

# **Origin, Emergence, Formation, Development, and Current State of Organized Crime in Ukraine**

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### ***Abstract***

The Criminal Code (hereinafter CC) of the Ukrainian SSR (§2, Art.41) only once provided for a crime committed by an organized group as an aggravating circumstance in any crime till 1989 [1]. At the close of 80-s and in 90-s especially the country faced a fast-growing and serious challenge from organized crime that caused a classifying circumstance - a commission by an organized criminal group (hereinafter OCG) amended in 20 articles, the Special Part, CC. Regulations, Session of the Supreme Court and Methodical Instructions, the Ministry of Interior did not give an appropriate definition of OCG. As a result law enforcement and, first of all, the Ministry of Interior agencies did not have strict legislative acts to define OCG from traditional groups of criminals. All the cited above could not but adversely affect the struggle against organized crime.

According to the statistical data for 1991-2023, annual Reports on combating organized criminal groups, the Ministry of Interior the status of organized crime is as follows.

**Key words:** investigated, organized crime, criminal activities, organized criminal groups, rather latent.

**Introduction** The number of OCG investigated increased from 371 to 960, i.e. 2.6 times. The number of cases opened jumped from 1843 to 7744, 4.2 times. The number of OCG members prosecuted rose from 2980 to 4074 (by 36.6%) between 1995-2000.

We opened a very small number of crimes committed by corrupt OCG that totaled from 1.2% to 5,5% of the general number of OCG investigated during the cited above period.

By organized crime indexes different Ukrainian regions varied in their places greatly enough between 1995-2000. At the end of 2000 the places taken by the regions corresponded to the crime indexes more.

Organized crime manifested itself in all regions. The highest level was registered in Dnipro, Zaporozhje, Lugansk, Hmel'nizck, Kharkov, Odessa, Zakarpatje, Zhitomir, Sumy, Kherson, Ternopol, and Cherkassy regions including the Autonomous Republic of Crimea and the city of Kiev.

Between 1994-2023 among all the OCG investigated the groups of two members averaged 27.4% of three - 27.8%, from 4 to 10 members - 42% and above 10 - 2.7%. Thus, more than a half of all the OCG investigated made up groups of 2 - 3 members. The decrease in the number of small OCG during 1999- 2000 can be considered a step forward taken by law enforcement. However, it should be taken into consideration that the cited above decrease was not great as the number of small OCG exceeded 50% in 2000. Among all OCG investigated between 1994 – 20023 the groups existed during a year averaged 71.4%, nearly 2 years - 23.7% from 3 to 6 - 4.8%, above 6 years - 0.1%.

By territory OCG can be classified as follows. Between 1994 - 2023 OCG committing crimes within a city averaged 40.9%, within a district - 27%, within Ukraine - 18%, within the CIS - 5.7% and the groups established international relations - 2.4%. Thus about 70% composed groups engaged in local activities and investigated by law enforcement agencies.

By ages OCG members of 14 - 15 years old averaged 0.9% in 1994 - 2023; at age of 16 – 17 – 4.3%, 18 – 24 – 32.1%, 25 - 29 - 23.2%, 30 - 39 - 26.3%, 40 - 49 — 11.2% and above 50 - 3.5% in 1994 - 2023. The cited above figures were stable enough during the analyzed period.

By social status unemployed criminals prevailed averaging 54.9% of the total number of

OCG members in 1994 - 2023. At the same time the cited above number multiplied 2,2 times. Workers averaged 16.3%, white-collar workers - 7.8%, students - 2.3%. The cited above structure coincides with the structure of social status of all individuals committed crimes in Ukraine. It is significant that the average number of different rank officials, which committed crimes as members of OCG did not exceed 9.1% in the cited above period.

Among OCG members habitual criminals made up 17.3%. The cited index nearly equals the respective figures as to all criminals. 6.2% were criminals having served term. At that the number of the cited above individuals decreased considerably between 1994 - 2023.

The roles fulfilled by OCG members were principles in the first degree (70.9%), organizers (24.3%), accomplices (3.9%) and abettors (0.9%).

By the degree of gravity, the crimes by OCG investigated in 1994 - 2022 underwent considerable changes. At the beginning of the analyzed period 63.6% of the crimes were not grave. The rest (36.4%) were grave crimes. In 2000 the situation was quite the contrary.

Among OCG crimes investigated the most spread crimes were theft of private (averaged 22.1% in 1990 - 2022), state and community (16.4%) property, private property extortion (7.6%), grand larceny of state or community property (7.3%), armed robbery (5%), crimes related to drugs, psychotropics and precursors (4.2%). Each of other crime kinds averaged less than 4% of all the crimes of the category under discussion.

Overwhelming majority of OCG crimes were of general criminal character. Only 15.9% of all crimes were committed by OCG under different economic activities. At the same time committed in government and administrative agencies crimes totaled 1.4% [2].

The effectiveness of anti-organized crime struggle considerably depends on comprehensive study of the phenomena. Manifesting itself in different ways crime is part of social life subjected to various regularities. The regularities should be studied, on the one hand, to improve legislation on organized crime combat under new political and economic conditions and on the other hand, to arm law enforcement officers with an appropriate tool to solve definite problems under investigating crimes committed by organized criminal groups (hereinafter OCG) [3].

The analysis of OCG activities allowed establishing tendencies of their rise and development. They are as follows. OCG penetrate economy to accumulate capital quickly under subsequent legitimizing assets in the most profitable branches. The process of integration between OCG of general criminal and economic character causes modus operandi of most

crimes changed that no doubt, affects the methods of investigation. OCG usually commit not isolated economy-related crimes, but the complex of the former. The cited above is a ground to conclude that OCG develop original crime know-how aimed at obtaining huge and stable profits, on one hand, and on the other one, minimizing risk for organizers to be prosecuted. It is of great importance to analyze know-how of different crimes committed by OCG; mechanisms of recreating OGP functions and “cadre” under losing several or most members; standard and recurrent acts committed by OCG members, who are guided by the common OCG’s values, including norms of behavior spread in ‘criminal world’. The aggregate of norms cited above forms some behavior rules. It is necessary to comprehend the former to facilitate crimes forecasted, prevented and investigated. The cited above rules often combine behavior rules accepted in criminal community and norms of cynical criminal business and shadow economy. It is of great use to study and systematize these rules for combating organized crime [4].

The work presented is the first attempt to examine norms and standards of OCG behavior under their different activities. The specificity of the research lies in sociological approach to the problem of behavior norms and standards in OCG. The former manifests itself, first, in the subject of the research, second, in the complex of methods used by the researcher to collect primary social information and third, in the aggregate of categories and context of theories used for interpreting data and developing explanatory models.

The main hypothesis lies in that, first, some common rules of OCG members’ behavior exist and second, the rules form three heterogeneous groups depending on origin and localization of the former.

The first group is to some extent a normative and ideological infrastructure relevant to criminal community on the whole. The former is a system of external regulators of criminal behavior. Being a set of ideologies and institutions in criminal community the infrastructure is a tradition of long standing formed and developed during decades of years.

The second group is a system of regulators within a group. It includes leadership and administration of a group, structuring and assigning roles, presence of internal sanctions and other. In the presence of OCG empirical diversity it is evident that there are some tendencies, common rules for organizing a group, becoming a leader including the leadership, OCG members’ attitude to people, law enforcement officers and other. The third group is

technologies of criminal activities. Technologies are meant standard ways of commission, so-called criminal know-how. At that standardization of criminal activities also manifests itself within an OCG.

The complex of quantity and quality methods was used to prove the cited above hypothesis. To establish the standard of OCG the researchers applied F#2, the statistic processing of card file (in total 1386 cards) in program environment SPSS; fulfilled monograph research of 11 OCG groups, conducted 7 focus-groups with the operative officers and investigators, Kyiv Administrative Department on Organized Crime Combat, the Ministry of Interior and chiefs of economic related crime strike forces of different Ukrainian regions (31 people in total), conducted surveys on criminal institutions (174 respondents) and group dynamics (117 individuals convicted OCG members).

Proceeding from the data obtained the researchers propose the following conclusions and propositions:

1. On the whole the research confirms the hypothesis about presence of three kinds of norms and traditions regulating criminal activities committed by OCG members. The traditional “thieves’ concept” and complex of criminal institutions constitute an ideological infrastructure. OCG can be classified according to their attitude to the general standards including “thieves’ law”, criminal hierarchy, “common funds”, “criminals’ meetings” and other.
2. Overall, the research doesn’t confirm the opinion of definite part of law enforcement officers and criminologists that an “ideology” and old criminal tradition do not exist anymore. It is more correctly to state that selected by different OCG old norms are under transformation now. During the research, it was established that a number of convicted criminals felt need for “thieves’ law” and “life according to criminal norms”.
3. The research confirmed that depend upon its type (“centralized” or “democratic”) OCG has specific internal norms (rules of behavior) and standards (models of behavior) including general and specific requirements to an organizer and other members according to their statuses and roles, particular behavior style of OCG members in public environment.
4. The analysis of OCG members’ opinion reveals that their leaders apply more often modern management styles including autocratic, democratic and populist (charismatic).
5. The survey results are evidence of the fact that criminal organizers often use strict autocratic management style while OCG members prefer a democratic or charismatic one. OCG members are observed not to satisfy with their leaders as to spoils system

and interpersonal attitudes (presence of “favorites” and all the rest) along with organizers’ behavior at the stage of preliminary investigation. 6. The interview and survey data confirmed that OCG organizers would like to have appropriate planning and preparation of operations, reliable information about participators, strict control of OCG members’ behavior, the right to impose sanctions against delinquents and settle disputes by force measures. The respondents tell about a high level of distrust among OCG members. 7. The important ones are the materials dealing with the process of involving an individual in criminal activity, the rules of choosing candidates to OCG members, adaptation of individuals to OCG requirements, aiming OCG members at choice of a victim and reaction of victim’s behavior, attitude of OCG leader and members to the law enforcement. 8. As rule habitual criminals become members of OCG characterized by general criminal orientation and mostly engaged in usurpation of property. To settle any problems some leaders of the cited above groups establish close corrupt relationships with representatives of the law enforcement (criminal investigation agencies and organized crime strike forcers). 9. Economy-oriented OCG commit crimes by using attributes of an enterprise (a business subject) in different spheres including trade, banks, insurance companies and other. As a rule, committed by these OCG definite crimes are some kind of means to acquire huge profits illegally. A peculiarity of economy oriented OCG is that these groups commit crimes against property under mask of lawful deals. At that from the outside crimes is taken as contract default. Financial and “buffer” firms play key part in money laundering. 10. Investigating crimes committed by OCG law enforcement officers experience active resistance of the former, which use different means and measures: a) crushing, concealing, masking or falsifying evidence; b) creating unfavorable external conditions to investigation; c) creating unfavorable internal conditions to investigation; d) direct influence on investigators [5].

**Conclusions** The cited statistic data are evidential that by their traits most OCGs investigated between 1991-2023 do not differ much from traditional criminal groups. There are grounds to state that in Ukraine organized crime is rather latent.

To investigate crimes and combat organized crime It is of paramount importance for law enforcement practitioners to know the rules of OCG members’ behavior and methods applied under different circumstances for taking appropriate law and organizational decisions.

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