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ORGANIZED CRIMINAL ACTIVITIES: COMPLICITY FORMS IN CRIME

The article deals with the issue of organized criminal activity combatting by criminal and legal means of the institute of complicity. The author has noted that Soviet-era laws - the criminal codes of 1922 and 1927 did not contain the concept of complicity in general, unlike a theory that was being developed but slowly. For the first time, the concept of complicity was defined by the Criminal Code of the Ukrainian Soviet Socialist Republic of 1960.

With the USSR collapse at the end of the 20th century, the legislative basis for combatting the splash of organized crime was the enactment of a Law of Ukraine "On the Organizational and Legal bases of Combating Organized Crime" of June 30, 1993, as well as the elaboration of the first National Criminal Code of Ukraine of 2001 (hereinafter - the CC), which provided in the General Part a separate Section VI "Complicity in crime". The Code provided a more perfect definition of the complicity. It is intentional joint participation of several crime actors in the intentional crime commitment. In this definition the legislator emphasized that complicity concerns only intentional criminal behavior, and its carriers can only be persons who by their features correspond to the concept of crime actor.

Another novelty of this section was the consolidation of forms of complicity, and in the Special Part of the CC - the relevant rules of prohibition, aimed at

protecting social relations from the encroachment of organized criminal groups. Article 28 of the CC for the first time in national criminal law has defined the criteria for group crime and its essential features. The legislator refers to such forms of crime commitment as follows: by a group of persons, by a group of persons under a previous conspiracy, by an organized group, by a criminal organization. We believe that the last three forms stipulated in paragraphs 2, 3 and 4 of Article 28 of the CC, describe the forms of organized criminal activity.

The author has studied the interrelation of the mentioned rules regulating complicity forms and corresponding rules of prohibitions of the Special part of the CC, reflecting separate *corpus delicti* directed against crimes committed by organized groups. Wherein he has found out that such forms of complicity as a group of persons under a preliminary conspiracy and an organized group in single cases constitute independent *corpus delicti*, and qualifying or especially qualifying attributes are used in more than one hundred and fifty *corpus delicti*.

On the other hand, there are issues concerning inadequate representation of forms of complicity of such as banditry, as well as contradictions between national criminal legal rules, other domestic legislation and provisions of international conventions on antiterrorism and combatting transnational crime.

There are proposals for eliminating these shortcomings and there are recommendations for preventing collisions and gaps in making *corpus delicti* related to various forms of complicity of organized criminal groups, taking into account their corruption, terrorist, transnational or other nature, as well as the need to ensure the legal certainty of the relevant criminal-legal rules and their coordination with complicity forms stipulated by the CC of Ukraine.

Keywords: organized crime, complicity forms, a group of people under a previous conspiracy, organized group, criminal organization, banditry.

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