



ORGANIZED CRIME AND GANG VIOLENCE IN NATIONAL AND INTERNATIONAL LAW

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Abstract

Crimes committed by organised groups and violent gangs are worldwide phenomenon that often manifest themselves in metropolitan settings. Despite the fact that they have been there for quite some time, authorities have only lately started to see them as significant dangers to public safety. As a direct result of this, laws that are especially meant to counteract them have come into effect. The problems of dealing with these occurrences in a manner that is appropriate from a legal standpoint are discussed in this article, along with an analysis of the various methods that have been taken up to this point at both the national and international levels. For the year 2010, the International Committee of the Red Cross. The owner retains all rights. They make an effort to commit or actually carry out acts that have a sense of barbarism and fear associated with them. On the other hand, the process is very complicated, despite the fact that they engage in activities that are clearly against the law. They have an extraordinary level of meticulousness, efficiency, and organisation. By doing so, they shield their authority from any direct involvement in criminal activity. They are persons who have a significant amount of influence in the general public and who are often involved in issues pertaining to legislation.

Keywords: *Violence between gangs and organised crime in the context of national international law.*

INTRODUCTION

Gang crimes have emerged as a major problem in many communities. This is due to the fact that criminal gangs are responsible for a broad variety of unlawful activities that pose a danger to the safety and well-being of people. When it comes to carrying out their illegal activities, these gangs, which are often distinguished by their hierarchies and separate rules, function in a variety of different ways. Through the course of this essay, we will investigate the realm of gang crimes, diving into the inner workings of gangsters as well as the complexities of the illegal acts they engage in. As part of our investigation, we will investigate the elements that play a role in the establishment and expansion of gangs. These elements include socioeconomic difficulties, restricted options, and the appeal of power and membership. In addition, we will shed light on the issues that are related with gang crimes, such as the use of violence, the trafficking of drugs, extortion, and intimidation. Not only do these

behaviours represent immediate dangers to people, but they also have wider-reaching ramifications for society as a whole, which may have an impact on the cohesiveness and safety of the community. We are going to talk about various solutions and methods in order to solve the issues that are created by gang illegal activity. This comprises law enforcement strategies that are successful, interventions that are grounded on the community, and educational efforts that are targeted at preventing and rehabilitating offenders. We are able to work towards reducing the effect of gang crimes and encouraging conditions that are safer for everyone if we have a better grasp of the underlying causes, repercussions, and possible remedies. By means of this essay, we want to accomplish the goals of increasing awareness, fostering understanding, and encouraging joint efforts to solve the complex problem of gang-related criminal activity. We may make significant progress towards the goal of building safer communities and assisting people in breaking free from the cycle of gang-related crime if we investigate the ways in which gangsters operate, investigate the challenges that they provide, and investigate the possible solutions that are available.

Defining Gangs, Gang Membership, and Gang Crime

More than a hundred years of documentation from journalists, academics, and practitioners suggest that we are quite confident that "gangs" exist and cause an excessive amount of harm to communities as a result of their frequent involvement in criminal activity, particularly violence, and disorder. Furthermore, this involvement also causes widespread anxiety and concern in regions that are recognised for having a "gang problem." Because public advertising of their dangerous and deviant tendencies – through graffiti, symbols, and shared colours – is precisely what makes gangs capable of accomplishing their goals, which are to intimidate other gangs and members of the community, to protect their own members, and to earn money through drug sales and other activities that take place on the black market, this is the effect that gangs intend to have. The fact that gangs are often involved in acts of violence and criminal activity is what makes them significant; if they did not engage in these behaviours, they would not be the focus of public attention. There is a significant amount of disagreement regarding the necessary and sufficient conditions that differentiate a gang from other peer groups, a gang member from a youth who is not involved with a gang, or a gang crime from an incident that is not related to a gang. Each of these categories requires a distinct definition that should articulate the group, personal, and behavioural boundaries that differentiate "gang" and "nongang." The common definitions of gangs, gang members, and gang crimes have been known to generate two types of errors: type I errors, which involve identifying a phenomenon as gang-related when it is not, and type II errors, which involve identifying a phenomenon as non-gang-related when it is, in fact, related to gangs. These types of errors have resulted in significant variations in the estimates of the prevalence of these groups, members, and crimes.

As a result, why has it been so challenging to identify the characteristics that are essential and sufficient for differentiating between gangs and other organisations, for instance? The majority of people who are engaged in street gangs are between the ages of 12 and 24, which essentially coincides with the developmental period of adolescence, according to research that has been conducted on the nature of street gangs. This presents a challenge due to the fact that engagement in criminal activities and delinquency reaches its height during this particular era of the life cycle, roughly speaking, and deviance during this developmental stage is primarily a phenomena that occurs within groups. In other words, as adolescents transition through the stages of adolescence, they frequently

test the limits of their own morality in relation to deviant behaviours. They do this while in the company of their peers, who make it easier for them to engage in criminal and deviant behaviour and provide the necessary feedback to either encourage or discourage them from engaging in such behaviour in the future. The vast majority of teenagers who participate in these illegal and delinquent behaviours do not consider themselves to be members of a gang, nor do they believe their peer group to be a gang. Furthermore, they do not consider their instructors, the police, or any other concerned parties to be members of a gang. Therefore, there is universal consensus that there is a difference between "ordinary" delinquent peer groups and gangs, and that there is more to being a gang than just engaging in criminal activity and delinquency within a social setting. The procedure of systematically recording the nature of this difference for the sake of definition has proven to be challenging, and the majority of people would say that it has not yet been accomplished satisfactorily.

history of organised crime

We can trace the origins of organised crime in India back to both the pre-independent and post-independent eras. This is because the history of organised crime in India is lengthy and complicated, and it has its roots in a variety of social and political reasons.

These days, we refer to it as organised crime, and it functions in the form of street gangs. The rise of organised crime in India may be traced back to a number of factors, including socioeconomic imbalance, high levels of poverty, and exploitation. Dacoity, thuggee, gambling, and protection rackets were the most famous types of criminal activity.

The situation of organised crime did not significantly alter even after the country gained its independence. There was a growth of the Mumbai Underworld, which was headed by influential people such as Karim Lala and Haji Mastan. Later on, Dawood Ibrahim obtained major influence over a variety of illicit enterprises, including as extortion, smuggling, gambling, and the trafficking of drugs. This power eventually extended to the Bollywood industry. As a result of the political links, violent gang fights broke out between competing criminal organisations for control over rich illegal operations. These criminal organisations made alliances with political parties, which led to the creation of a Nexus between organised crime and politics. Criminal organisations in India engage in the smuggling of products such as weapons, drugs, precious metals, and contraband items for a variety of reasons, including the country's wide coastline and its numerous boundaries. Criminal organisations extended their activities to include illicit mining operations, especially in areas that were abundant in resources, such as Chhattisgarh, Jharkhand, and Odisha. Because of the rapid development of technology, there has been an increase in the number of instances of cybercrime and financial fraud. These crimes include actions such as hacking, identity theft, data breaches, and online scams.

During the period after India's independence, beginning in 1947, the country experienced the development of organised crime as a reaction to the new social, economic, and political forces that emerged.

OBJECTIVES

1. To investigate how the officers in the gang unit's pertinent views may have influenced how they handled gangs in their work;
2. To describe the actions taken by gang unit officers and to conceptually define the functions of specialised police gang units within respective departments;

THE INDIAN PENAL CODE, WHICH WAS ENACTED IN 1860, CONTAINS A LAW CONCERNING ORGANISED CRIME.

According to Section 120-A of the IPC, criminal conspiracy is defined as the following: "When two or more people agree to conduct, or cause to be done, an unlawful act, or an act that is not illegal but is carried out in an illegal manner." The term "criminal conspiracy" is used to refer to this type of agreement: "provided, however, that no agreement other than an agreement to commit an offence shall constitute a criminal conspiracy unless one or more parties to such agreement perform some act other than the agreement in furtherance of that object merely incidental to that object." Section 120-B of the Indian Penal Code outlines the punishment for engaging in criminal conspiracy.

Where this Code does not make an express provision for the punishment of such a conspiracy, anyone who is a party to a criminal conspiracy to commit an offence that is punishable by death, life imprisonment, or rigorous imprisonment for a term of two years or more is punished in the same way as if he had abetted the offence. This applies whether the offence is punishable by the death penalty, life imprisonment, or rigorous imprisonment for a term of two years or more. Whoever is a party to a criminal conspiracy that is not a criminal conspiracy to commit an act that is punishable as aforesaid must be punished by imprisonment for a period of not more than six months, a fine, or both, depending on the nature of the criminal conspiracy. There will be no way to rein in organised gangs until the leaders of such groups are brought to justice and punished. The use of Sections 120A&B or 114 (Criminal Conspiracy and Abetment), none of which meets the requirements set out by the court for a conviction, is due to the fact that it is extremely challenging to demonstrate the existence of a conspiracy between the gang leader and the person who actually committed the crime. In a similar vein, there is no way to demonstrate that the gang leader was complicit in the murder since there are no written instructions or records, and all directions are communicated verbally and passed down from one level of command to the next until the kill man receives the order from his immediate superior. Consequently, there is no way to establish that the gang boss was involved in the crime.

THERE ARE SOME EXTRA SPECIAL LAWS TO MENTION AS WELL

A. Act to Prevent Terrorism and Other Acts of Disruption

Because the TDA (Prevention) Act contains such a broad definition of what constitutes a terrorist act and can be easily used to the prosecution of acts committed by organised gangs, the police have resorted to employing it. However, the police did make improper use of this Act on several occasions due to the fact

that it was utilised in both extraordinary and everyday circumstances. As will be seen in the next section, the Act provides the police with significant advantages in their fight against gang crime.

- According to the Terrorist and Disruptive Activities (Prevention) Act, crimes committed by gangs are considered to be acts of terrorism.
- His confession may be submitted to a police officer with the rank of SP.
- The suspects have been in jail for approximately 180 days without a charge sheet being filed.
- There will be no bail granted until the public prosecutor is heard and the court decides after the trial that there is not enough evidence to proceed with the case.

B. The National Security Act of 1980, as referred to in

The Act grants the federal government, state governments, and any state authorities the authority to detain an individual in order to prevent that individual from causing harm to other people. As a consequence of this, it gives the government the authority to detain someone even without a warrant.

In most cases, the detention warrant will be issued for a duration of twelve months. This mechanism has been put into place to ensure that the individual will not behave in a manner that places the safety of the nation in jeopardy, puts the safety of the armed forces at risk, or disrupts the country's good standing in the international community. This order must first get approval from a panel that is chaired by a judge from the High Court. This is an advisory body, and as such, it is tasked with striking a balance between the rights of individuals and the interests of the nation. This Act is frequently exploited by terrorists, anti-nationals, and criminals who are hesitant to leave the country because they fear being caught. The denial of the order is made by an executive action, and there is no hearing held.

C. The Controlled Substances, Dangerous Drugs, and Psychotropic Substances Act

The unauthorised distribution of psychotropic medications and narcotic drugs is the target of this legislation, and the statute's primary objective is to regulate such distribution. People, as well as others around them, put themselves and others in danger when they use narcotic and psychotropic drugs, which have long-term repercussions for their health. The Prohibition of unlawful Trade of Narcotic Drugs and Psychotropic Substances Act of 1988 allows for the prosecution of those who are involved in the unlawful trade of narcotic drugs and psychotropic substances. The Prohibition of Illicit Trade of Psychotropic pharmaceuticals and Narcotic narcotics Act of 1988 allows for the prosecution of those who participate in the unlawful trade of psychotropic pharmaceuticals and narcotic narcotics.

D. Gang Problems Needs Assessments

In many cases, doing a needs analysis is the initial stage in the process of devising a comprehensive solution to the "gang issue." It is possible that it will assist in the uncovering of previously unknown problems, the establishment of priorities, and (maybe most crucially) the formation of a consensus among all members of the community over what actions to take. The results of needs assessments provide local governments with

a distinct and impartial source of information. If politicians and service providers want to make efficient use of their time and resources, having this knowledge is absolutely necessary. The role of the requirements assessment to encourage consensus has shown to be very effective in a great number of places. As long as funding for social programmes is limited, it is imperative that service providers communicate with one another, coordinate their efforts, and work together in order to eliminate unnecessary duplication of effort and ensure that those persons with the greatest requirements are met.

The subsequent step in a needs assessment is to determine what services are being offered, where they are being delivered, when they are being provided, to whom they are being provided, and, if it is possible, with what impact. Assessors are also required to have knowledge regarding the prices of services and the parties accountable for their payment.

Interviewing participants is almost certainly going to be the method that proves to be the most successful in surveys of community leaders and service providers. The most prudent line of action would be to get into a contract with a nearby institution or a market-related firm to perform face-to-face or telephone interviews with teenagers and their parents.

To maintain a high response rate, it is necessary to keep a careful check on return rates and to send follow-up letters or phone calls as required. Additionally, it is necessary to monitor response rates very closely. In most cases, the primary results of a needs assessment survey may be condensed into a few pages of text (perhaps six or eight), which also include a few fundamental tables to back up the primary findings and linkages.

A second method for determining which issue should take precedence is to gather social indicators, which are fundamental statistics that represent the extent to which unpleasant consequences have occurred.

For instance, the local police department would report the number of cases of serious assault in which the victim was less than 20 years old. This is an accurate measure of gang involvement in many areas. The school system is able to keep tabs on the number of fights that occur in the classroom as well as the dropout rate for each individual school and grade. The rate of youth unemployment is available for inspection at the employment office of the state. After gathering these data, one may then utilise them to track the gravity of the problem over time and evaluate its scope in relation to that of other cities.

Building consensus around a common agenda is essential to the success of efforts aimed at reducing and preventing gang activity over the long run. The answer will almost probably need labour that is consistent and concentrated over a considerable amount of time, and it is essential to the project's success to have a clear vision that is backed by widespread consensus.

CONCLUSION

Dealing with matters pertaining to organised crime and gang violence is not just a theoretical but also a practical task that involves phenomena that are very complicated and ever-changing. The battle against organised crime,

gangs, and gang violence has increasingly been the topic of international legislation. This is despite the fact that national legislatures have responded in very diverse ways according to the characteristics that they (think they) detect. The transnational aspects of organised crime are the primary subject of this document, which also reflects the desire of governments to work together more efficiently and to harmonise their respective legal systems. There has been the establishment of a complicated international framework; nevertheless, it has not yet achieved widespread approval and complete execution. It is only in the event that the unlawful activities in issue can be traced to a state that international law that governs the use of force may become relevant, as stated by the prevalent doctrine. However, in extreme cases, organised crime and gang violence may be considered to come within the purview of international humanitarian law and international criminal law. In general, this necessitates that the criminal collectives have evolved into organisations that possess capabilities and/or structures that are comparable to those of governments.

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