the corresponding studies in their own text, without citing their full content.

Conclusions

Transnational economic crime is currently considered one of the most threatening factors since it falls under the jurisdiction of two or more states. Such crimes threaten public, national and international security, thereby destroying global trade and economy, causing poverty among the people of the countries concerned and provoking other types of crime. That is why those who are threatened by the world economy need joint, coordinated efforts aimed at creating adequate strategies, forms and methods for international protesting of transnational crime. Based on this, there is a form of a single law that adequately describes the scope and consequences of the danger from such a crime.

Unfortunately, it should be stated that the world is still not the product of effective strategies to combat this phenomenon. Thus, the study of the problems of transnational economic crime protests will be continued, since their relevance only grows with time.

Prospects for Further Research. We believe that further research should be aimed at improving cooperation with English-speaking scientists in the issue of improving the international legal regulation of countering transnational economic crime, especially considering the opportunity for researchers of our country to make a significant contribution to this issue by providing their own unique research and development best practices for the study of foreign colleagues.

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