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COUNTERING TRANSNATIONAL ORGANIZED GROUPS USING INFORMATION AND COMMUNICATION TECHNOLOGIES FOR THE ILLEGAL SALE OF DRUGS

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The research subject is the features of forensic and operational-search tools and methods in the fight against illegal sale of drugs and psychotropic substances, carried out by transnational organized groups using information and communication technologies.

The research goal is to analyze the current state of illicit drug trafficking, carried out by organized groups using information technologies, and to develop proposals on this basis for effective operational-search and forensic support for the detection, disclosure and investigation of such crimes.

The dialectical-materialistic method, general scientific methods of cognition, the content analysis method of scientific literature and empirical sources, the comparative legal method, the method of expert assessments constitute the methodological basis of the present research.

During the study, the following scientific findings have been obtained, namely based on the forensic practice analysis, it has been concluded that crime in the drug business has changed significantly over the last decade. It is distinguished by the complex structure of criminal groups, remote covert interaction between its members, the interstate nature of its activities, the rapid replacement of members and structural links of a criminal group, the anonymity of monetary transactions and remote legalization of criminal proceeds. Effective concealment of the crime traces and criminals through the use of information and telecommunication technologies has become its focus. Drug-related crime is rapidly transforming and adapting to changes in the criminal environment, the digital space development, in particular, it is moving into the shadow segment of the Internet (Darknet) through the TOR technology. All this allows us to state that transnational organized criminal drug trafficking activity is becoming high-tech.

To counter modern drug-related crime, it is necessary to develop international cooperation, some ways, forms and procedures of which are being proposed by the authors of the paper. The article describes in detail the possibility and feasibility of the interconnected implementation of operational-search and investigative activities, which generates a positive synergistic effect from their combination. The article proposes a set of practical measures to identify and investigate such crimes. In particular, the possibilities of using systems operating on the basis of machine learning, contextual data analysis, honeypot are being disclosed. An addendum to the Federal Law “On Operational-Investigative Activity” has been formulated, concerning the inclusion of the norm on a new operational-search measure “Internet monitoring”. Its content and potential in the practice of combating the investigated crimes have been revealed.

This study can fill a number of gaps that have existed in the scientific literature on improving the practice of countering the illegal sale of drugs by transnational organized groups using information and telecommunication technologies.

1. Introduction

Illicit drug trafficking poses a serious threat to the internal and external security of any state, and drug-related crimes can confidently be equated with terrorism, human trafficking, arms trafficking, illegal migration, and smuggling, all of which are transnational in nature. There is a global trend of integrating new information technologies into illegal activities [1]. Drug-related crimes are no exception; their distribution methods have significantly evolved in technological terms over the last decade. Today we can talk about a typical scheme of drug distribution, when criminals join organized groups, not bound by state borders, create resources on the Internet, through which they sell drugs. At the same time, their purchase does not require personal contact with the seller, and buyers need only a computer device to access the Internet (Darknet) and the ability to transfer funds. The proceeds of crime are then legalized or cashed in, also using information technology. The elements of the *modus operandi* presented are key and all involve the use of information technology.

In the Russian Federation, crimes committed using information and telecommunication technologies constitute a significant portion of the overall crime structure (25% in 2020). Over the past few years, there has been a steady dynamics of their annual increase. Certain segments of the information and telecommunication network of the Internet are favorable platforms for the organization of criminal drug business by transnational organized formations. According to research data, "the largest share of crimes committed in social networks are socially dangerous acts related to illicit trafficking in narcotic drugs and psychotropic substances (24.5%). These are mainly illegal acquisition (43.2 % of the number of drug offenses) and sale (53.1 %) of drugs committed through social networks" [2, p. 62].

In the context of undeveloped mechanisms for transnational law enforcement cooperation, countering modern transnational (as well as cross-border and trans-territorial) [3] organized drug-related crime on the territory of only one state is not effective [4]. According to the Charter of the

Shanghai Cooperation Organization (St. Petersburg, June 7, 2002), designed to "combat illicit trafficking in drugs and weapons and other criminal activities of a transnational nature" (Art. 1), as well as Art. 18 of the UN Convention against Transnational Organized Crime, adopted on 15.11.2000 by resolution 55/25 of the General Assembly of the United Nations, States parties should provide each other with the widest possible mutual legal assistance in the investigation of transnational organized criminal activity in order to: obtain the most comprehensive and effective legal assistance in the investigation of transnational organized criminal activity in order to: obtain the most effective legal assistance in the investigation of transnational organized criminal activity in the field of drug trafficking and other forms of transnational organized crime. Despite the unconditional positive role of this UN Convention, we believe that the provisions declared in it alone, without detailed regulation of the order of relations in the interstate sphere on combating organized transnational drug trafficking, will not be able to combat such a negative phenomenon as modern drug crime.

The study of the Internet as a source of investigative and evidentiary information, as well as the organization and conduct of investigative activities on the Internet is devoted to the work of V.I. Sharov [5]. S.I. Zemtsova [6] conducted research on the illegal activities of online stores, through which the illegal sale of synthetic drugs by the so-called contactless method is carried out, as well as on the mechanisms of using cryptocurrency in the commission of drug crimes [6]. Certain topical problems of combating drug trafficking using information technologies were disclosed in the works of A.V. Klimachkov, I.A. Anisova, N.T. Kuzmin, A.V. Shebalin, E.V. Bityutsky, A.E. Shalagin and others. A.L. Osipenko [7], Y.N. Zhdanov and V.S. Ovchinsky [8], S.V. Zuev [9], A.S. Knyazkov [10] and other authors have studied the problems of countering organized criminal formations engaged in illegal activities in the information and telecommunication sphere. Our studies [11; 12] were also devoted to the problem under consideration.

We believe that modern criminal activities

related to drug trafficking, carried out by organized groups and criminal associations using information networks and advanced communication technologies, should be considered as one of the most dangerous types of high-tech crime. A particular threat is the splicing of drug-related crimes with transnational crimes of other types, such as terrorist crimes. These circumstances indicate the relevance of the present study.

2. Purpose, objectives and methods of the study

The purpose of the present study is to analyze the current state of illicit drug trafficking by organized groups using information technology and to develop measures to enhance the capacity of law enforcement and other government agencies to counter this negative phenomenon. The study aims to identify problematic issues in combating drug trafficking and transnational organized drug crime in cyberspace, as well as to propose solutions for addressing them. We believe it is important to provide specific practice-oriented methodological recommendations for conducting operational-search and investigative activities on the Internet, along with measures to enhance its legal regulation.

Due to the significant percentage of latency of cybercrime in general and, consequently, transnational organized drug crime [13] in the digital space, researchers are usually limited to the study of official publicly available sources. In this case, the subject of scientific research is typical simple mechanisms for committing drug-related crimes. At the same time, high-tech crimes, which are accompanied by sophisticated methods of concealing them and countering the investigation, remain out of sight [14; 15]. This incompleteness of data imposes certain methodological limitations on the integrity and validity of the findings. Using the method of expert assessments, we attempted to fill the existing gaps in knowledge about modern organized drug crime using information and telecommunication technologies.

3. Результаты Results

Improving the methods of detection, detection, and investigation of drug-related crimes should be based on an in-depth analysis of the

current criminal drug situation. An analysis of judicial and investigative practice has shown that drug-related crime is becoming increasingly organized and multileveled, operating without reference to any regions or even states. The means of committing drug offenses are constantly improving in technical terms with the development of information technology. The modus operandi of such offenses is also changing. They are becoming more complex, especially in terms of the organization of their preparation and commission. It has been observed that separate rather autonomous participants or groups may be responsible for different key issues of criminal activity. Their tasks include establishing agreements on criminal transactions involving drugs, remote transfer of drugs to retail distributors, remote retail and small wholesale distribution of drugs, providing a remote and secure system of mutual settlements using bank money transfer technologies, cryptocurrencies [16], and electronic payment systems, as well as organizing the legalization of criminal drug proceeds using remote information technologies. Thus, transnational criminal activity in the distribution of narcotic drugs is becoming high-tech [17], with its organization widely utilizing modern information and telecommunication technologies, including for the purpose of hiding traces of crime and perpetrators.

The study showed that the structure of remote illicit sales of narcotic drugs committed by transnational organized groups consists primarily of important components such as:

- communication basis - mobile communication, IP-telephony, Internet messengers used by criminals in committing drug offenses;
- financial basis - electronic payment systems, cryptocurrency, bank cards, and other means of payment;
- logistical and logistical basis - transportation and other means used to store and deliver drugs to different states and regions;
- intellectual basis - co-conspirators of transnational criminal activity (organizers, coordinators, technicians, dispatchers, pawnbrokers, drop shippers, financiers-investors, legalizers, etc.) [18].

It should be noted that transnational

criminal groups involved in illicit drug trafficking have a high degree of adaptation to changes in the criminal environment. They have transformed their activities into the shadow segment of the Internet (Darknet) through TOR technology. This ensures the uninterrupted functioning of network drug sales and money settlements for drugs at the international level, providing them with greater stability and increased criminal income [19]. At the same time, the current most effective ways of legalization and cashing of criminally obtained money are firmly adopted by representatives of organized drug trafficking. Legalization of drug proceeds has rapidly entered the sphere of criminal drug trafficking as one of the independent segments of the infrastructure, along with drug smuggling, as well as the organization and maintenance of brothels for the consumption of narcotic drugs and psychotropic substances.

The study has identified reasons for the lack of effectiveness in combating transnational organized drug-related crime using information and telecommunications technologies. One of the main reasons is the low level of interaction between law enforcement agencies within the state and with foreign countries, especially in terms of the exchange of operationally significant information. We believe that to optimize and improve inter-State activities to combat transnational organized groups engaged in the illicit sale of narcotic drugs using information technologies, the law enforcement agencies of States need to conclude new international cooperation agreements and adjust existing ones. In such agreements, it is important to regulate in detail the mechanisms of operational and investigative and criminal procedural cooperation, the organization and procedure for conducting operational and investigative activities and investigative actions, and the procedure for providing and exchanging materials relevant to the investigation for further use in proving criminal cases.

The results of the study indicate the need for further improvement of operational-search legislation. We believe that there is a need for the practice of new approaches to the organization of proactive search activities in the information space.

In this regard, we propose supplementing the list of operative-search activities provided for by the Federal Law "On operative-search activity" from 12.08.1995 № 144-FZ with a new type defined as "monitoring of the Internet." This proposal is motivated by the fact that operational searching for illegal content on the Internet is not covered by activities such as "inquiry," "obtaining computer information," "removal of information from technical communication channels," "interviewing," etc. The absence of a legally enshrined operational and investigative activity, focused on collecting operationally significant information in the Internet space, as shown by the study, negatively affects the results of combating drug-related crime.

It should be noted that technically armed crime can only be effectively countered by sufficiently technically equipped operational and investigative bodies. Systems based on context analysis and machine learning [20] should be more actively utilized in their activities, particularly for identifying and analyzing criminal activity, traces of which can be found in virtual cyberspace. The use of honeypot systems can also play a positive role, allowing for preventive searches for potential criminals and targets of their attacks, as well as new methods and means of committing crimes [21-22].

The method of retrospective elucidation of established circumstances has proven to be quite effective in organizing efforts to suppress the activities of transnational organized groups specializing in the illicit sale of drugs. It is used when it is initially necessary to identify all members of the criminal chain, starting with drug users. Through them, other links of the organized group are established, ending with the organizers of the criminal drug business, including those in foreign countries. The identification of these individuals should be carried out from the initial financial transactions for drug payments to the final monetary assets of the organizers of illegal activities. Tactical actions in this case should aim at eliminating all elements of the drug trafficking infrastructure, which constitute the system of supply and wholesale and retail drug sales. They should also focus on preventing the legalization of criminal drug proceeds and identifying property subject to confiscation.

When conducting a set of operational and investigative measures on transnational crimes under consideration, it is important to address the following tasks promptly:

- identification of logins (accounts), members of criminal groups, organizers of online stores, including individuals performing the role of "recruiters";
- establishing financial accounts to determine the patterns of cash flows derived from illicit drug trafficking, including identifying signs of money laundering;
- identifying the channels through which narcotic drugs are trafficked.
- establishing the channels used for advertising, such as online stores and other commercial means;
- identifying members of organized groups with various roles, their international units, and the communication channels utilized, which may indicate transnational activities.

At the initial stage of the investigation, it is also essential to organize a set of operational and investigative measures aimed at seizing samples of the illicit substance being sold for chemical examination [23]. In cases involving the illegal sale of narcotic drugs using information and communication technologies, there is often a need for additional expert examinations. For example, forensic computer-technical expertise can be utilized to establish data such as the time of sale, names, logins, and passwords of criminals, software and hardware used for communication, posting offers to sell drugs, financial transactions, etc. This expertise can also help identify other criminally and operationally significant information, such as preparations for other crimes involving the creation of prescription forms and doctor seals [24, p. 191].

4. Discussion

The science-based optimization of law enforcement activities to combat organized crime in cyberspace is not yet comprehensive and systemic. Further research is needed to achieve specific results that are in demand in practice. This study attempts to address these issues. Thus, we propose the introduction and use of a new operational and investigative measure "monitoring

of the Internet", which, from our point of view, could be an adequate tool to counteract the specifics of the modern drug market, developing on the basis of improving remote mechanisms and ways of buying and selling drugs. In its content, it should be aimed at solving special tactical tasks of search, detection, and obtaining operationally significant information in the Internet space. We believe that the proposed organizational and tactical recommendations aimed at identifying forensic and operationally relevant information on the activities of transnational organized criminal groups specializing in the illicit sale of drugs using information and telecommunication technologies will be in demand in practice. The proposals formulated based on the results of the study can contribute to the effective work on the identification of information and its use not only in making versions in the process of detection and investigation of drug crimes but also for the formation of relative, admissible, reliable evidence that will be used in court proceedings, causing confidence in them by the court and the defense.

5. Conclusions

The present study has found that transnational organized drug trafficking is becoming increasingly high-tech and is a complex, stable, branched, covert structure with a clear distribution of the roles of criminals in organized groups. The content of their criminal activity is conditioned by the use of the opportunities offered by remote information technologies. On that basis, methods of preparation, commission and concealment of crimes, as well as legalization of criminal drug proceeds, are being improved. A fundamental innovation of such modern criminal drug business is the widespread use of computer technology, information and telecommunication technologies and the Internet space, which directly interconnects the organization of the entire drug business, affecting virtually all elements of its criminal component.

Taking into account the analysis of forensic, investigative, and operational-service activities of law enforcement agencies in this area, we have proposed specific measures that will facilitate the detection and investigation of crimes committed by transnational organized groups using information

technology. The study demonstrates the effective possibilities of tactically interconnected implementation of operative-search and investigative activities, as well as the synergetic effect of their combination.

It is important to establish additional international agreements for cooperation between law enforcement agencies and intelligence services in countering transnational organized criminal groups. The forms and procedures of such cooperation are outlined. Amendments to Article 6 of the Federal Law "On Operative Investigative Activity" of 12.08.1995 № 144-FZ are proposed and justified, including a new operational and investigative activity "monitoring of the Internet".

Thus, the present study makes it possible to fill a number of gaps that existed in the scientific literature on improving the practice of countering the illicit sale of narcotic drugs committed by transnational organized groups using information and telecommunications technologies.

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