

%D1%80#Text

Слободяник Р.А.

здобувач вищої освіти III курсу Навчально-наукового інституту права та підготовки фахівців для підрозділів Національної поліції Дніпропетровського державного університету внутрішніх справ

Науковий керівник:

Галенко Ю.П.

викладач кафедри українознавства та іноземних мов Дніпропетровського державного університету внутрішніх справ

PROBLEMS OF RELATIONSHIPS BETWEEN ORGANIZED CRIME AND PUBLIC AUTHORITIES AND GOVERNANCE

Crime as a multifaceted phenomenon can manifest itself in various forms: for selfish and religious motives, committed by minors, etc. Among these forms organized crime, which is a form of criminal activity carried out by groups of persons monopolizing various spheres of criminal life stands out in a separate category [1, p. 15]. Organized crime is thus the most dangerous manifestation of crime in general, as it can have a managerial impact on society and public authorities. Therefore it is clear that the state and organized crime are equal phenomena, which must fight each other by virtue of their opposites.

So, what are the features of interaction between the state and organized crime? According to K.B. Kalynovskyi, both the state and organized crime are based on the phenomenon of power. The state is defined by such features as presence of public authority, the territory in which it operates, and determined taxes. In parallel with the state and law develops [2, p. 36]. The classical theory of power separation stipulates interaction between three branches of government: legislative, executive and judicial. In every democratic state, these branches fully exist and interact with each other. Probably, it would be absurd to claim that organized crime possesses all elements of power separation theory. However, this is true. Adhering to the provisions of the thesis "in the existing world there is an opposite one – antiworld", the presence of "authorities" in organized crime, although not very similar, is quite logical. Today, there are many criminal organizations in the world with their own characteristics, but nevertheless, their entire organization is built on the strictest subordination to the leader; they spread their activities in a certain area and establish their "laws" of existence.

It is known that the state extends its public power over a certain territory. Organized crime also concentrates its power on the territory assigned. Basically, such territories are obtained due to the criminal organization influence on local population, which accepts the rules of a criminal organization under the fear of its own death. A certain number of criminal group members, controlling the territory assigned to such organized criminal group and monitoring compliance with the norms established by

the criminal organization, resides within the borders of such area. Moreover, such individuals collect "tax" from entrepreneurs and sometimes from ordinary people for the purposes of supporting law, order provision as well as life and health protection of certain persons. The territory under the control of a criminal group may change in connection with the redistribution of spheres of influence or law enforcement agencies counteraction.

As it was mentioned above, organized crime is also characterized by setting its own "taxes", i.e. money collected to ensure law enforcement at the controlled territories as well as to supply a criminal organization with weapons, vehicles and communication devices. Besides, "taxes" can ensure stable relations with law enforcement agencies creating corruption in the state and many problems in terms of combatting organized crime. Giving bribes to the officials, criminal organizations introduce into the power structures of the state and thus can legalize the criminal group activities, supply the organization with necessary means of production as well as influence judiciary and executive authorities [3, p. 41].

Also, the development of organized crime requires presence of an underdeveloped legal culture in the state or its degradation and the transition of society to a state of anomie. In the state of legal nihilism, people try to unite their efforts to meet their own needs, which the state is unable to satisfy. And the association of people often acts against the will of state, which cannot resist such communities. The natural consequence of this is organized crime.

Summing up the above, it should be noted that the state as well as organized crime has not always existed. However, in course of time, these phenomena have appeared in societies as mutual opposites. Surely, organized crime has a negative impact on the development of social relations, but it is impossible to get rid of it completely. Organized crime can be compared with an incurable disease that can and should be treated, but it will never disappear. This circumstance is disappointing. However, when the state develops legal culture based on the supremacy of law, organized crime consequently falls under control of the state and society, while its influence significantly shrinks.

REFERENCES

1. Джужа О.М., Василевич В.В. Феномен – організована злочинність: Міжвідомчий наук.-дослід. центр при Координаційному комітеті по боротьбі з корупцією і організованою злочинністю при Президентові України // Наук.-прак. журнал "Боротьба з організованою злочинністю і корупцією" (теорія і практика). – 2001, – № 3. К., – С.15 – 25.
2. Калиновський К.Б. Організована злочинна діяльність і держава // К. Б. Калиновський // Кримінологія вчора, сьогодні, завтра. Праці Санкт-Петербурзького кримінологічного клубу. — 2002. — № 2. - С. 36-40.
3. Мартиненко І. В. Принципи організації та функціонування державного апарату / І. В. Мартиненко // Теорія та історія держави і права. — 2009. — № 1.— С. 41–44.