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Organized Crime and Globalization: Structural Evolution and Emerging Threats

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ABSTRACT

Globalization has significantly transformed the landscape of organized crime, introducing new complexities for law enforcement, policymakers, and scholars. This study examines how economic interdependence, technological advancements, and geopolitical instability have facilitated the rise and evolution of transnational criminal networks. Enhanced connectivity through trade, communication, and transportation has enabled criminal enterprises to exploit regulatory gaps and operate across borders with increasing sophistication and adaptability. Illicit activities such as drug trafficking, human smuggling, and cybercrime have expanded globally, often blending with legitimate economies through complex financial structures. Technological tools like the dark web and cryptocurrencies further challenge enforcement efforts. Political instability and weak governance provide fertile ground for organized crime to thrive. The paper underscores the urgent need for international cooperation, intelligence sharing, and robust legal frameworks to effectively counter the evolving dimensions of organized crime in the era of globalization.

Keywords: *Organized crime, Monopoly, Globalization, Economy, Transnational, Criminal Activities*

I. INTRODUCTION

The delineation of transnational organized crime is intricate and lacks a universally accepted definition within criminological and criminal law frameworks. Notably, there exists considerable divergence among transnational criminal organizations regarding their organizational structures, activities, and size. Despite the absence of a unanimous definition, certain fundamental elements are discernible across instances.

Primarily, these organizations engage in unlawful activities, transgressing legal boundaries and administering punishments beyond conventional law enforcement procedures. Individuals consciously affiliating with these groups operate under the guidance of established leaders, efficiently executing their prescribed activities. Although well-structured, these organizations possess a more or less enduring structure, even if not composed of strictly subordinate groups.

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On occasions, transnational organized crime manifests through a network of homogeneous groups connected across borders via various forms of solidarity, complicity, and hierarchical order.

Moreover, transnational criminal organizations operate across diverse domains, encompassing activities such as bank fraud, cybercrime, and illicit trafficking of goods or people. In pursuit of their objectives and safeguarding their interests, these entities are predisposed to employ violence, bribery, and other similar instruments in conducting their business. Notably, a defining characteristic is that their criminal pursuits extend beyond national borders. The United Nations, in the Convention against Transnational Organized Crime (CATOC), identifies an offense as transnational if it occurs in more than one state, involves substantial planning or control in another state, or has effects spanning multiple states.

The United Nations, in a prior document, categorizes various forms of transnational organized crime, including money laundering, terrorist activities, theft of art and cultural objects, intellectual property theft, illicit arms trafficking, aircraft hijacking, sea piracy, land hijacking, insurance fraud, cybercrime, environmental crimes, human trafficking, trade in human body parts, drug trafficking, fraudulent bankruptcy, infiltration of legal businesses, corruption and bribery of public officials, party officials, elected representatives, and other offenses perpetrated by organized criminal groups, as defined in national legislation.

Transnational organized crime has found advantages in the phenomenon of globalization, as asserted by proponents of this perspective. They contend that, although globalization fosters international trade and the flow of commodities, it concurrently heightens the challenges associated with regulating activities such as the illicit trade of goods and the enforcement of laws aimed at curtailing them. Within this framework, the global financial system has witnessed extensive deregulation since the 1980s, creating an environment conducive to money laundering for concealing the illegitimate gains of organized crime.

To elaborate, financial deregulation proves advantageous to criminal entities by affording them the opportunity to launder money through placement, layering, and eventual integration into the lawful financial infrastructure. Additionally, the adverse side effects of globalization are posited to contribute to the swelling ranks of organized crime. In essence, the argument contends that the positive aspects of globalization coexist with unintended consequences, creating an environment where transnational criminal organizations thrive and exploit the complexities of an interconnected world. The evolution of organized crime dimensions in the context of globalization in India is a complex and multifaceted phenomenon. Understanding

this requires an exploration of historical backgrounds, societal changes, economic shifts, and global influences. Here's an overview:

Pre-Globalization Era (Pre-1990s):

- India, post-independence in 1947, faced challenges related to economic development, poverty, and political instability.
- Organized crime during this period was often localized, with criminal activities tied to traditional structures and regional power dynamics.
- Smuggling, illicit liquor trade, and organized gambling were prevalent, but the scale and sophistication were limited compared to later years.

Economic Liberalization and Globalization (1990s Onward):

- The early 1990s marked a significant shift in India's economic policies, embracing liberalization and globalization.
- Economic reforms led to increased international trade, foreign investment, and a more interconnected economy.
- This period also witnessed the rise of technology and communication, further facilitating global connections.

Impact on Organized Crime:

- Increased international trade and connectivity provided opportunities for criminal organizations to expand their operations globally.
- The smuggling of drugs, arms, and other illicit goods across borders became more sophisticated and widespread.
- Money laundering gained prominence as a consequence of economic liberalization and integration into the global financial system.
- Cybercrime emerged as a new dimension, with criminals exploiting digital platforms for fraud, hacking, and other illicit activities.

Transnational Criminal Networks:

- The globalization era saw the emergence of transnational criminal networks with cross-border linkages.
- Organized crime groups in India began collaborating with counterparts in other countries, leading to more complex and global criminal enterprises.
- Human trafficking, wildlife smuggling, and cyber fraud became transnational challenges.

Impact on Society:

- The influence of organized crime on Indian society increased, affecting governance, law enforcement, and public safety.
- Corruption at various levels of administration sometimes facilitated criminal activities.
- Globalization also brought about social changes, including urbanization and the growth of informal economies, providing fertile ground for organized crime to thrive.

Countermeasures and Challenges:

Indian law enforcement agencies faced challenges in adapting to the changing nature of organized crime. Coordinated efforts with international agencies became crucial to combat transnational criminal networks.

Legal frameworks and investigative techniques had to evolve to address the complexities of globalized crime. The evolution of organized crime dimensions in the globalization era in India reflects a transformation from localized criminal activities to more sophisticated, transnational networks. The interplay of economic, technological, and social factors has shaped the landscape of organized crime in the Indian context, presenting challenges that require adaptive and collaborative responses from law enforcement and policymakers.

II. EXPLORING DIVERSE FACETS OF ORGANIZED CRIMINAL ACTIVITIES

Organized crime in India encompasses various activities carried out by well-structured and coordinated criminal groups. Here are some prominent types of organized crime prevalent in India:

Drug Trafficking: Drug cartels and organized networks engage in the cultivation, manufacturing, and distribution of illegal drugs.

Human Trafficking: Criminal groups exploit individuals, often through coercion or deception, for purposes such as forced labor, sexual exploitation, and organ trade.

Smuggling: Smuggling networks operate in the illegal transportation of goods such as arms, wildlife, precious metals, and counterfeit currency.

Cybercrime: Organized cybercriminal groups engage in activities like hacking, identity theft, online fraud, and ransom ware attacks.

Illegal Arms Trade: Criminal organizations are involved in the smuggling and distribution of illegal weapons, contributing to a rise in gun violence.

Extortion and Protection Rackets: Organized crime groups extort money from businesses,

individuals, and even government officials through threats, violence, or coercion.

Money Laundering: Criminal syndicates use various methods to legitimize and conceal the origins of illegally obtained funds, often through legitimate businesses.

Corruption: Organized crime often thrives on corrupt practices, with criminal groups infiltrating government institutions, law enforcement, and businesses.

Illegal Gambling: Organized crime groups operate illegal gambling rings, which may involve activities such as betting on sports, card games, or other forms of gambling.

Kidnapping for Ransom: Criminal organizations engage in kidnapping individuals for ransom, targeting affluent individuals or their family members.

Environmental Crimes: Illicit activities such as illegal logging, wildlife poaching, and environmental pollution are carried out by organized criminal networks.

Organized Fraud: Fraudulent schemes, including Ponzi schemes, investment scams, and insurance fraud, are orchestrated by organized crime groups.

Counterfeit Currency: Criminal organizations engage in the production and distribution of counterfeit currency, undermining the stability of the economy.

It's important to note that these activities often overlap, and criminal organizations may be involved in multiple types of organized crime simultaneously. Additionally, law enforcement agencies continuously work to combat and dismantle these networks to maintain law and order in the country.

III. INDIAN LEGAL SCENARIO

India concerning organized crime reflects efforts to address the challenges posed by globalization. Please note that laws and regulations are subject to change, and there may have been developments since my last update. Here are some key aspects related to the legal dimensions of organized crime in the Indian perspective:

The Unlawful Activities (Prevention) Act, 1967 (UAPA): The UAPA is a key piece of legislation in India aimed at preventing unlawful activities and dealing with terrorism. It has been amended over the years to address emerging threats, including transnational organized crime.

The Prevention of Money Laundering Act, 2002 (PMLA): PMLA is focused on preventing money laundering and dealing with proceeds of crime. It is crucial in the context of organized crime, as financial transactions often play a significant role in such activities.

National Investigation Agency (NIA): The NIA was established in 2008 to combat terrorism and other serious crimes with a transnational dimension. It has the authority to investigate and prosecute offenses affecting the sovereignty, integrity, and security of India.

Extradition Treaties: India has extradition treaties with various countries to facilitate the extradition of individuals involved in organized crime who may have fled the country.

Cyber Laws: India has enacted laws to address cybercrime, which is a growing concern in the era of globalization. The Information Technology Act, 2000, and its subsequent amendments deal with offenses related to the misuse of computers and data.

Mutual Legal Assistance Treaties (MLATs): India enters into MLATs with other countries to facilitate cooperation in legal matters, including the investigation and prosecution of transnational organized crime.

Human Trafficking Laws: India has laws specifically addressing human trafficking, a form of organized crime. The Immoral Traffic (Prevention) Act, 1956, and its subsequent amendments criminalize trafficking and related offenses.

Interpol Cooperation: India collaborates with Interpol and other international organizations to share information and coordinate efforts in combating organized crime on a global scale.

Asset Forfeiture: The Prevention of Money Laundering Act provides for the confiscation of proceeds of crime and assets linked to money laundering.

It's important to stay updated on any amendments or new legislation that may have been introduced since my last knowledge update. Legal frameworks evolve, and governments may enact new laws or modify existing ones to address emerging challenges related to organized crime in the context of globalization. Always refer to the latest legal sources and consult legal professionals for the most current information.

IV. ROLE OF JUDICIARY

This article explores the evolving role of the Supreme Court of India in the context of globalization, delving into its decision-making processes regarding challenges posed by economic liberalization, privatization, and development policies spanning the past three decades. While the Court has generally shown deference in reviewing these policies, it has also played an active and influential role in reshaping regulatory frameworks, bureaucratic structures, and accountability norms. Additionally, the Court has been pivotal in redefining the landscape of fundamental rights invoked by non-governmental organizations (NGOs) and other litigants challenging these policies. The Court strategically employs rights as "structuring

principles" to evaluate liberalization and privatization policies, considering factors such as constitutional or statutory illegality, arbitrariness, unreasonableness, or corruption. Simultaneously, it frames rights as "substantive-normative principles" to assess development policies. The central contention is that the Court's unique approach to rights-based judicial review has given rise to what can be termed as "asymmetrical rights terrains," prioritizing the rights and interests of private commercial and industrial stakeholders, as well as government officials and agencies, over those of labor, villagers, farmers, and tribes. The Court's approach to judicial review embodies a distinctive model of adjudication. In this model, high courts actively contribute to shaping the interpretation of rights, regulatory structures and norms, and the legal-constitutional discourse surrounding globalization.

In a PIL addressing the emancipation of Bonded Labour, the Supreme Court elucidated the meaning of Forced Labour in relation to Article 23 of the Constitution of India. With an increase in labor trafficking across the country, the judgment holds significant relevance. The Supreme Court asserted that when a person provides labor or service to the State or another entity and is paid less than the minimum wage, it constitutes a breach of Article 23.

In the case of **Laxmi Kant Pandey vs Union of India**, the Supreme Court, in endorsing inter-country adoptions, emphasized the paramount importance of safeguarding the welfare of the child. The court underscored the need for cautious consideration when allowing a child to be adopted by foreign parents. The concern was that the adoptive parents in a foreign country might neglect or abandon the child, or fail to provide the necessary moral and material security. Furthermore, there was a risk that the child could be exposed to moral or sexual abuse, forced labor, or used for medical or research experimentation, potentially placing the child in a situation worse than that in their country of origin. To address these concerns, the court established specific procedures to scrutinize and monitor inter-country adoptions, aiming to prevent the trafficking of children and ensure their well-being.

In the **Prerna v. State of Maharashtra case**, the Bombay High Court issued guidelines for cases involving child victims of trafficking. These include: Magistrates cannot have jurisdiction over individuals under 18. Cases involving such individuals should be transferred to the Juvenile Justice Board or Child Welfare Committee.

Ages of individuals rescued under the Immoral Traffic (Prevention) Act must be ascertained immediately. Juveniles should be transferred to the Juvenile Justice Board, and children to the Child Welfare Committee. Juveniles rescued from brothels should only be released after a Probation Officer's inquiry. Release to a parent/guardian is allowed if found fit by the Child

Welfare Committee; otherwise, follow the Juvenile Justice Act for rehabilitation. Only parents/guardians can represent a juvenile before the Child Welfare Committee. Advocates representing pimps or brothel keepers are barred from the same case for victims rescued under the Immoral Traffic (Prevention) Act. The decisions of the Child Welfare Committee are final in terms of Care and Protection of Children.

In **Munni v. State of Maharashtra**, the court emphasizes the need for the central and state governments to address the issue of sexual abuse through trafficking of children. Child Welfare Committees play a crucial role in protecting children from abuse, and their decisions are final in matters of care, protection, treatment, development, and rehabilitation.

In **Geeta Kancha Tamang v. State of Maharashtra**, the court highlights the importance of sealing brothels to curb organized crime related to sexual abuse and trafficking.

In **State of A.P. v. Bodem Sundara Rao**, the Supreme Court stresses the obligation of courts to impose appropriate punishment for crimes of sexual offenses. The court should consider the rights of both the criminal and the victim, ensuring justice and reflecting societal abhorrence of such crimes.

In **State of Punjab v. Gurmit Singh**, the court advocates for stricter punishment for sexual offenses, emphasizing the traumatic effects on victims. The court urges sensitivity during the trial, protection of victims' identity, and in-camera examinations, especially in cases of rape. Overall, the courts emphasize the paramount importance of protecting the rights and dignity of victims, especially minors, in cases of trafficking and sexual offenses.

V. CONCLUSION

The evolution of organized crime in the era of globalization represents a complex and multifaceted phenomenon that has significantly impacted societies worldwide. This transformation has been driven by various interconnected factors, including advancements in technology, increased economic interconnectedness, and the erosion of traditional boundaries. As we draw conclusions about the dimensions of organized crime in the globalization era, Organized crime has transcended geographical borders, exploiting the globalized nature of economies and communication networks. Criminal enterprises have adapted to the opportunities provided by increased connectivity, establishing intricate networks that operate on an international scale.

The rapid evolution of technology has both facilitated and transformed organized crime. Cybercrime, for instance, has become a prominent dimension, with criminals leveraging

digital platforms to engage in fraud, hacking, and other illicit activities. The dark web has emerged as a space where illegal transactions and activities occur beyond traditional law enforcement reach.

Globalization has created new economic opportunities, but it has also given rise to economic inequalities and vulnerabilities that criminal organizations exploit. From money laundering to trafficking, organized crime groups often capitalize on gaps in regulatory frameworks and financial systems.

Organized crime entities have proven highly adaptable, evolving their strategies to navigate changing geopolitical landscapes and law enforcement efforts. Their resilience is evident in their ability to exploit legal loopholes, corrupt institutions, and maintain a constant presence despite international efforts to combat them.

The globalization of organized crime has had profound cultural and social consequences. Criminal organizations often infiltrate communities, influencing local dynamics and shaping social structures. The illicit trade of goods, drugs, and humans has led to a range of social issues, including violence, addiction, and the erosion of societal norms.

The globalized nature of organized crime presents significant challenges for law enforcement agencies. Cooperation and information-sharing among nations are essential to effectively combat transnational criminal networks. However, the complexities of international relations and differing legal systems create obstacles to cohesive global responses. The evolution of organized crime in the globalization era is a dynamic and ongoing process. The dimensions of this phenomenon are shaped by a complex interplay of economic, technological, and social factors. Addressing the challenges posed by organized crime requires a coordinated, multi-faceted approach that encompasses international cooperation, legislative reforms, and innovative law enforcement strategies. As the world continues to change, so too must the efforts to understand, prevent, and combat the globalized dimensions of organized crime.

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