

# Law Enforcement Intelligence Counteraction to Organized Criminality in the Economy Field

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**Abstract:** The implementation of the global peace strategy is accompanied by a significant transformation of economic relations (the economic integration of national states into the markets for goods, services, production), which in turn entails, along with positive consequences, the emergence of informal economy, its transnationalisation. The emerging digital (information) environment partly has a positive impact on the further transformation of crime into the macro-level problem, the resolution of which is impossible without an in-depth study of it in order to create prerequisites for the development of scientifically based proposals and recommendations for improving the law enforcement intelligence counteraction to organized criminality in the economy field. To achieve this goal, we set and solved the following tasks: analyzed the current state of the specified type of activity; the concept is developed and its essence is determined; the factors influencing this type of counteraction are identified and considered; the system of measures taken within its framework is defined and considered. The methodology of the investigation is based on the method of dialectical cognition, which allowed to analyze organized criminality in the economy field and countermeasures in static and dynamic interaction (Tarbagaev A.N., 2013; Yakusheva T.V., 2020). In addition, a complex of general scientific and private methods was used. Systemically functional and systemically structural methods have allowed a comprehensive study of the patterns of the law enforcement intelligence counteraction to organized criminality in the economy field. The author also used historical, comparatively legal, statistical methods, as well as sociological methods (polling, questionnaire, study of some materials of archival criminal cases and cases of criminal records). Thanks to the conducted investigation the categorically conceptual apparatus of law enforcement intelligence science has been expanded, a system of measures that make up the content of the law enforcement intelligence counteraction has been developed, its regularities are defined taking into account modern realities.

## 1 INTRODUCTION

The problem of the law enforcement intelligence counteraction support to the organized economic criminality, despite its relevance, until recently investigated by experts of the theory of law enforcement intelligence operations (hereinafter referred to as the LEIO) is not entirely. Digital transformation forces to turn to it, as all fields of society, including law enforcement, have actively begun to introduce modern information technologies (Maximov S. V., Vasin Yu. G., Utarov K. A., 2018;

Pyrchev S. V., 2020). In addition, active criminals have started to use information telecommunications networks, including the Internet, for criminal purposes.

The theoretical basis of this work is the scientific works of scientists in the field of LEIO theory of internal affairs bodies (hereinafter referred to as the IAB) V. M. Atmazhitova, V. G. Bobrova, K. K. Goriainova, V. P. Kuvaldina, V. D. Laricheva (Larichev V. D., 2020) and others. These authors, due to circumstances beyond their control, were unable to take into account the socioeconomic transformations

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common to the post-Soviet period. Moreover, until recently, investigators, studying issues related to the organization of the fight against organized criminality, paid little attention to the patterns, features of its display in the implementation of its control. We have made an attempt not only to dig in already known patterns, but also to identify them under new conditions and to propose them to the scientific community.

This article has been prepared on the basis of an investigation and analysis of legislation and regulations, monograph works and law enforcement practices. It formulates certain conceptual provisions related to the optimization of law enforcement intelligence counteraction to organized economic criminality under the conditions of the development of digital technologies, since the named activity does not yet fully meet the requirements of the Ministry of Internal Affairs of Russia, and the results of our investigation can make a significant contribution, both in the solution of these problematic issues, and in the development of law enforcement intelligence science.

In the context of the criminal environment globalization, the need to integrate different branches of law through an in-depth comprehensive study of inter-industry relations and relationships is increasing immeasurably. This requirement is dictated, first of all, by the need to identify the patterns of these connections and relationships as an integral part of the methodological foundations of any branch of science. By using patterns, it is necessary to try to create a model for practical application in the fight against economic criminality in the economy field. The achievements of the knowledge branches under consideration should cover the results of an in-depth study of the problems for implementing the provisions of law enforcement intelligence and criminal law legislation under the conditions of digitalization of society, LEIO forms through the prism of considering modern information technologies as one of their elements. In addition, in our opinion, they should include issues related to overcoming counteraction at the stage of pre-investigative verification using law enforcement intelligent measures, using information on electronic media in documenting criminal actions, as well as determining the real possibilities of information and telecommunication technologies in production for criminal records under the conditions of pandemic.

The problem is exacerbated against the background of the Commonwealth of Independent States economy integration into the markets of goods, services and industries, as the informal economy,

which acts as a breeding ground for the organized criminality is being transformed. We do not aim to address this issue in detail, as investigators often stop at it (Agildin V. V., 2013; Belotserkovsky S. D., 2018; Bogdanov A. V., I.A., Zavalov I. A., Khazov E. N., 2020; Burlakov V. N., Shchepelkov V. F., 2019; Voronin Yu. A., Beliaeva I. M., Kukhtina T. V., 2018; Matskevich I. M., 2016; Merkuriev V. V., 2013; Nomokonov V. A., 2017).

At the present stage of the development of organized criminality in the economy field, no one doubts that this type of crime and its display goes not only to the interstate, but also to the international level, changing the directions and methods of illegal activity. Considering the above mentioned, we would like to note that, by and large, the problem of law enforcement intelligence counteraction of the considered type of organized criminality lies in resolving the existing contradictions between the requirement to increase the effectiveness of prevention and disclosure of its display, and the incompleteness of modern scientifically grounded ideas about their law enforcement intelligence counteraction.

The Russian Federation's Economic Security Strategy for the period up to 2030 considers this type of criminality to the number of sources that threaten the economic security. At the same time, it orients law enforcement agencies on the requirement to take effective measures to neutralize them, thus preventing the infliction of material harm.

Speaking about it, it is impossible not to remember the words of the President of the Russian Federation V.V. Putin, who was having the floor at an extended meeting of the Russian Federal Security Service, said the following: "In general, the importance and responsibility of your work to ensure Russia's economic security is growing. In 2020, 87 criminal gangs in this area were stopped. I ask you to continue, as promptly, together with other specialized structures, to contribute to ensuring the stability of the economy and financial system of the country, within the framework of your authority, to continue to support and protect Russian business, our companies from criminal encroachments, from unscrupulous competition in global markets. The fight against corruption in the economic environment and at all levels of government should be the same consistent. I pay special attention to the suppression of embezzlement and misuse of budget funds, primarily allocated for the construction of strategic facilities, state programs and state defense orders, to struggle against coronavirus infection. All these funds should be used rationally, in strict accordance with the goals

for which they are allocated, and should be used for the benefit of Russian citizens.”

The President’s statements derive from at least four groups of interconnected demands addressed, first of all, to the heads of the criminal intelligence units of the LEIO bodies, including the police, namely:

concerning the definition of priority areas of activity, including, first of all, issues of timely detection and suppression of theft and misuse of budget funds allocated for the construction of strategic facilities, for state programs and state defense orders, as well as for struggle against coronavirus infection. Successful solutions to these tasks involve further decriminalization of the economy, which will allow at the same time to fast respond to attempts for creating informal schemes and illegal withdrawal of capital abroad;

related in terms of ensuring the economic security of Russia by combining the efforts of the criminal intelligence units of all departments (Ivanov P.I., Kustov A.M., 2020), thereby contributing to the achievement of the country’s economy stability and financial system and ensuring reliable protection of Russian business from criminal encroachments;

based on legislation and other regulatory legislation to strengthen the struggle against corruption in the economic environment (Ivanov P.I., Shitov A.S., 2020) and at all levels of authority. Unfortunately, as the investigation and analysis of law enforcement practice shows, corruption-related crimes are often committed through administrative pressure from officials in the form of restricting competition in the field of state and municipal contracts allocation, obstructing legitimate business activities, and patronizing the “shadow” economy;

finally, with the strengthening of procedural and departmental control over the validity and legality of the initiation and investigation of criminal cases for business crimes. To do this, on the one hand, it is necessary to respond to such abuses, on the other hand - to maintain open contact with the business community.

In general, we can conclude that the successful implementation of criminal law in the economy field is unthinkable without the use of tools from the arsenal of the criminal intelligence units. The President of the Russian Federation is making a bet on their high potential. Hidden from unauthorized persons facts of organized economic crime appeared, become clear, thanks to the verified, in a strictly legal manner, law enforcement intelligence operations (measures).

Unfortunately, it should not go unspoken that today there is no legislative definition of the concept of “law enforcement intelligence operations”. Thus, in our opinion, such a vacuum was formed. We have decided to submit to scientific community approval the author’s version of this definition. It seems to us that the “law enforcement intelligence counteraction” is the implementation of the Internal Affairs Bodies and their units of economic security and corruption counteraction (hereinafter referred to as the ES&CC) in accordance with the federal laws “Concerning the Police” and “Concerning the law enforcement intelligence operations” in cooperation with other law enforcement agencies, control and supervisory bodies and LEIO bodies, a set of mostly covert law enforcement intelligence measures aimed at identifying, preventing, suppressing and solving economy criminals committed in an organized manner, in the economy field. In strategic documents, one of the most important tasks today continues to be the provision of economic security. The main emphasis is placed on the law enforcement intelligence provision, which allows to keep the criminal situation in the economy field under close attention even under the conditions of digital transformation.

These conditions before the law enforcement intelligence science unexpectedly set three completely new tasks: 1) the development of scientific foundations of the law enforcement intelligence counteraction, corresponding to modern realities; 2) finding new ways and means of counteraction; 3) improving its law enforcement intelligence action. It seems to us that under the conditions of community digitalization, economic security can be achieved through these challenges.

Meanwhile, the problem of undermining the economic and financial foundations of organized crime, which we believe implies that the economic and financial foundations of organized criminality are more urgent than ever, and the timely resolution of which, in our view, implies:

coordination of law enforcement and control and supervisory bodies to detect, prevent, suppress and solve economic and tax crimes committed in an organized form;

establishing controlled groups and criminal communities operating in the economy field, objects of legal and informal economic activity;

creating the necessary conditions for the implementation of punishment inevitability principle for these types of crimes;

conducting a set of organizational and practical measures for the crime counteraction under the

clauses 193, 1931 of the Criminal Code of the Russian Federation, primarily aimed at de-offshorization of the national economy;

implementation of measures in relation to criminal groups that ensure the transit of criminal funds through the accounts of fictitious organizations created by them;

preventing the involvement of criminal proceeds in profitable sectors of the economy, including strategic ones;

identify and eliminate sources of financial support for organized criminal groups and communities operating in the economy.

## 2 MATERIALS AND METHODS

The investigation objectives were solved by attracting a wide range of theoretical and empirical material, which predetermined the use of diverse scientific tools.

The formal-logical method was used to identify and systematize the features for the organization of the law enforcement intelligence counteraction to organized criminality in the economy field; statistical method - when collecting and analyzing information about the results of this activity and the state (dynamics, structure) of the specified type of crime; comparative legal - in the investigation of legislative and other normative legal, administrative acts on the organization of the law enforcement intelligence counteraction.

The investigation results of the positive experience of the police's criminal intelligence units for counteraction of organized economy criminality formed the basis of empirical material. We investigated the problems on the basis of dialectic-the universal cognition method, which allowed us to investigate deeper the essence of the phenomenon, to trace its causes and consequences, their interrelation. We have identified the qualitative sustainable aspects of organized economy criminality by using a systematic method. In addition to the general cognition method, general scientific (analysis and synthesis, induction and deduction, generalization, abstraction, hypothesis) and private (observation, questionnaire, interviewing, analysis of documents) methods were used.

We used comparative analysis to assess the different approaches of scientists and practitioners to the problem of the law enforcement intelligence counteraction for organized criminality in the economy field. In this work, the systematic method was the most important, which made it possible to

establish the various interrelations arising in the implementation process for a system of measures using covert forces, means, methods and measures aimed at identifying, preventing, suppressing and solving economic crimes committed in an organized form.

The following methods were used as special ones:

a statistical method that includes the collection and analysis of data about the state, dynamics and structure of organized economy criminality;

methods of expert assessment, questionnaires used in the survey of operational employees of ES&CC units directly related in their professional activities to the detection, prevention, suppression and disclosure of crimes of the economy field that occur in organized manner.

method for investigating the documents and content analysis - when investigating archival criminal cases, criminal records and other materials, regulations of the Ministry of Internal Affairs of Russia, other bodies.

It seems to us that the application of these scientific methods has ensured that the investigation integrated approach for solving the problem has been integrated.

## 3 RESULTS AND DISCUSSION

The results of the investigations carried out by the author of this article are as follows:

scientific justification of modern challenges and threats to economic security associated with organized criminality through in-depth study of the inter-industry links of criminal and law enforcement intelligence legislation;

defining the use of social networks and the Internet as a counteraction priority direction by organized criminal communities, which are exploited by them as an additional source of uncontrolled profits from illegal actions;

develop measures to prevent the further splicing of organized criminality with the informal economy, corruption and other types of crime;

defining the main directions for finding scientific approaches to improving international cooperation in counteraction to the transnational organized criminality. The harmonization of legislation in the struggle against these types of crime is one of such directions.

The listed proposals are based on the results of the investigation, the requirement to formulate them is primarily due to the current crime rate in the economy field, the implementation of the requirement of the

Head of the State in terms of crime cleanup, as well as mobilizing the efforts of the police's criminal intelligence units in solving the tasks they face within the departmental segment of ensuring economic security. Until recently, the mentioned proposals in this context in the LEIO theory were not fully considered by investigators, which would be based on the current criminal and law enforcement intelligence legislation and on the investigation results of law enforcement practice (Gordienko V. V., 2015).

It seems to us that the proposals made to one degree or another relate to the action for counteraction of the organized economy criminality, which is in dire need of modernization under the conditions of digital technologies development. At the same time, it is very important, in our opinion, the activity of the police's criminal intelligence units to undermine the economic and financial foundations of organized criminality, the scientific organization of which implies an indispensable consideration of the set of laws occupied by the law enforcement intelligence science: the action of economy criminality committed in an organized form, in the economy field; the emergence of operatively significant information used in documenting the criminal actions inspected (suspected), committed using covert methods in order to extract uncontrolled profits or seize budget funds allocated to struggle against coronavirus infection; implementation of pre-investigation verification of materials using covert forces, means, methods and law enforcement intelligence measures carried out for this on a systematic basis; establishment, maintenance and termination of criminal record cases provided by the Criminal Code of the Russian Federation in the economy field; investigation and analysis of the law enforcement intelligence characteristics of economic crimes; the setting out typical law enforcement intelligence versions within the framework of operational-tactical situations and the development of a program for their resolution; development of the law enforcement intelligence methods for documenting the criminal actions inspected (suspected), committed in an organized manner in the economy field; creation and use of an action model of the specified type crime; assessment and use of the LEIO results in the process of proving economy criminality in criminal cases.

## 4 CONCLUSIONS

In the previous section "Results and Discussion" we have already outlined the results of our in-depth study

of the problem under consideration. If they are detailed in the interests of their implementation, then the above proposals are as follows. Today, the development of scientific foundations for the law enforcement intelligence support providing counteraction to the organized economy criminality under the conditions of digital transformation continues to be in demand. Having had such a basis, it will be much easier to search for and implement new methods of law enforcement intelligence counteraction support to the law enforcement practice. As you know, this type of activity is a complex problem. It is difficult to solve it by means of only one service in the police system, and therefore the question of improving the interaction of police's criminal intelligence units in the process of identifying and solving crimes of an economic and corruption nature committed in an organized manner. Closely related to this issue is the urgent need to bring the law enforcement intelligence methods for detection and use of operatively significant information about the structure of organized groups and criminal communities, the nature of their criminal business, methods of preparing, committing and concealing economic crimes.

It should be emphasized that within the framework of one scientific article it is not possible to consider in detail the specified directions of improving the law enforcement intelligence counteraction to organized criminality in the economy field. Only law enforcement intelligence science, within the framework of its investigation subject, can along with other issues successfully solve this problem, the results of which could bring the theory and practice of the Law Enforcement Intelligence Operations of the Internal Affairs Bodies to a new cognition level.

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