

ORGANIZED CRIME

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ABSTRACT: CRIME AS INDIVIDUAL AND SOCIAL EVIL IN ITS BROADEST SENSE MEANS THE TOTALITY OF ALL OFFENSES THAT ARE CRIMINALIZED AS CRIMES OR MISDEMEANORS AND WHICH ARE COMMITTED ON THE TERRITORY OF A PARTICULAR COUNTRY FOR A CERTAIN PERIOD OF TIME. ORGANIZED CRIME MANIFESTS THROUGH VARIOUS FORMS OF CRIMINAL ACTIVITY, A PERMANENT SEARCHING FOR FAVORABLE CONDITIONS FOR ITS EXISTENCE, SURVIVAL, EXPANSION AND GREATER PRESENCE ON GLOBAL-PLANETARY LEVEL.

KEY WORDS: CRIME, HUMAN VALUES, ORGANIZED CRIME

One of the most dangerous, most difficult, and also the most complex individual, massive and a social transnational-negative phenomenon and tendency that inevitably follows the modern civilization in almost all aspects and stages of its development is certainly crime. Crime as individual and social evil in its broadest sense means the totality of all offenses that are criminalized as crimes or misdemeanors and which are committed on the territory of a particular country for a certain period of time. By it we mean those offenses which are known to the competent national authorities and those that are not familiar to them and because of this state they represent the so called. "Dark figure" of crime. The essential, fundamental and the most important social and personal goods and human values are threatened through crime and those are life, personal safety and property, rights, freedom, dignity ,and all the other components that would allow a free and creative spirit in all spheres of social life. Also, it directly endangers the normal functioning of the state and its organs and institution, in other words the principle of the rule of law and the very foundations of democratic legal state. With the development of modern society in all spheres of life emerged a new form of crime known by the term "organized crime" which seriously shook the society and negatively affected its booming with a number of features which significantly spreads out its international dimension and the possibility of its actions across the borders.

IN modern conditions of life endangerment of this particularly dangerous and a difficult crime is very high in all spheres of social life and there is almost no country that is not infected by its diverse manifestations.

ORGANIZED crime manifests through various forms of criminal activity, a permanent searching for favorable conditions for its existence, survival, expansion and greater presence on global-planetary level. "It is a crime that is dynamic but simultaneously very adaptable to the conditions that helps it achieve its goals."

THIS type of crime is constantly on the endless search for suitable forms necessary for its protection, for multiplying privileges and for hugely increase of its profit which is equivalent to the common profit of the ten largest multinational companies in the world, with a tendency to further increase even more.

BECAUSE of the international nature of this type of crime and expressed versatility and flexibility in finding new methods of committing it it often remains unknown to law enforcement authorities. Serving its participants by all means, receiving an illusion of legality up to the open blackmail, threats, bribery, political and other ties with ferocity and violence enraged perform various crimes that inflict enormous and irreparable harm to human societies and the concrete the international community as a whole

"**INTERNATIONAL** criminal organizations have based their background trafficking and arms smuggling, drug trafficking and nuclear material, fraud and laundering huge sums of money. After the success they achieve in the corruption, they start to conquer new areas, and that is human trafficking, especially women and children for economic exploitation and prostitution and smuggling of migrants.

FACED with a new wave of threat of transnational organized crime, all countries prepared to sign the new Convention that will also provide their government institutions with a powerful legal instrument to oppose this crime as well as providing an international cooperation between them. This type of crime helped all international and national documents dealing with this phenomenon add "the most dangerous, the most difficult to detect and suppress crime" to its name.

DUE to the growing threat more and more of global proportions that has organized crime, and therefore also called transnational, as well as the inefficiency and ineffectiveness of isolated struggle carried out by the States, it was inevitable that the international community consolidated all its forces in order to form a powerful legal tool to fight this dangerous form of crime.

SUCH efforts by the international community resulted in the drafting and adoption of the Palermo Convention against Transnational Organized Crime. The Convention was adopted by the General Assembly of the United Nations in November 15, 2000 and it was opened for signature, symbolically in Palermo from 12 to 15 December 2000, which was signed by nearly 130 countries.

FURTHERMORE, the Convention states that it will enter into force ninety days after the deposit of the UN on the 40th instrument of ratification, acceptance, approval or accession. Convention was complemented by two protocols, such as:

- The Protocol to prevent, suppress, and punish trafficking in persons, especially women and children, and
- The Protocol against the smuggling of migrants by land, air and sea.

THUS, it confirmed the commitment and readiness of the Republic of Macedonia for the prevention and elimination of emerging forms of transnational organized crime by strengthening international cooperation and the rule of law. Objective of the Convention is to promote and to make more effective cooperation to prevent and fight transnational organized crime.

PROTOCOL against trafficking complements the Convention and aims to prevent and fight trafficking, protect and assist victims and promote cooperation.

WITH a delegation led by the President of the Republic of Macedonia, Boris Trajkovski in December 12, 2000 signed the United Nations Convention against Transnational Organized Crime and its Protocol to prevent, suppress and punish trafficking in persons, especially

women and children and the Protocol against the smuggling of migrants by land, water, and air that supplements the Convention.

THE need for the incorporation of international documents as a component in national legislations that regulate the field of human trafficking as a serious form of organized forensic imposed the obligations of the signatories of these documents at signing and ratifying them. Mostly these obligations relate primarily to the need for harmonization of the criminal legislation with the norms contained in or suggested in international documents, as a result of the already accumulated experience and strive for continuous learning about the best ways for its complete removal.

THE harmonization of all national legislation in accordance with the documents to the International involves shaping incrimination or beings of the offenses in respect of liability, the system of penalties and protective measures, the way of the procedure, proving and joint action and cooperation among all States Parties which have signed these documents. The obligations of the Republic of Macedonia in the fight against human trafficking and illegal migration arise from more international documents : the Stabilisation and Association Agreement with the European Union, which was signed in 2001 and ratified in 2004, where our country took part in commitments related to justice that actually involves the harmonization of national legislation with EU legislation aimed at better cooperation in fighting and prevention of transnational organized crime.

REFERENCES:

1. **Arnaudovski, L., 2007:** Арнаудовски, Љупчо, Криминологија, 2-ри Август Штип, 2007 година, стр.42;
2. **Kotovchevski, M., 2008:** Котовчевски, Митко, Облици на криминално делување на транснационалниот организиран криминал, Зборник-Глобализацијата, мирот и безбедноста, Министерство за одбрана и Филозофски факултет, Институт за одбранбени и мировни студии, Скопје, 2008 година, стр.82;
3. **Arnaudovski, L., 2002:** Арнаудовски, Љупчо, Трпе, Стојановски, Трговија со луѓе-криминалитет, Скенпоинт, Скопје, 2002 година, стр.128;
4. **UN Convention against Transnational Organized Crime... 2003:** Конвенција на ОН против транснационалниот организиран криминал, усвоена со Резолуција А/РЕС/55/25 од 15.11.2000 година на 55-тата сесија на Генералното собрание на Обединетите Нации. Влезе во сила во 29 септември 2003 година;