



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

## **EDITORIAL TEAM**

### **EDITORS**



### **Megha Middha**

*Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar*

*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society*

### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



## Dr. Namita Jain



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

*Assistant professor of Law*

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **TRANSNATIONAL CRIME AND GLOBAL CRIMINOLOGY**

**AUTHORED BY - MEHUL DHARMENDRA SHAH**

**P.E.SOCIETY'S**

**Modern Law College**

**Ganeshkhind University Circle, Pune**

## **Abstract :**

Transnational crime has become an increasingly pervasive and complex challenge in our interconnected world. This abstract provides a concise overview of the critical issues addressed in the field of global criminology, focusing on the study of transnational crime. In an era of globalization, criminal activities such as human trafficking, drug smuggling, cybercrime, and terrorism transcend national borders, posing significant threats to the security and well-being of societies worldwide. Global criminology seeks to understand the dynamics, causes, and consequences of transnational crime, while also exploring strategies for prevention and intervention. This abstract delves into key themes, such as the role of international cooperation, the impact of technology, and the importance of cultural, economic, and political factors in shaping the landscape of transnational crime. It highlights the evolving nature of global criminology as an interdisciplinary field that brings together law enforcement, legal scholars, sociologists, and policy experts to confront the multifaceted challenges posed by transnational criminal networks. By examining these critical issues, this abstract sets the stage for a comprehensive exploration of the complexities surrounding transnational crime and the indispensable role of global criminology in addressing this global menace.

## **Introduction :**

Transnational crimes are violations of law that involve more than one country in their planning, execution, or impact. These offenses are distinguished from other crimes in their multinational nature, which poses unique problems in understanding their causes, developing prevention strategies, and in mounting effective adjudication procedures. Transnational crimes can be

grouped into three broad categories involving provision of illicit goods ([drug trafficking](#), [trafficking in stolen property](#), [weapons trafficking](#), and [counterfeiting](#)), illicit services ([commercial sex](#) and [human trafficking](#)), and infiltration of business and government ([fraud](#), [racketeering](#), [money laundering](#), and [corruption](#)) affecting multiple countries. Transnational crimes are distinct from [international crime](#), which involves crimes against humanity that may or may not involve multiple countries. Examples of international crimes are genocide and terrorism, which are also included in this guide to sources.

Who are the criminologists at the forefront of the shift to a global framework for the field of criminology? Disproportionately, they are criminologists whose ideological orientation falls on the progressive side of the spectrum. There are several reasons for this. Progressive (or leftist) criminologists are by definition especially focused upon the crimes of the powerful as opposed to the crimes of the powerless. Transnational crime is disproportionately the crime of relatively powerful organizations and entities, in part because some level of power or resources is necessary to commit crime effectively on a global scale.

Second, progressive criminologists are collectively less likely to do the type of work that is dependent upon major grant support, and the principal funding entities are oriented toward funding projects focused upon conventional forms of crime and its control. Third, progressive criminologists are especially likely to be engaged with the large-scale issues of the global political economy that are inevitably entangled with issues of transnational crime and its control.

If specialization of focus is the norm within academe, my own interests are about as far removed from such a focus as possible. The contribution I propose to make here goes to fundamental definitional, conceptual, and typological issues, and the provisional "mapping" of an emerging scholarly terrain. At the outset, it is necessary to provide some perspective on the criminological enterprise itself.

**Definition :**

The definition of transnational crime is rather overlaps with organized crime which is often broadly defined which is the nature of the mafia gang. In the past, transnational crimes were often perceived as organized crimes. Due to the definition of transnational crimes committed across borders between states. This requires planning, preparation, and networking. However, nowadays information technology and internet media have played an important role in people's livelihood. Technology is used to commit crimes without the need to act as a group. Also, the various information technology networks that now exist allow the criminals multiple avenues of opportunity. For example, using computer viruses which may hack into or disable a system. This is a criminal offense that is done across borders that violates security and order.

Thus, organized crime is a form of transnational crime

### **Different forms of transnational organized crime :**

Transnational organized crime is not stagnant, but is an ever-changing industry, adapting to markets and creating new forms of crime. In short, it is an illicit business that transcends cultural, social, linguistic and geographical boundaries and one that knows no borders or rules.

**Drug trafficking** continues to be the most lucrative form of business for criminals, with an estimated annual value of \$320 billion. In 2009, UNODC placed the approximate annual worth of the global cocaine and opiate markets alone at \$85 billion and \$68 billion, respectively.

**Human trafficking** is a global crime in which men, women and children are used as products for sexual or labour-based exploitation. While figures vary, an estimate from the International Labour Organization (ILO) in 2005 indicated the number of victims of trafficking at any given time to be around 2.4 million, with annual profits of about \$32 billion. Recent research on overall forced labour trends however would suggest that the scope of the problem is much bigger. In Europe, the trafficking of mostly women and children for sexual exploitation alone brings in \$3 billion annually and involves 140,000 victims at any one time, with an annual flow of 70,000 victims.

**Smuggling of migrants** is a well-organized business moving people around the globe through criminal networks, groups and routes. Migrants can be offered a "smuggling package" by organized crime groups, and the treatment they get along the route corresponds to the price they pay to their smugglers. In the process of being smuggled, their rights are often breached and they can be robbed, raped, beaten, held for ransom or even left to die in some cases, when the risks get too high for their smugglers. Many smugglers do not care if migrants drown in the sea, die of dehydration in a desert or suffocate in a container. Every year this trade is valued at billions of dollars. In 2009 some \$6.6 billion was generated through the illegal smuggling of 3 million migrants from Latin America to North America, while the previous year 55,000 migrants were smuggled from Africa into Europe for a sum of \$150 million.

**Illicit trading in firearms** brings in around \$170 million to \$320 million annually and puts handguns and assault rifles in the hands of criminals and gangs. It is difficult to count the victims of these illicit weapons, but in some regions (such as the Americas) there is a strong correlation between homicide rates and the percentage of homicides by firearms.

**Trafficking in natural resources** includes the smuggling of raw materials such as diamonds and rare metals (often from conflict zones). The trafficking of timber in South-East Asia generates annual revenues of \$3.5 billion. In addition to funding criminal groups, this strand of criminal activity ultimately contributes to deforestation, climate change and rural poverty.

**The illegal trade in wildlife** is another lucrative business for organized criminal groups, with poachers targeting skins and body parts for export to foreign markets. Trafficking in elephant ivory, rhino horn and tiger parts from Africa and South-East Asia to Asia produces \$75 million in criminal profits each year and threatens the existence of some species. Organized crime groups also deal in live and rare plants and animals threatening their very existence to meet demand from collectors or unwitting consumers. According to the WWF, traffickers illegally move over 100 million tons of fish, 1.5 million live birds and 440,000 tons of medicinal plants per year.

**The sale of fraudulent medicines** is a worrying business, as it represents a potentially deadly trade for consumers. Piggybacking on the rising legitimate trade in pharmaceuticals from Asia to other developing regions, criminals traffic fraudulent medicines from Asia, in particular to South-East Asia and Africa to the value of \$1.6 billion. Instead of curing people, however, they can result in death or cause resistance to drugs used to treat deadly infectious diseases like malaria and tuberculosis. In addition to traditional trafficking methods, criminals continue to build a lucrative online trade in fraudulent medicines targeting developed and developing countries alike, which can also lead to health implications for consumers.

**Cybercrime** encompasses several areas, but one of the most profitable for criminals is identity theft, which generates around \$1 billion each year. Criminals are increasingly exploiting the Internet to steal private data, access bank accounts and fraudulently attain payment card details.

#### **Globalization and Transnational Crime :**

Globalization, generally described as the removal of barriers to cross-national movement of goods and funds, has been [beneficial for transnational organized crime networks](#). The global forces of supply and demand have created new markets for illicit goods and services provided by criminal organizations. There is high demand for things like drugs (particularly in Europe and North America), weapons (in Africa and the Middle East), exotic wildlife and animal parts (Asia), and exploitable humans (virtually everywhere). The Organization for Economic Cooperation and Development (OECD) has recently estimated that [the international trade in counterfeit and stolen goods amounts to as much as half a trillion dollars](#). Criminal networks also have new opportunities to establish facilities in various countries from which they can produce and distribute their illicit goods, decreasing costs and maximizing profits. Similarly, just as we see with legal multinational corporations, transnational criminal networks can outsource an array of support services to areas around the world with internet connectivity and lower labor costs.

For example, massive amounts of cocaine are now smuggled by ship and air from Latin America (mainly Colombia, Peru, Brazil and Venezuela) to West Africa, and heroin is smuggled from

Central and South Asia to East Africa (and sometimes West Africa as well). In both cases, the drugs then make their way from East and West Africa to the primary drug consumer markets in Europe and the U.S. According to the [2018 UNODC World Drug Report](#), ‘the quantity of cocaine seized in Africa doubled in 2016, with countries in North Africa seeing a six fold increase and accounting for 69 per cent of all the cocaine seized in the region in 2016.’ Interpol’s [World Atlas of Illicit Flows](#) identifies a handful of countries as being particularly important transit hubs for drug trafficking, including Guinea-Bissau, Cape Verde, the Canary Islands, Morocco, Algeria, Libya and Ethiopia. This report also notes that illicit trafficking and use of captagon (a brand name for the drug fenethylamine, a combination of amphetamine and theophylline, which increases alertness) is rising throughout Africa. India is allegedly a primary source for both of these drugs, and increased use is particularly noticeable in Mali, Chad, and Nigeria. While Niger, Benin and Togo have been described as important transit hubs. Meanwhile, dozens of methamphetamine labs have been discovered throughout West Africa, including [one in Nigeria capable of producing billions of dollars’ worth of the drug](#).

Of course, criminal enterprises also generate millions of dollars in profits each year from trafficking in [small arms and light weapons](#), cigarettes, counterfeit DVDs, and many other items. Globalized shipping, including the intermodal maritime system, can be exploited by transnational organized crime networks to smuggle huge shipments of illicit items in cargo containers. They seek to take advantage of the fact that the overwhelming number of containers shipped each year make it physically impossible to inspect each one. As [maritime security expert Peter Cook notes](#), ‘The greatest challenge ... is the sheer volume of containers moving through the ports and the speed with which they have to be processed.’ In August 2018, [U.S. government authorities announced the seizure of counterfeit luxury goods](#) (including purses, handbags, and belts) worth at least \$500 million, that had been manufactured in China. Over 30 men and women were arrested—all of Chinese heritage and living in the U.S. illegally. This was the culmination of a six-year investigation, which found that twenty of the cargo containers came into the U.S. through the Port of New York and New Jersey, and two through the Port of Los Angeles. In another of the largest counterfeit-goods cases ever prosecuted in the U.S., 29 people were arrested in New York, New Jersey, Texas, and Florida for [trying to smuggle \\$325 million worth of fake goods from China into the U.S.](#)

But worse than drugs or counterfeit goods is the recent increase of human traffickers using compromised intermodal shipping containers. Illegal immigrants apprehended at ports in Britain, Canada and the U.S. (among other countries) after arriving inside shipping containers revealed

that many of them had paid a criminal network large sums of cash for the dangerous journey inside a steel crate. For others, this journey ended tragically, like the [39 Vietnamese whose bodies were discovered in a cargo container at a British port in March 2020](#). The same month, the bodies of [64 Ethiopians were found in a shipping container in Mozambique](#). In both instances, authorities believed the victims had suffocated to death.

Globalization also facilitates new opportunities for [intersections \(especially logistical, financial and operational\) between terrorist networks and transnational organized crime](#). The ability for terrorists to attract and move financial resources, weapons and operatives throughout the world is greatly enhanced when collaborating with existing routes developed and maintained by transnational criminal networks. Further, there are individuals who can navigate both the legal and illegal economic sectors (such as accountants, attorneys, notaries, bankers, and real estate brokers), [providing services to legitimate customers, criminals, and terrorists alike](#). And while globalization has led to an increased volume of legitimate cross-border financial transactions and investment, it also has allowed criminals to launder the proceeds of crime more easily.

Finally, myriad opportunities for both transnational criminals and terrorists are now available via the Internet. These days, Internet connectivity worldwide brings new opportunities for credit card fraud, theft of corporate data (or holding it hostage for ransom), extortion, identity theft, and a range of other kinds of potentially lucrative criminal activities online. Money laundering schemes of various forms can flourish within a digital environment that is weakly governed yet connected with the rest of the world. Globalization allows greater access to the products and services available on the so-called Dark Web, from purchasing explosives or other weapons to hiring a competent cross-border smuggler, document forgery expert or bomb-maker. And of course, operational communication is now much easier between criminal or terrorist network operatives in disparate parts of the world. According to [Yuri Fedotov, the executive director of the United Nations Office of Drugs and Crime](#), ‘Thanks to advances in technology, communication, finance and transport, loose networks of terrorists and organized criminal groups that operate internationally can easily link with each other. By pooling their resources and expertise, they can significantly increase their capacity to do harm.’

To sum up, transnational organized crime networks have benefited significantly from globalization, and will continue to do so for the foreseeable future. As a result, there is a growing need for [effective international cooperation in security, intelligence and law enforcement](#) across all countries of origin, transit and destination. No country, even the most powerful, can effectively confront the challenges of transnational organized crime entirely on its own. This is no time for

increased nationalism or the kinds of rhetoric and policies that lead to political isolation. Every country, including the US, must re-invigorate their engagement with international institutions and incentivize a collaborative effort to turn the tide against these transnational criminal networks. Failure to do so will only further embolden, enable and enrich them, at our expense.

### **Global threats, local effects :**

While transnational organized crime is a global threat, its effects are felt locally. When organized crime takes root it can destabilize countries and entire regions, thereby undermining development assistance in those areas. Organized crime groups can also work with local criminals, leading to an increase in corruption, extortion, racketeering and violence, as well as a range of other more sophisticated crimes at the local level. Violent gangs can also turn inner cities into dangerous areas and put citizens' lives at risk. Organized crime affects people in the developing and the developed worlds. Money is laundered through banking systems. People become victims of identity theft, with 1.5 million people each year being caught out. In many developed countries, criminal groups traffic women for sexual exploitation and children for purposes of forced begging, burglary and pickpocketing. Car theft is also an organized business, with vehicles stolen to order and taken abroad. Fraudulent medicines and food products enter the licit market and not only defraud the public but can put their lives and health at risk. Added to this is the trade in counterfeit products, which deprives countries of tax revenues. This can also have an impact on legitimate companies when illegally produced goods displace sales of original products, which in turn hurts employer revenues.

Organized crime adds to an increase in public spending for security and policing and undermines the very human rights standards that many countries strive to preserve, particularly when activities such as human trafficking in human beings, kidnapping and extortion are taken into consideration. It can also fuel local crime, which in turn drives up costs such as insurance premiums and adds to the general level of criminality and insecurity in society.

### **Relation between transnational crime and global criminology :**

Transnational crime and global criminology are two interconnected concepts that revolve around the study and understanding of criminal activities that transcend national borders and have a global impact. Let's break down each of these concepts:

1. **Transnational Crime:** Transnational crime refers to criminal activities that involve actors, organizations, or networks operating in multiple countries or across international borders. These crimes are often complex, sophisticated, and may include various illegal activities such as drug trafficking, human trafficking, cybercrime, terrorism, money laundering,

organized crime, and more. Transnational crimes typically involve coordination and collaboration among criminals or criminal organizations in different countries.

Key features of transnational crime include:

- Involvement of multiple jurisdictions: Perpetrators, victims, and illicit activities span across multiple countries or regions.
  - Global impact: These crimes can have significant global consequences, including threats to international security, economic destabilization, and harm to individuals and communities worldwide.
  - Adaptability and innovation: Criminal organizations involved in transnational crime often adapt quickly to changes in law enforcement efforts and technology.
2. Global Criminology: Global criminology is an interdisciplinary field of study that focuses on the examination, analysis, and understanding of crime and criminal justice issues from a global perspective. It seeks to address the challenges posed by transnational crime and the interconnectedness of criminal activities across borders. Global criminology involves the study of various aspects related to crime, including its causes, consequences, prevention, and control, within a global context.

Key areas of focus in global criminology include:

- Comparative criminology: Analyzing crime rates, criminal justice systems, and law enforcement practices across different countries and regions to identify patterns and differences.
- Transnational crime research: Investigating the dynamics, causes, and impacts of transnational criminal activities.
- International law and criminal justice: Examining the legal frameworks and international organizations involved in addressing transnational crime.
- Global policing and cooperation: Studying how law enforcement agencies from different countries collaborate to combat transnational criminal networks.
- Human rights and justice: Considering the implications of transnational crime on human rights and social justice issues worldwide.

Global criminology aims to develop a comprehensive understanding of the complexities of crime

in a globalized world and to inform policies and strategies to combat transnational crime effectively. Researchers and practitioners in this field often work together to promote international cooperation, enhance legal frameworks, and develop strategies to address the challenges posed by transnational criminal organizations.

**Conclusion:**

An emerging global criminology should attempt to arrive at some consensus on defining itself coherently. It should identify the parameters of expanded criminological concerns within the context of globalization. It should address the definition of crime issue anew within this context. It should attend to defining the key terms associated with an emerging global criminology clearly and cogently. It should develop a coherent typology of global crime or transnational crime, and of the institutions of control of such crime. A global criminology needs to address systematically the formidable methodological issues that arise in relation to studying global and transnational crime. It should adopt a credible "world order" framework within which transnational forms of crime and its control can be analysed. It should identify optimal strategies for promoting a broader awareness within the discipline of the need to adopt a global framework. It should identify viable and useful empirical projects that can advance the understanding of transnational crime and its control. It must also identify optimal strategies for securing funding and support for such projects. It needs to identify the major policy issues that now arise in relation to transnational crime and its control, and the optimal resolution of these issues. Finally, it needs to delineate the relationship of an emerging criminology to a range of disciplines including international law and comparative politics that address some of the same concerns.