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Criminal group as a special form of complicity in a crime

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Abstract

Relevance. The relevance of this study is due to the high level of social danger and threat to public life and many areas of the state.

Purpose. The purpose of the work is a detailed analysis and definition of the activities of organized criminal groups.

Methodology. Among the methodological approaches used, it should be noted the theoretical methodological approach, the functional methodological approach, the formal legal methodological approach, the deduction method, the synthesis method and others.

Results. It was noted that the theory of criminal law contains a certain range of problems that are associated with criminal liability for the creation and participation in organized criminal groups. To conduct a more detailed analysis of the definition of the concept of organizational criminal groups, several approaches from the theory of criminal law were studied, which made it possible to identify the main features and principles of the formation of this kind of illegal activity. The United Nations Convention against Transnational Organized Crime was analyzed as a study of a criminal group through the prism of studying this concept at the international level. It was noted that sustainability is one of the main features that characterizes organizational criminal activity. Using a system-structural analysis, the main characteristics of criminal communities and organizational criminal groups were identified and summarized. The Criminal Code of the Republic of Kazakhstan was analyzed and the main legal collisions related to the definition of the concept of a criminal group and ways to counter this illegal organizational activity were noted; in this regard, certain recommendations have been offered.

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Conclusions. The practical value of the results obtained provides an opportunity to highlight additions to the national legislation for a more accurate definition of the concept under study and increase the effectiveness of counteracting it.

Keywords: operational-search activities; organized group; gang; illegal armed group; group of persons.

Introduction

One of the main trends in the modern criminal world is to increase the degree of structuring of crime and increase the level of its self-organization. The number of grave crimes committed against the individual, the state, economic interests by an organized criminal group is growing quite strongly. According to N. Siller & K.E. van Doore [1], the high level of latency of criminal acts committed by an organized group lies in their special training and other important factors. Analyzing process of the spectrum of crimes that are part of the structure of the activities of organized criminal groups has a multiple representation. When noting the public danger of criminal groups, the state is taking a wide range of measures to counter this type of illegal activity. According to S.M. Apenov & E.T. Omirzhanov [2], the specialized departments are created in the structure of law enforcement agencies at the legislative level, and its specialization is to counter exclusively organized criminal groups, and the criminal liability for committing crimes as part of this category of groups is also tightened. However, at the same time, according to K.Z. Tokubayev [3], these measures are not enough to counter the organized criminal groups. In this case, it is worth talking about the legal collision such as the insufficient development of criminal law signs of an organized criminal group. Therefore, as a result, the subjects that carry out counteraction to organized crime do not have access to legal tools that serve as a necessary and effective way to counter it.

Based on the situation today, it is worth noting that there are no clearly defined signs of organized criminal groups in the norms of criminal law at the legislative level, and those ones that exist are more evaluative. The obligatory features of criminal groups that are regulated in the norms of the criminal law cause numerous disputes in the law enforcement practice and the criminal law theory. It is also worth noting that the estimated signs of organizational criminal groups are not constant indicators, since their boundaries are rather vague; this is due to the fact that they will not be the factors that will contribute to the accurate qualification of the crime. As it is noted by L.V. Glazkova [4], qualification is the most important institution of criminal law, which provides an opportunity to assess the committed illegal acts and correlate them with the norms of the Special Part of the Criminal Code of the Republic of Kazakhstan [5] with the obligatory consideration of the relevant norms of the General Part of the Criminal Code of the Republic of Kazakhstan [5]. Thus, it can be noted that the implementation of the functioning of the institution of crime qualification makes it possible to prevent violations of the justice principle of the norms of criminal law and ensure the punishment inevitability.

In modern conditions, the theory of criminal law contains a large number of approaches to the concept of crimes' qualification. There are opinions that the most commonly used approach is those one in which the

classification acts as a process and an outcome; the process is the establishment of signs of a particular crime in the actions of a person, and the result is the official recognition and consolidation in a legal act of the revealed correspondence of the signs of a committed illegal act in accordance with a certain criminal law norm. In the analyses of crimes' qualification committed as part of an organized criminal group, K. Kalantari & S.M. Heidari [6] mention that legal institution is initially difficult in its implementation and it begins to acquire even greater difficulties in the implementation of law enforcement practice. This is confirmed by the fact that, firstly, the activities of the participants in criminal groups are characterized by an increased level of compatibility, and secondly, the actions of these participants are identical, since the participants act according to their differentiated motives; this causes the complexity of the legal institution under study. In modern conditions, this legal collision stands in the way of the successful functioning of the institution to counteract the activities of organized criminal groups, since there is no clear list of the main criteria that allow qualifying this illegal action. Since the activity of criminal groups is a factor that undermines national security and affects the functioning of many state structural elements, the issue of a clear definition of this illegal act, its main features and the identification of ways to combat it is considered an urgent issue for the law enforcement sector of Kazakhstan.

Materials and Methods

The scientific study was carried out using some methodological approaches that revealed the theoretical and practical aspects of the object of study. Through the use of a theoretical methodological approach, the concept of "organizational criminal organization" was studied through the prism of studying the methodological approaches of the science of criminal law. The functional methodological approach provided an opportunity to conduct a more detailed definition analysis of the concept of "criminal group", as well as highlight the main features and principles that can characterize the object of study. Formally, the legal methodological approach made it possible to characterize certain types of organizational criminal activity. The dogmatic methodological approach provided an opportunity for a more detailed analysis of the concept of "criminal group" at the international level, namely through the study of the United Nations Convention against Transnational Organized Crime [7]. The method of legal hermeneutics made it possible to note that stability is one of the main features of criminal communities and organizational criminal activity.

The method of system analysis allowed analyzing criminal activity, which made it possible to note the fact that all elements are connected to each other and act as a system. Through the use of a structural-system methodological approach, the main characteristics of organizational criminal groups and criminal communities

were analyzed; also, thanks to the use of this methodological approach, it was noted that the network and hierarchical principles are the main ones on which this type of illegal activity is implemented. Using the method of logical analysis in the study, the legal framework of the Republic of Kazakhstan was studied in more detail, which regulates the issues related to the definition of the concept of “criminal group” and criminal liability for this illegal activity. The deduction method provided an opportunity to analyze the mechanism of functioning of criminal groups based on the characterizing elements and principles; the method of induction, in turn, made it possible, based on a complete understanding of the mechanism of functioning of organizational criminal activity, to single out its inherent elements and principles upon which this illegal activity is based. The synthesis method allowed combining the revealed results of a theoretical and practical nature in order to identify ways to eliminate legal collisions of national legislation and increase the effectiveness of the implementation of methods to counter the organized criminal activity.

Thus, this study was carried out in several stages. The first stage contained the theoretical basis of the study, which consisted in studying the concept of a “criminal group” through the prism of analyzing various approaches of the science of criminal law; the main features and principles have been highlighted, on which the mechanism of functioning of this illegal activity is based. The second stage was based on the study of the regulatory framework of the Republic of Kazakhstan for a better understanding of the studied segment in national legislation, the study of criminal liability for the implementation of this organizational criminal activity, the identification of the main and most common types. The third stage provided an opportunity to study the legal collisions that stand in the way of the successful functioning of the criminal legislation to combat this illegal phenomenon; this necessitated the development of appropriate recommendations and methods to improve the effectiveness of combating the organized criminal activity.

Results

One of the main factors that provide an opportunity to ensure the security and protection of the rights and freedoms of citizens, as well as the interests of society and the state, is the effective functioning of the mechanism of legal measures that can ensure guaranteed order in the activities of public institutions. The list of such norms include those ones that aim to combat the organized criminal activity and counteract their spread. After analyzing criminal groups, it has been found that it is advisable to consider them from a criminal law point of view as an organized group that has structural units, implements its own activities under a single management, and its purpose of the operation is to obtain financial or other benefits of material value [8-11]. In modern conditions, this illegal phenomenon should be referred to as one of the most multifaceted and complex phenomenon, since the encroachment of this type of activity is carried out on all spheres of society, the criminal power is established, as well as the control over all processes of regulation of the social and legal mechanism.

Identifying the main reasons that serve as factors in the spread of criminal groups, it is worth noting that they lie in the economic and political instability of society, legal nihilism, which has covered a large number of the population segments and the structures of authorities of all levels. That is, criminal groups acquire an organized and transnational character. As a result, criminal groups that operate in Kazakhstan, in most cases come into contact with criminal organizations from other countries and corruption, which puts above all the goal in the form of profit from the trade in prohibited goods and services; at the same time, the true profits that are received from the activities of criminal groups jeopardize the national security of Kazakhstan, reduce the level of efficiency of the state's economic system, undermine the general welfare, as well as affect many citizens. One of the important problems that contributes to the activities of criminal groups is the imperfection of the legislative framework, its inconsistency, declarative nature, as well as the lack of a clear mechanism for the implementation of laws [12-14].

Analyzing the conditions that contribute to the commission of a particular crime, it is worth noting the circumstances that create a favorable opportunity for its commission in a particular situation. The internal and external reasons for the creation of criminal groups in Kazakhstan are identified. Thus, internal reasons are those ones that contain the psychological personality traits of the person who created an organized group or took part in it [15]. Based on the law enforcement practice, the common features of the personal characteristics of the creators of criminal groups are the desire for leadership, the desire for risk, the mercenary character for creating a criminal group, a violent way to achieve the desired result. External reasons include the process of interaction between the external environment and the subject and their mutual formative influence, which resulted in the creation of a criminal group; antisocial interests and needs are the criminal motives and goals in this case [16; 17]. Based on the above-mentioned reasons and conditions that have developed in the practice of Kazakhstan, there is an increasing need to develop measures to prevent them. First of all, it is important to timely identify the creators of criminal groups, their participants and assign them a fair criminal punishment; that is, it represents the state's response to an illegal act already committed. Further, it should be noted the prevention of crimes in this category, as this serves as the basis for the fight against crime. These two targets areas are interconnected with each other, as their common goal is the eradication of criminal groups and their activities.

Since the criminal legislation and the norms contained in it cannot completely eradicate the activities of criminal groups, it is necessary to develop preventive measures and their application. It is worth highlighting the improvement of the rules of substantive law, namely the Criminal Code of the Republic of Kazakhstan [5], since the relevant provisions should be clearly formulated and contain a minimum of evaluative positions. It is also necessary to develop a rule that will regulate the provision on the release from criminal liability of persons who are the members of a criminal group, subject to the condition of excellent post-criminal behavior. A necessary introduction to criminal

practice is the development and implementation of organizational, managerial, methodological and regulatory measures; this list may include the introduction of the necessary adjustments in the educational process of educational institutions that train personnel in the field of combating and countering the activities of criminal groups, namely the preparation of special seminars, the holding of scientific and practical conferences, the creation of scientific schools on this topic, and so on.

Analyzing the provisions of the Criminal Code of the Republic of Kazakhstan [5], and according to this analyses, a criminal group can be a criminal organization, organized group, transnational organized group, transnational criminal community, gang, terrorist group, extremist group, illegal paramilitary formation. When expanding each of these concepts, it should be noted that a criminal community is an association of two or more criminal organizations that collude to jointly commit one or more crimes; a criminal organization is an organized group, the members of which are distributed according to the principle of organization, functions and structural subdivisions; in turn, an organized group is a stable group that consists of two or more persons who have previously united for committing one or more crimes. The Criminal Code of the Republic of Kazakhstan [5] contains a number of articles that regulate the establishment of criminal liability for the creation, leadership and participation in a criminal organization; thus, article 262 regulates responsibility for the creation and management of an organized group, criminal organization, as well as participation in them; article 263 – for the creation and management of a criminal community, as well as participation in it; article 264 – for the creation and management of a transnational organized group, transnational criminal organization, as well as participation in them; article 265 – for the creation and management of a transnational criminal community, as well as participation in it.

In order to improve the national legislation and differentiation of the responsibility of criminal law norms that provide for responsibility for the creation and management of a criminal group, they should be supplemented with a more extensive and detailed content. The revision of these legal norms can be implemented by means of formulating the relevant dispositions in separate articles that regulate criminal liability for the creation and management of a criminal group; at the same time, the disposition should be formulated in such a way as to provide an opportunity to prosecute the organizers, leaders, members of criminal groups for committing such actions as the division of spheres of influence, the creation of common monetary fund, the development of strategies and tactics for the actions of participants and organizations, holding organizational gatherings of criminal elements, participation in them and more. That is, in the field of countering and eradicating the activities of criminal organizations, including their creation, the creation of an effective legal system that will not provide an opportunity for criminals to avoid criminal liability is of great importance. It is worth noting the need to improve criminal legislation; these innovations relate to the improvement of the design of the norms on criminal liability for the creation of criminal groups, as well as reformation of criminal law,

the purpose of which is to counteract the creation of criminal groups.

An important innovation in improving the criminal law measures to counteract such an unlawful phenomenon as the activities of organized criminal groups is the introduction of a norm into national legislation that regulates the exemption from criminal liability even before the prosecution to it, in case if a member of a criminal group on a voluntary basis made a statement about the existence of these organizational formations and contributed to the exposure of the participants. At the same time, it should be noted that voluntariness in this case indicates the fact that the subject, who has the opportunity to participate in a criminal group further, regardless of the existing motives, ceases participation in this criminal organization at his own request and reports all information to law enforcement agencies. Voluntary in termination of participation in a criminal group cannot be recognized if the subject is aware that law enforcement agencies know about the activities of this formation, and he makes a statement about the criminal group in order to avoid criminal liability. It is worth mentioning that the adoption of full-fledged measures to combat the activities of criminal groups will be more appropriate when there is a mechanism that provides an opportunity to implement criminal legal procedures as soon as possible, as well as when it is possible to objectively identify the facts of this legal violation, establish a list of persons who are guilty of their deeds and assign them a fair criminal punishment.

Analyzing international experience in combating the activities of criminal groups, it is worth noting the well-built system of specialized departments that deal with issues of combating and preventing the activities of criminal groups. Therefore, in many advanced countries, these legal mechanisms are functioning; for example, in the United States, it is the Federal Bureau of Investigation, in Finland – the Central Criminal Police together with the Security Police, in Poland – the Governmental Protection Bureau (BOR) [18]. It should be noted that the created coordinating agencies are entitled to coordinate actions of various agencies and develop a unified strategy to combat this phenomenon, for example the Interagency Council on BOR in the USA [19]. The next tool that provides an opportunity to strengthen the fight against criminal groups is the information base, which contains data on the subjects that were involved in the activities of criminal groups; this tool is effectively implemented in the practice of Canadian criminal law [20]. However, for example in Japan, the law enforcement agencies have been collecting data for many years about the history of the creation of a criminal group, its size, connections, financial resources, sources of income, methods used, structure, and more [21; 22].

Considering other effective methods to counter this illegal phenomenon, it is worth highlighting the use of the media to spread propaganda and formation of the legal consciousness of citizens. In the practice of Japan, this is quite effectively implemented; distribution of booklets, books, reference books, putting up posters calling on citizens to help in the fight against the activities of criminal groups; equally important is helping the former members of criminal organizations to return to normal society [23; 24]. Another vivid example of the propaganda development in this vein is the practice of the United

States; namely, the trial of one of the members of the criminal group is broadcasted live, which contributes to the formation of legal consciousness among the population and reduces the level of distortion of ideas, especially among the younger generation, regarding the criminal lifestyle [25]. At this stage, the position in relation to the activities of criminal groups is deformed in Kazakhstan; the media has a negative impact in the form of a distortion of the life values of young people. In this regard, it is necessary to increase the level of legal awareness among citizens. Among the main ways that can contribute to this, it is worth singling out the use of the results of operational-search activities as evidence in the courts, develop a mechanism for the work of law enforcement officers to infiltrate the organized criminal groups, and develop a witness protection program. These methods will act as factors that will increase the level of legal awareness of young people, as well as increase the effectiveness of the fight against the activities of criminal groups.

Discussion

Analyzing the concept of a “criminal group”, it is worth noting that this is a stable group of persons that has been united for the purpose of committing one or more legal violations with a certain benefit. According to L. Tiscornia [26], in the modern conditions, criminal legislation contains the basic concepts that define organized crime structures as a criminal community, a criminal group and an organized group. Through the use of system analysis, it is possible to trace an inextricable connection with modern views on criminal activity in the form of a negative social system, which has a large number of system characteristics and properties, as well as provides an opportunity to identify some shortcomings of concepts that act as an obstacle to effective law enforcement practice. According to E. Kleemans & V. Van Koppen [27], the simplest type of criminal group is a group of persons, which consists of two or more perpetrators of the crime without prior agreement to commit an illegal act. In this case, the principle of elementarity is widely disclosed, since further decomposition of the system entails the loss of its main quality, namely, emergence. The legislator established the minimum number of participants of a criminal group – two performers. According to S.M. Apenov & E.T. Omirzhanov [2], this quantitative feature leads to the formation of an integral function, which makes it possible to consider a criminal group of two perpetrators as an elementary system; this is due to the fact that the combination of two perpetrators in the process of implementing a criminal act leads to the emergence of a new property, which differs significantly from a crime committed by one person.

It is worth mentioning that the presence of an integral property is not the essence of system. For its successful functioning, the constituent elements should be in certain relationships. For example, in the simplest form of a criminal group, the relationship between accomplices is formed situationally, in most cases spontaneously, which is formulated by the legislator as the absence of prior conspiracy to commit a criminal act. Analyzing an elementary group of persons who committed an illegal act, the legislator indicates the presence of such signs as quantitative, which is revealed in the designation of two or

more perpetrators of the crime, and the relationship of the elements of the system under study, which is formulated as the absence of prior collusion between them. While revealing the type of criminal group in which the members are co-perpetrators, it is worth mentioning that during the implementing of this form of complicity, there is a need to differentiate functions in the absence of a chosen leader, since the conflicts may arise, and only the sufficient level of psychological compatibility can resolve such conflicts [28-30].

According to G.S. Shkabin [31], the next type of criminal group, which is distinguished by its complexity, is the one in which the structure is clearly defined, thereby showing how the individual elements interact in a spatial sense, their structure, plurality and relative independence. The organizational complication of this system is associated with the emergence of management of this system. That is, the phenomenon of managing a criminal group exists in all types of these organizational structures, but the difference between them lies in the degree of development of the management system. Thus, in an organized criminal group, the management function is often independent; the leader is empowered to take part in completely separate illegal acts, but this is currently quite rare, since the tendency of increasing the number of participants in organized groups in the modern conditions is noted, in which the leader is empowered exclusively with the functions of the organization. The United Nations Convention against Transnational Organized Crime [7] singles out a clearly defined feature of criminal groups such as quantitative one; at the same time, it is noted that according to the provision of this regulatory legal act, these are the three or more accomplices in a crime. Mentioning other features of criminal groups that distinguish from other forms of implementation of illegal acts, it is worth noting such as structurality, the goal in the form of obtaining financial or other material benefits, as well as the severity of crimes committed by an organized group. That is, in the international law, an organized criminal group is a system with a more clearly structured structure, whose stability is ensured by the quantitative composition of at least three persons, and the duration of the existence of a criminal group is determined by a long period of time.

Analyzing the criminal legislation of Kazakhstan as a whole, it should be mentioned that evaluative concepts are quite often found in the fixed norms. The essence of the evaluative signs of a crime is that the public danger of the committed illegal act and the result that has occurred, and therefore the criminality of this illegal action, are assessed by the law enforcement officers according to their inner conviction, due to the lack of a clear definition of this feature in the law. The Criminal Code of the Republic of Kazakhstan [5] provides evaluative features; for example, the articles 361, 362 and 450, which provide for liability for abuse of power and abuse of authority. Also, evaluative sign is found in article 131 – expression in the “indecent form” when affronting, article 193 – theft of items that have “special value”, article 316 – “cruelty to animals” and others. According to E.E. Kainar [32], the existence of evaluative concepts in the legislation is due to the fact that they provide an opportunity to take into account the social situation of the case under investigation, the specific circumstances of the crime, which have a diverse content

and can appear in various forms. As a result, it is not always possible and advisable to fix these circumstances in legislative and regulatory acts. It should be noted that the size of the crime committed and in some cases its consequences are also estimated, which is expressed in a certain spectrum, as a result of which not all circumstances of the case will qualify as a crime.

That is, according to the evaluative signs of the crime elements committed by an organized criminal group, the criminal legislation is subjected to a personal assessment of a lawyer, since everything depends on the legal consciousness of a lawyer, rather than on the criminal law. The negative quality of evaluative concepts lies in the impossibility of ensuring the unity of opinions of law enforcement officers, which results in the provision of a personal assessment of the criminal law norm by a lawyer. Criminal law cannot completely abandon evaluative features, therefore one of the possible solutions to this problem is to offer employees of operational-search activities to reflect their substantiation regarding the evaluative concepts in procedural documents when implementing the criminal procedural activities [4; 33-35].

Noting further ways to resolve problems related to the inaccuracy of the criminal legislation of Kazakhstan in the field of defining the activities of criminal groups, it is worth noting the need to determine the terminology and bring the norms of the Special Part in accordance with the systemic concepts that are contained in the General Part, as well as in the United Nations Convention against Transnational Organized Crime [7]. In order to achieve the set goals, it is necessary first of all to eliminate inaccuracies in the wording of the term “criminal community”, by eliminating the concept of “criminal organization”; then it is worth changing the quantitative sign of the definition of a criminal group to 3 or more accomplices; exclude from the concept of “terrorist group” the fact that it is a stable group, as well as exclude from the concept of “extremist group” the fact that it is an organized group. An equally important addition to the current legislation is the inclusion of an addition on the concept of a criminal group with a provision that takes into account the network methods of organizing the criminal communities.

Conclusions

After conducting a scientific study in the field of analysis of criminal groups as special forms of complicity, it was revealed that at the moment, the illegal act under study is a factor that undermines the public security, has a negative impact on the state economic system, and as a result, it has been considered the ways to combat this illegal phenomenon, and recommendations for their implementation in the current legislation have been

offered. Among the main reasons that serve as factors in the spread of criminal groups, it has been noted that they lie in the economic and political instability of society, legal nihilism, which has covered a large number of the population segments and the authorities' structures of all levels. Criminal groups that operate in Kazakhstan, in most cases, come into contact with criminal organizations from other countries and corruption, which puts above all the goal in the form of profit from the trade in prohibited goods and services; at the same time, the true income that is received from the activities of criminal groups jeopardizes the national security of Kazakhstan, reduces the level of efficiency of the state's economic system, undermines the general welfare, as well as affects many citizens.

One of the important problems that contributes to the activities of criminal groups is the imperfection of the legislative framework, its inconsistency, declarative nature, as well as the lack of a clear mechanism for the implementation of laws. An important innovation in improving the criminal law measures to counteract such an unlawful phenomenon as the activities of organized criminal groups is the introduction of a norm into national legislation, which regulates the exemption from criminal liability even before the bringing to criminal responsibility, in case if a member of a criminal group made a statement about the existence these organizational formations on a voluntary basis and contributed to the exposure of the participants. At the same time, it is worth mentioning that voluntariness in this case means that the person, who has the opportunity to stay in a criminal group further, regardless of the existing motives, ceases participation in this criminal organization by his own volition and reports all information to law enforcement agencies. Voluntary termination of participation in a criminal group cannot be recognized if the subject is aware that law enforcement agencies know about the activities of this formation, and he makes a statement about the criminal group in order to avoid criminal liability. Analyzing international experience in combating the activities of criminal groups, it is worth noting the well-built system of specialized departments that deal with issues of combating and preventing the activities of criminal groups. Further ways of conducting research on the study of criminal groups will be aimed at analyzing digital ways to implement illegal acts, as well as exploring new ways to combat this phenomenon in order to increase the level of public security in Kazakhstan.

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Conflict of Interest

None.

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Злочинна група як особлива форма співучасті у злочині

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Анотація

Актуальність. Актуальність цього дослідження зумовлена високим рівнем суспільної небезпеки та загрози суспільному життю і багатьом сферам життєдіяльності держави.

Мета. Метою роботи є детальний аналіз та визначення діяльності організованих злочинних угруповань.

Методологія. Серед використаних методологічних підходів слід відзначити теоретико-методологічний підхід, функціональний методологічний підхід, формально-юридичний методологічний підхід, метод дедукції, метод синтезу та інші.

Результати. Зазначено, що теорія кримінального права містить певне коло проблем, які пов'язані з кримінальною відповідальністю за створення та участь в організованих злочинних групах. Для проведення більш детального аналізу визначення поняття організованих злочинних угруповань було досліджено декілька підходів з теорії кримінального права, що дозволило виявити основні ознаки та принципи формування цього виду протиправної діяльності. Проаналізовано Конвенцію Організації Об'єднаних Націй проти транснаціональної організованої злочинності як дослідження злочинної групи через призму вивчення цього поняття на міжнародному рівні. Зазначено, що стійкість є однією з основних ознак, яка характеризує організаційну злочинну діяльність. За допомогою системно-структурного аналізу визначено та узагальнено основні ознаки злочинних співтовариств та організаційних злочинних груп. Проаналізовано Кримінальний кодекс Республіки Казахстан та відзначено основні правові колізії, пов'язані з визначенням поняття злочинного угруповання та шляхів протидії цій протиправній організаційній діяльності, у зв'язку з чим запропоновано певні рекомендації.

Висновки. Практичне значення одержаних результатів дає можливість виокремити доповнення до національного законодавства для більш точного визначення досліджуваного поняття та підвищення ефективності протидії йому.

Ключові слова: оперативно-розшукова діяльність; організована група; банда; незаконне збройне формування; група осіб.