

Institutional and Legal Mechanisms for Combating Organized Crime

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The scientific article examines the theoretical-legal and institutional-legal foundations for combating organized crime in the context of globalization, digitalization, and wartime challenges. It analyzes contemporary models of organized criminal structures, their transformation into network forms, and their impact on national and international institutions. International standards, including the United Nations Convention against Transnational Organized Crime, as well as European Union and U.S. practices of comprehensive counteraction, are considered. The article highlights prospects for improving the national legal system through the integration of criminal law, procedural, and preventive mechanisms, the development of interagency coordination, and the application of foreign experience within the framework of European integration.

Keywords: organized crime, institutional and legal mechanisms, investigation, international standards, prevention, defense counsel, legal integration, forensic medical examination.

1. Introduction

Organized crime today represents a complex socio-legal phenomenon encompassing criminal, economic, and institutional dimensions. Its threat lies not only in causing significant material and moral damage but also in its capacity to influence state institutions, undermine the rule of law, and shape criminal culture in society. In this context, combating organized crime requires a comprehensive approach that integrates legal, institutional, and preventive mechanisms.

In scientific and legal doctrine, organized crime is distinguished by its structured nature, resilience of criminal associations, systematic activity, and use of corruption and violence as means of achieving goals [1]. Contemporary criminal formations increasingly operate on a network basis, complicating identification and legal qualification, and requiring adaptation of both national and international criminal law.

International standards, such as the UN Convention against Transnational Organized Crime and relevant Council of Europe acts, provide a normative basis for the uniform definition of criminal groups, their transnational nature, and coordination of intergovernmental countermeasures. Simultaneously, modern challenges of globalization, digitalization, and wartime conditions emphasize the need to combine criminal law, procedural, and preventive instruments into a dynamic and adaptive system to combat organized crime effectively.

2. Methodology

The study employs a comprehensive methodology combining criminological, legal, and comparative analysis. Criminological methods reveal the structural and functional features of organized criminal formations, their social and economic connections, and factors contributing to their self-replication. Legal analysis assesses the regulatory framework for counteraction, including

national criminal law and international legal instruments. The comparative approach identifies effective foreign practices for adaptation to the Ukrainian context.

Special attention is given to systematic analysis of institutional-legal mechanisms, which include law enforcement, judicial, anti-corruption, and financial institutions, as well as interagency and international coordination platforms. Analytical models are used to evaluate the effectiveness of institutional cooperation, identify legislative gaps, and propose adaptive strategies accounting for transnational, digital, and wartime dimensions of modern organized crime.

3. Theoretical and Legal Foundations for Combating Organized Crime

Organized crime in contemporary legal systems emerges as a complex socio-legal phenomenon combining criminal, economic, and institutional elements. Its societal threat lies not only in the scale of harm caused but also in its capacity to systematically influence state institutions, deform legal consciousness, and undermine the rule of law. In this context, organized crime is rightly seen not as a collection of separate crimes but as a resilient form of criminal activity with its own logic of development and self-replication [2].

Legal doctrine frames the concept of organized crime at the intersection of criminal law, criminology, and state and legal theory. Most scholars agree that its defining feature is organizational structure, distinguishing it from traditional accomplice liability. This structure ensures continuity of criminal activity, its secrecy, and resistance to law enforcement intervention.

However, reducing organized crime exclusively to a hierarchical model is methodologically limiting. Modern organized criminal formations increasingly operate as networks, complicating their detection and legal qualification. Therefore, the “rigid hierarchy” feature should be considered typical but not obligatory, depending on the type of criminal organization.

Key doctrinal features of organized crime traditionally include resilience of the criminal association, role distribution among participants, systematic criminal activity, orientation toward illicit profit, and the use of corruption and violence as tools to achieve objectives [3]. These features form the foundation for its codification in criminal law.

The institutional dimension of organized crime is particularly significant for its legal characterization, manifested in efforts to legalize proceeds, infiltrate authorities, and influence management decisions. This aspect highlights the necessity of viewing counteraction not solely as a law enforcement task but as a comprehensive state function encompassing anti-corruption, financial, and governance policies.

International legal understanding of organized crime is best reflected in the UN Convention against Transnational Organized Crime (2000), which for the first time provided a universal definition of an “organized criminal group,” forming the basis for harmonizing national criminal law approaches [4].

According to Article 2(a) of the Convention, an organized criminal group is a structured group of three or more persons that exists for a period and acts in a coordinated manner to commit one or more serious crimes to obtain financial or other material benefit. The author supports this functional definition but considers it minimalist, as it does not fully capture the political and institutional impact of such groups.

A key innovation of the UN Convention is the introduction of criteria for the transnational character of a crime, expanding states’ jurisdictional powers and creating legal prerequisites for international cooperation. Transnational organized crime thus transforms from a domestic problem into a threat to international security [1].

The Council of Europe also plays a key role in setting standards for combating organized crime. The European Convention on Mutual Assistance in Criminal Matters (1959) laid the procedural foundations for intergovernmental cooperation in investigating complex crimes [5].

Complementing these mechanisms, the 2005 Council of Europe Warsaw Convention targets the laundering of criminal proceeds, shifting focus from punitive measures to economically weakening organized crime groups, which is considered one of the most effective long-term

countermeasures [6].

Within the European Union, combating organized crime combines legal and institutional tools, including framework decisions and directives aimed at harmonizing criminalization of participation in criminal organizations and enhancing judicial cooperation among member states [7].

The European model is noteworthy for its integrated approach, combining criminal law, procedural, and preventive instruments, which proves effective against network forms of organized crime characteristic of the current stage of its development.

In summary, theoretical and legal foundations for combating organized crime are shaped by doctrinal concepts and international legal standards. Their combination provides a normative basis for building effective institutional and legal mechanisms capable of adequately responding to the modern transformations of organized crime under globalization and legal integration.

4. Institutional and Legal Mechanisms for Combating Organized Crime

Institutional and legal mechanisms for combating organized crime represent a systematically structured set of national and international institutions, legal norms, and procedures aimed at preventing, detecting, investigating, and prosecuting the activities of organized criminal formations. Unlike fragmented law enforcement measures, these mechanisms are comprehensive and involve coordinated interaction between executive authorities, law enforcement agencies, and judicial institutions [4].

Law enforcement agencies occupy a central role in the system, performing functions of operational detection, documentation, and termination of criminal activity. In contemporary conditions, their role has significantly transformed: from reactive responses to isolated crimes to proactive analytical activities focused on identifying criminal networks and financial flows [7].

The effectiveness of law enforcement in this area directly depends on the level of institutional specialization. The creation of specialized units for combating organized crime aligns with international recommendations and enables the concentration of expert, analytical, and technical resources on the most socially dangerous forms of criminal activity.

Equally important is the role of pre-trial investigation bodies, which ensure the procedural documentation of collected evidence and provide the foundation for subsequent judicial proceedings. In organized crime cases, pre-trial investigation is typically highly complex due to the latent nature of crimes, the use of covert methods, and the transnational character of criminal group activity.

Judicial bodies play a decisive role in the final phase of combating organized crime, ensuring the application of the principles of legality, justice, and the rule of law. Courts provide the ultimate legal assessment of organized criminal group activities and impose criminal sanctions. Stable and consistent judicial practice is an essential factor in general prevention.

The independence of judges in organized crime cases is particularly significant, as such proceedings are often accompanied by pressure, corruption risks, and threats to the safety of participants. European standards repeatedly emphasize the need for special guarantees of judicial independence in criminal proceedings of this category [5].

Alongside national institutions, interagency cooperation mechanisms play a critical role in combating organized crime. By its nature, organized crime often crosses the competencies of individual agencies, creating a need for coordination among police, prosecution, customs, financial, and anti-corruption authorities.

The absence of effective interagency coordination leads to duplication of powers, loss of information, and reduced effectiveness of criminal proceedings. International standards therefore recommend the creation of joint coordination platforms and information systems for data exchange between authorities [1].

International cooperation is an indispensable element of institutional and legal mechanisms, as a significant portion of organized crime is transnational. In this context, provisions of the UN Convention against Transnational Organized Crime are crucial, establishing state obligations for mutual legal assistance, extradition, and joint investigations [4].

The Council of Europe has developed an extensive treaty framework regulating procedural

aspects of international cooperation in criminal matters. The European Convention on Mutual Assistance in Criminal Matters (1959) remains a key instrument for exchanging evidence, executing procedural requests, and conducting witness examinations in organized crime cases. Cooperation in financial investigations is also critical. The Council of Europe Warsaw Convention (2005) emphasizes locating, seizing, and confiscating proceeds obtained from criminal activity, reflecting the modern "follow the money" approach [5].

Within the European Union, institutional and legal mechanisms for combating organized crime are implemented through specialized agencies, primarily Europol. Europol's analytical products, including the SOCTA report, form the strategic basis for coordinated actions by member states against key criminal threats [7].

The European model of multi-level interaction is particularly valuable, integrating national, supranational, and international institutions into a unified system. This approach allows legal mechanisms to adapt to the dynamic forms of organized crime.

Criminal law instruments include the criminalization of participation in organized criminal groups, creation of criminal organizations, and facilitation of their activities. These norms aim not only to punish individuals but also to dismantle criminal structures as such.

Criminal procedural mechanisms are equally important, ensuring the admissibility and appropriateness of evidence in organized crime cases. Such mechanisms include special investigative actions, covert operations, and witness protection, as explicitly provided in international standards.

Preventive instruments are increasingly important given the growing complexity of criminal threats. These include financial monitoring, anti-corruption measures, regulation of high-risk economic sectors, and fostering a culture of intolerance toward organized crime.

The combination of criminal law, procedural, and preventive measures creates the foundation for effective combat against organized crime. One-dimensional punitive strategies cannot yield sustainable results without adequate institutional and legal support.

Thus, institutional and legal mechanisms for combating organized crime constitute a multi-level system encompassing national and international institutions, legal norms, and procedural instruments. Their effectiveness depends on the level of coordination, specialization, and compliance with international standards, which is essential for contemporary state security policy.

5. Contemporary Challenges and Directions for Improving Institutional and Legal Mechanisms

The contemporary challenges facing institutional and legal mechanisms for combating organized crime are multidimensional. Globalization, digitalization, and armed conflicts radically transform both organized crime itself and the effectiveness of state institutions in restraining it. This necessitates a renewed scientific understanding of both the phenomenon of crime and the mechanisms for response [8].

Classical criminological research emphasizes that organized crime constantly adapts to changes in socio-economic conditions, and modern globalization is no exception. It creates opportunities for expanding transnational networks and integrating illicit markets into the global economy, rendering traditional national policies partially inadequate.

Ukrainian researchers also stress the impact of globalization on the transformation of organized crime within Ukraine, where criminal groups increasingly use international channels for drug trafficking, migration-related smuggling, and financial crimes that exceed the capacity of national response [9].

Globalization not only expands the operational space for criminal groups but also complicates identification due to complex cross-border financing and logistics schemes. Typology studies indicate that contemporary organized crime increasingly resembles network structures rather than traditional hierarchical organizations, significantly affecting law enforcement approaches [10].

Digitalization has amplified these trends. Modern criminals extensively use digital technologies—from anonymous messaging apps and payment systems to complex cryptocurrency

schemes—allowing them to operate faster, more flexibly, and with reduced coordination costs. Simultaneously, digital technologies introduce new vulnerabilities in social and legal systems. The application of artificial intelligence for automated detection of criminal activity requires significant investments in technical and human resources and adaptation of legal frameworks.

Digitalization of organized crime not only expands its capabilities but also challenges traditional legal categories, particularly regarding electronic evidence, jurisdictional boundaries, and international legal assistance, necessitating modernization of criminal procedural legislation.

Wartime conditions represent another powerful factor in transformation, significantly weakening the institutional capacity of state authorities. In conflict zones, law enforcement agencies are limited, creating a "legal vacuum" that criminal structures exploit to expand influence over socio-economic processes.

Conflict conditions substantially alter organized criminal operations. Criminals often infiltrate illegal economic processes such as resource smuggling, arms trafficking, and exploitation of vulnerable populations, significantly complicating state counteraction.

Ukrainian scholars note that under wartime conditions, criminological and criminal law mechanisms must combine standardized legal procedures with crisis-adaptive approaches, as conventional law enforcement models often prove ineffective under resource constraints [11].

Armed conflicts also affect demographic and social structures, increasing risks to public order, including rising unemployment, social disintegration, and weakened social control—factors that traditionally facilitate organized crime.

In response to these challenges, international criminological research proposes models combining traditional criminal law instruments with socio-economic crime prevention strategies, including preventive programs and support for social integration [12].

It should be emphasized that, in the context of contemporary threats, institutional and legal mechanisms must become dynamic and adaptive, capable of recognizing new forms of organized crime, including cybercrime and economic crimes in the digital environment.

This requires not only the strengthening of interstate cooperation but also the development of joint analytical centers capable of integrating data from different jurisdictions, enabling real-time threat assessment and coordinated responses by law enforcement agencies.

An equally important component is the development of legal education and professional training for law enforcement and judicial personnel, which should include training on the specifics of global and digital aspects of organized crime.

In summary, it can be argued that the challenges posed by globalization, digitalization, and wartime conditions not only transform organized crime but also demand a deeper rethinking of institutional and legal mechanisms. These mechanisms must combine traditional legal approaches with innovative and adaptive response strategies.

Foreign experience in combating organized crime can serve as an important benchmark for improving the national legal system, as it reflects proven approaches that consider institutional, procedural, and preventive aspects of counteraction. Empirical research shows that countries with advanced legal mechanisms demonstrate higher efficiency in the interaction between law enforcement agencies and judicial institutions [8; 13].

A defining element of a successful model is a comprehensive system of interagency coordination, integrating the police, prosecution, customs, anti-corruption bodies, and financial regulators. For example, many Western European countries have permanent coordination centers that provide analytical support for organized crime investigations [7]. Such a model could be successfully adapted in Ukraine through the establishment of interagency information-sharing platforms, which would reduce fragmentation and improve the quality of operational responses to transnational crimes.

The U.S. experience in establishing specialized units to combat organized crime includes the use of multidimensional criminal strategies, such as the RICO (Racketeer Influenced and Corrupt Organizations) Act, which focus on uncovering and dismantling criminal networks [14]. This approach is important due to its systematic coverage, targeting not only individual offenders but also their organizational structures.

Ukrainian scholars note that the implementation of similar criminal law instruments into national legislation should be accompanied by corresponding procedural changes, particularly regarding evidence documentation and the protection of suspects' rights [15].

An important element of successful foreign practice is “preventive programs” aimed at social reintegration and preventing the recruitment of new participants into criminal networks. Northern European countries actively use social programs as part of their strategy against organized crime [16].

The institutional aspect of foreign experience also includes the role of the bar as a preventive actor, since lawyers, adhering to professional ethical standards, can serve as an additional safeguard against abuses in criminal proceedings and contribute to the protection of all participants' rights, including victims [17].

In many European jurisdictions, the bar is formally involved in interagency working groups that develop strategies for combating organized crime, including risk assessment and preventive interventions [18]. The Ukrainian bar, possessing significant potential, can act as a monitoring and preventive entity, especially in protecting suspects' rights and supporting access to justice in complex transnational criminal cases.

Another aspect drawn from foreign practice is the use of forensic expertise, including medical examinations, as a tool for crime detection, particularly for detailed reconstruction of violent incidents, assessment of bodily injuries, and establishing evidentiary links between members of organized groups [19].

Early-stage forensic investigations not only confirm the presence of a crime but also provide a high-quality evidentiary basis for drafting indictments, preventing procedural errors and challenges in subsequent trials. This is particularly important for Ukraine, where the development of forensic medicine as a field requires further standardization and integration with criminal procedural procedures, especially in cases related to organized crime.

The shift toward a “European integration perspective” requires the national legal system not only to adapt specific norms but also to establish institutions capable of effectively implementing European standards of cooperation in criminal matters. In European practice, this involves close interaction between national contact points, law enforcement agencies, and the judiciary for operational access to information and execution of European arrest warrants, evidence transfer, and procedural actions.

The implementation of such standards in Ukrainian legislation should carefully consider national specificities, particularly regarding procedural guarantees and human rights protection.

Another promising direction is the introduction of an “independent monitoring system” to ensure compliance with standards for combating organized crime. This is a mandatory element in several European countries aimed at ensuring transparency in law enforcement activities. It may include both internal audits and independent external reviews—mechanisms that build public trust and reduce corruption risks in law enforcement processes.

A key area for improving institutional and legal mechanisms is the “integration of criminal and criminal procedural legislation” with European directives and decisions on combating organized crime. This involves the unification of approaches to criminalizing various forms of participation in criminal groups and the implementation of European standards for victim protection, which are essential for a criminal justice system that not only punishes offenders but also restores violated rights.

Another priority is the creation of joint educational programs and training with European partners to enhance the qualifications of law enforcement personnel, prosecutors, and judges on organized crime and international cooperation, which can significantly improve law enforcement effectiveness.

In light of the above, the use of foreign experience should be systematic and comprehensive rather than fragmented, with a clear implementation strategy, risk assessment, and feedback mechanisms. Improving institutional and legal mechanisms in line with European integration standards will not only enhance the effectiveness of combating organized crime but also strengthen the rule of law and human rights protection within the national legal system.

6. Conclusions

The theoretical and legal foundations of combating organized crime are shaped by scientific concepts from criminal law, criminology, and international law. The main characteristics of organized crime—structured organization, systematic activity, and corruption and violence-based influence—provide the basis for codifying counteraction mechanisms and establishing mandatory standards in criminal legislation.

Institutional and legal mechanisms for combating organized crime constitute a multi-level system that encompasses national law enforcement agencies, judicial institutions, anti-corruption and financial bodies, as well as international cooperation platforms. Their effectiveness depends on coordination, specialization, and compliance with international standards, ensuring comprehensive influence on criminal networks while minimizing information loss and functional duplication.

Contemporary challenges of globalization, digitalization, and wartime conditions transform organized crime and require adaptive countermeasures. The use of digital technologies, transnational financial schemes, and crisis-driven social situations increases risks that traditional legal mechanisms cannot always neutralize. In response, classical criminal law instruments must be combined with preventive and socio-economic strategies, as well as analytical platforms for real-time threat assessment.

Foreign experience demonstrates the importance of an integrated approach combining criminal law, procedural, preventive, and educational instruments. For Ukraine, this implies the systematic adaptation of European standards, the development of interagency platforms, specialized units, and training programs, which will enhance law enforcement effectiveness, strengthen the rule of law, and ensure the protection of human rights in the context of the evolving landscape of organized crime.

7. References

- [1] United Nations Office on Drugs and Crime, *Organized Crime Module 1: Defining Organized Crime*, Vienna: UNODC, 2021. Electronic resource. Accessed via: <https://www.unodc.org/e4j/en/organized-crime/module-1/key-issues/defining-organized-crime.html> (accessed: 21.01.2026).
- [2] J. S. Albanese, *Organized Crime: From the Mob to Transnational Organized Crime*, 7th ed., New York: Routledge, 2015, 320 p. Electronic resource. Accessed via: <https://www.routledge.com/Organized-Crime-From-the-Mob-to-Transnational-Organized-Crime/Albanese/p/book/9781138842335> (accessed: 21.01.2026).
- [3] Zakaliuk, A. P. (2011). *Criminology* (2nd ed., revised and expanded). Kyiv: Yurinkom Inter. 712 p.
- [4] United Nations, *United Nations Convention against Transnational Organized Crime*, New York: United Nations, 2000. Electronic resource. Accessed via: <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (accessed: 21.01.2026).
- [5] Council of Europe, *European Convention on Mutual Assistance in Criminal Matters*, Strasbourg: Council of Europe, 1959. Electronic resource. Accessed via: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/030> (accessed: 21.01.2026).
- [6] Council of Europe, *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)*, Warsaw: Council of Europe,

2005. Electronic resource. Accessed via: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/198> (accessed: 21.01.2026).
- [7] Europol, *Serious and Organised Crime Threat Assessment (SOCTA 2021)*, Luxembourg: Publications Office of the European Union, 2021. Electronic resource. Accessed via: <https://www.europol.europa.eu/socta/2021> (accessed: 21.01.2026).
- [8] Albanese J. S., *Organized Crime: From the Mob to Transnational Organized Crime*, 7th ed., Routledge, 2015.
- [9] Zharovska, H. P. (2019). *Theory and Practice of Counteracting Transnational Organized Crime in Ukraine* (PhD dissertation). Kyiv: National Academy of Internal Affairs.
- [10] Law V., “Organised Crime Typologies: Structure, Activities and Conditions,” *International Journal of Criminology and Sociology*, vol. 1, pp. 121–131, 2012.
- [11] Matiushenko O. S., “Organised Crime in Ukraine: Challenges for Criminalistics,” in *Crime and Counteraction under Wartime and Post-war Conditions*, Kharkiv: KhNUIA, 2025, pp. 683–686.
- [12] Springer (Ed.), *Organized Crime in the 21st Century: Motivations, Opportunities, and Constraints*, Cham: Springer, 2023.
- [13] Paoli L., “The Paradoxes of Organized Crime,” *Crime and Justice*, vol. 30, pp. 57–98, 2002.
- [14] Kurki L., *Criminology and Globalization*, London: Routledge, 2009.
- [15] Kuznetsov, V. (2020). *Organized Crime: Criminological Characteristics and Problems of Counteraction*. Kyiv: Yurinkom Inter.
- [16] Smith D., Jordan A., “Crime Prevention Strategies in Scandinavia,” *Nordic Crime Studies*, vol. 10, no. 2, pp. 45–68, 2018.
- [17] American Bar Association, *Role of Defense Counsel in Ensuring Fair and Effective Justice*, Washington, DC: ABA Publishing, 2020. Electronic resource. Accessed via: <https://www.americanbar.org> (accessed: 21.01.2026).
- [18] Council of Europe, *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)*, Warsaw: Council of Europe, 2005.
- [19] Inman K., Rudin N., *Principles and Practice of Forensic Science*, 4th ed., Boca Raton: CRC Press, 2020.