

definition of the characteristics of the subject of the crime, characterizing it as a special subject, is complete, perfect and integral their identification shows great importance for the accurate qualification of the crime and the imposition of legal punishment.

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PROBLEMS OF ORGANIZED CRIME IN UKRAINE

Organized criminal group is the primary link of a criminal organization and implanted in the concept of "organized crime". The merger of criminal groups into criminal organizations can be considered as a process of rational reorganization of the criminal world by analogy with legitimate entrepreneurial activity in legitimate markets. For the organization of state influence on organized crime groups, knowledge of their occurrence and the formation of criminal intentions that are constantly improving are necessary. At the same time, in order to identify the main actors of the criminal group with a view to bringing them to criminal responsibility, as well as the use of special means by law enforcement agencies to eliminate the cells of such formations, it is necessary to continuously improve the relevant domestic legislation.

[1]An organized group is a stable association of several individuals (three or more crime subjects) that were previously organized for cooking or committing crimes. The hallmarks of an

organized group are: 1) the presence of several persons (three or more); 2) preliminary organization of them in a joint association for the preparation or commission of two or more crimes; 3) the stability of such association; 4) combining crimes with a single plan with the distribution of functions of the group members aimed at achieving this plan; 5) Awareness of all participants of such a group with this plan.

An organized group is a more dangerous kind of group with a previous conspiracy. It differs from the group with the previous conspiracy: 1) stability (for a group with a previous conspiracy, this attribute is not required); 2) the intention to commit two or more crimes (the group with the prior conspiracy may also be created for committing one crime); 3) the number of participants - an organized group consists of three or more participants, whereas the group with the previous conspiracy - two or more [2,c.15 – 25].

The problem of organized crime of mercenary-violent targeting is the subject of discussion at the highest state and scientific levels, since the activities of criminal organizations have become extremely acute and began to adversely affect the strengthening of law enforcement practices, the exercise of the rights, freedoms and legitimate interests of citizens.

One of the international recommendations for effective counteraction to organized crime is this: when designing anti-crime policies, including legislation and other measures, states must take into account the structural features of criminal organizations and how they operate. Over the past 15 years, foreign scholars have increasingly noted that the most dangerous criminal groups do not have a stable, well-defined organizational structure. They often change it quickly, as well as directions and organizational forms of activity, for the sake of more rational and optimal achievement of the defined goal of obtaining profits and profits. Therefore, attention is drawn to the following: the organization of criminal activity is carried out through a network of criminals, which has advantages over traditional organizational structures due to flexibility, adaptability, and speed of response.

[3]The genesis of organized crime groups in Ukraine is a vivid confirmation of the dependence of the nature of their occurrence and development on specific socio-economic conditions. According to historical sources, the criminal world and its representatives have always sought to unite forces, to strengthen the foundations of antisocial way of life, which made them be arrogant, insidious, cynical about the law and its representatives in the face of law enforcement bodies, law-abiding citizens.

During the last millennium, the criminal world is being formed a special organized communicative crime system with its hierarchy that provides internal "discipline" and "order". The criminal environment constantly accumulates resource and functional potential, strengthens its organization. From various criminal groups to intellectually and technically secured, properly forbidden criminal organizations - this way individual criminal groups have been in a relatively short period.

In summary, the sustainability of an organized group means that it has a relatively constant membership of the parties with the presence of strong links between them and the high degree of organization, unanimity in decision making and consistency in the commission of criminal acts. Consequently, the issue of the occurrence and activity of organized criminal groups was considered. The basic tendencies of formation of criminal groups and their illegal activity are determined. Studied historical sources and regulations that defined the concept of organized criminal groups. The main tendencies of the development of organized forms of crime are outlined.

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THE UNITED STATES SYSTEM OF COMBATING ORGANIZED CRIME (THE EXPERIENCE OF ORGANIZATION AND FUNCTIONING)

The study of the USA experience in organizing the organs carrying out the fight against organized crime is due to considerations of a theoretical and practical nature. From a theoretical comparative point of view this experience will be useful in analyzing the tasks and functions of each particular law enforcement agency in the United States, the division of competences, elimination of parallelism and duplication between them, which is undoubtedly useful and needs to be taken into account during the reform of the Ukrainian law-enforcement system. In addition, it explains the importance of studying USA experience in the fight against organized crime and the creation of a system of special law enforcement agencies that carry out law enforcement practices in this area.

Sure that it was in this country that the first time there was an organized crime. Organized crime actually arose in the United States, its formation took place in several stages. At the beginning (in the late nineties of the nineteenth century), the term "organized crime" was applied to groups (unions) of criminals who were engaged in obtaining illegal profits from the organization of gambling