

Organized Crime and the Objectives of the Islamic Penal System

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Abstract

This article aims to analyze the application of the International Organized Crime Convention (UNTOC) to counter the global threat posed by organized crime. Organized crime is a complex and multifaceted phenomenon that poses a serious threat to international peace and security, generating an estimated \$870 billion annually. The purpose of this study is to explore the effectiveness of the UNTOC in preventing and combating transnational organized crime, highlight the complexities in the UNTOC employment process, and explore the UNTOC's role in national and international efforts to combat organized crime. To assess and investigate the impact of the challenge posed by the UNTOC by new forms of transnational organized crime. The research questions are designed to examine UNTOC's specifications, its impact on national and international efforts to combat organized crime, implementation challenges, and the types of organized crime it seeks to deter and combat. The significance of this article is that it may provide legislators, law enforcement and other stakeholders with insights into combating organized crime and recommend ways to improve the effectiveness of the UNTOC.

Key Words: Organized Crime, Islamic, Penal System

Introduction

Historical Background of Organized Crime

Crime has existed since the dawn of time, but the ways in which humanity deals with it have evolved. Sometimes it's a direct reflection of our priorities, and other times, it's an example of our humanity at play. But the evolution of crime and discipline says a lot about how humanity has grown as well. Eventually, people realized that families constantly seeking revenge on each other was far from a productive way to live, so laws and rules regarding crime and discipline were established. The origins of organized crime can be traced back to historical times, wherein criminal groups have been fashioned to control activities consisting of smuggling, robbery and extortion.¹ However, the contemporary form of organized crime is associated with the upward thrust of industrialization and urbanization in the 19th century, which created new possibilities for illegal activities. In the United States, organized crime began to broaden during the prohibition Era of the 1920s, when the sale and distribution of alcohol had been banned. This brought about the emergence of bootlegging, a worthwhile illegal change in which illegal organization smuggled and bought alcohol. One of the prominent of these businesses was the Mafia, also known as La Cosa Nostra, which have become a dominant pressure in American organized crime in the course of this time. Initially, the Mafia become composed of Italian-American gangs based totally in foremost towns which include New York, Chicago, and Detroit. These gangs had been dependent hierarchically, with a boss at the top who controlled a community of low-degree associates and soldiers. The Mafia used violence and intimidation to hold manage over their territories, and in addition they engaged in different unlawful activities inclusive of playing, prostitution, and hard work racketeering. During World War II, the Mafia noticed a possibility to extend their strength by way of taking part with the USA government. They supplied valuable intelligence to the army and helped to preserve order in a few towns. However, this partnership got here with a fee, as the Mafia additionally exploited their connections to interact in illicit activities consisting of black marketeering and mortgage sharking. In

the 1950s and 1960s, law enforcement agencies released several investigations and prosecutions aimed at dismantling the Mafia, one of the well-known of those turned into the "Valachi hearings" of 1963, in which former Mafia member Joseph Valachi gave a testimony approximately the inner workings of the institution. Despite the efforts of law enforcement organizations, the Mafia remained an impressive force during the latter half of the twentieth century. However, they encountered rising opposition from different illegal agencies including drug cartels and street gangs, who had been frequently extra violent and ruthless than the Mafia, and who quickly won control in many urban areas (National Crime Agency, 2020). Currently, organized crime stays a widespread hassle in lots of areas of the arena. Criminal businesses are concerned in an extensive range of unlawful activities, inclusive of drug trafficking, human trafficking, money laundering, and cybercrime. Governments and law enforcement organizations round the world are running to counter the influence of organized crime, however the war is ongoing and complicated. Organized crime is a complex and regularly elusive phenomenon that encompasses an extensive variety of illicit activities accomplished with the aid of businesses of individuals. These organizations, additionally known criminal organization, gangs, or syndicates, are frequently particularly structured and hierarchical, with a clean chain of command and well-described roles and responsibilities for his or her contributors. Organized crime organizations normally operate in secrecy, the use of methods inclusive of bribery, intimidation, and violence to hold their power and stay away from law enforcement. They may also have loads of criminal organizations, including drug trafficking, money laundering, extortion, prostitution, illegal playing, and different types of racketeering. One of the defining characteristics of organized crime is its ability to adapt and evolve through the years. Criminal groups are constantly looking for new ways to enlarge their have an effect on and generate profits, and they'll use generation, new business fashions, and other modern strategies to attain their dreams. For example, organized crime organizations may also use the internet to facilitate money laundering or have interaction in cybercrime, inclusive of hacking and

identification robbery. Organized crime is regularly associated with corruption, as criminal organizations might also be trying to find to steer government officers, law enforcement groups, and other institutions to protect their interests and avoid prosecution. This could make it hard for law enforcement to research and prosecute organized crime, as well as to dismantle illegal companies and disrupt their activities. The effect of organized crime on society may be massive, as it may result in increased violence, financial disruption, and the erosion of trust in authorities' institutions. Organized crime businesses often operate in marginalized groups, taking gain of poverty, unemployment, and different social issues to recruit new members and benefit assist. This can further exacerbate those problems, leading to a cycle of violence and crime. Efforts to combat organized crime commonly involve an aggregate of law enforcement, intelligence amassing, and global cooperation. Law enforcement agencies might also use wiretapping, surveillance, and different techniques to collect proof and build cases towards illegal companies. International cooperation is also essential, as organized crime often crosses national borders and calls for coordination among specific law enforcement agencies.

The UNODC, which is the United Nations Office on Drugs and Crime, has provided a definition of organized crime. According to their definition, organized crime refers to a set of individuals who work together for a certain time period with the intention of committing severe crimes. The organization have to have at the least three members and they normally have a hierarchy that assigns roles and duties within the group. The principal objective of the institution is to achieve financial or cloth blessings from their criminal activities. Organized crime businesses have interaction in numerous criminal activities, which includes drug trafficking, human trafficking, money laundering, extortion, and fraud. To reap their goals, they will use violence, intimidation, or other forms of coercion. These activities are often performed on a large scale and may involve more than one country, making it tough for law enforcement groups to come across and prosecute them. Because of the complexity of organized crime, the UNODC collaborates with governments

round the sector to broaden strategies for fighting organized crime and dismantling criminal networks. These strategies might also consist of global cooperation, legislative reform, and law enforcement efforts. By working together, the UNODC and governments aim to disrupt organized crime agencies and prevent them from wearing out their criminal activities, ultimately creating a more secure global for all people.

UNTOC As a Convention to COMBAT Organization

The UN Convention in opposition to Transnational Organized Crime (UNTOC), also called the Palermo Convention, is an important global agreement that ambitions to fight transnational organized crime and guard human rights. With over 190 countries ratifying the convention, UNTOC defines transnational organized crime as a based group of three or extra those who conspire to commit critical crimes across a couple of international locations or jurisdictions. Such crimes encompass drug trafficking, human smuggling, money laundering, and cybercrime. UNTOC has four main objectives, which include promoting cooperation amongst states to prevent and combat transnational organized crime more efficaciously, encouraging countries to ratify and put in force the conference and its protocols, improving worldwide cooperation within the prevention of transnational organized crime with the aid of strengthening and harmonizing present legal frameworks, and selling human rights and the rule of law inside the context of transnational organized crime. To gain these dreams, signatory countries are mandated to take measures to prevent and combat transnational organized crime via criminalizing various offenses associated with organized crime and setting up investigative and judicial mechanisms to discover, look at, and prosecute offenders. Moreover, international locations are required to cooperate with every other in investigations and prosecutions of transnational organized crime via changing data and proof and extraditing suspects. UNTOC additionally establishes a framework for global cooperation in asset recovery, requiring nations to take measures to discover, hint, freeze, seize, and confiscate proceeds of transnational organized crime. In addition to those measures, UNTOC recognizes the importance of preventing and protecting

sufferers of transnational organized crime, especially ladies and youngsters. The conference mandates signatory countries to take measures to prevent, check out, and prosecute crimes associated with trafficking in humans.

In a nutshell, UNTOC represents a critical device for promoting worldwide security, protective human rights, and promoting the guideline of law. As cited by UN Secretary-General António Guterres, "UNTOC is a key instrument inside the combat towards organized crime, and its protocols are essential equipment in stopping and fighting the scourge of trafficking in people, in particular women and children".²

Overview of UNTOC and its Role in Combating Organization Crime

The United Nations Convention against Transnational Organized Crime (UNTOC) is an international treaty that was adopted via the United Nations General Assembly in 2000 (United Nations Office on Drugs and Crime. The convention seeks to cope with the growing risk posed with the aid of transnational organized crime by using supplying a comprehensive framework for global cooperation and coordination in preventing and preventing such crimes. UNTOC defines transnational organized crime as "a structured group of three or extra people existing for a time frame and appearing in concert with the goal of committing one or greater severe crimes or offences established according with this Convention, so that it will attain, immediately or indirectly, an economic or different fabric benefit".

The conference has 3 major targets: to promote global cooperation to prevent and combat transnational organized crime, to sell the improvement of domestic laws and policies to prevent and fight transnational organized crime, and to promote the protection of human rights and the rule of law in stopping and combating transnational organized crime. UNTOC offers a framework for international cooperation and coordination in combating transnational organized crime. The convention calls for the establishment of domestic laws and policies to prevent and fight organized crime, and it additionally gives a mechanism for nations to cooperate with each other in the investigation, prosecution, and extradition of criminals involved in organized crime. UNTOC additionally establishes a series of measures to

prevent and fight organized crime, including measures to prevent the laundering of proceeds of crime, the confiscation of property received via illegal activities, and the creation of specialized law enforcement and judicial bodies to deal with organized crime.

The Want for UNTOC To Evolve to Rising Types of Organized Crimes:

organized crime evolves and adapts to new technologies and strategies, UNTOC have to also adapt to efficaciously cope with those rising styles of crime. One such emerging form of organized crime is cybercrime. Cybercriminals use the internet and other virtual technology to commit an extensive variety of illegal activities, such as financial fraud, identification robbery, cyberbullying, and cyber espionage. UNTOC need to develop new strategies and frameworks to fight cybercrime, such as growing cooperation among member states to investigate and prosecute cybercriminals, as well as improving cybersecurity measures to prevent cyberattacks. Another emerging form of organized crime is environmental crime, which incorporates activities inclusive of illegal logging, wildlife trafficking, and illegal fishing. These crimes have considerable environmental and social influences and also can be linked to other styles of organized crime, which include corruption and cash laundering. UNTOC can play a function in addressing environmental crime by way of encouraging member states to undertake stricter policies and enforcement measures, as well as selling global cooperation to percentage facts and intelligence on environmental crime. Furthermore, UNTOC must additionally adapt to cope with new forms of trafficking, along with human trafficking and drug trafficking. Human trafficking is a critical crime that affects thousands and thousands of humans international, and UNTOC ought to keep to promote worldwide cooperation and coordination to fight this crime. Similarly, drug trafficking is still an extensive assignment, and UNTOC can help through facilitating cooperation amongst member states to disrupt drug trafficking networks and decrease the demand for tablets. In precis, UNTOC must adapt to emerging varieties of organized crime with the aid of growing new strategies and frameworks to combat cybercrime, environmental crime, human trafficking, drug trafficking, and different types

of organized crime. This will require increased cooperation among member states, progressed statistics sharing and intelligence accumulating, and more potent guidelines and enforcement measures to prevent and combat organized crime.³

Operationalization Challenges in Implementing UNTOC, Consisting of Regions Inclusive of Extradition and Mutual Prison Assistance

Extradition: Extradition is a legal technique whereby someone who is accused or convicted of against the law in a single United States is exceeded over to any other us of a to stand trial or serve a sentence. One of the demanding situations in imposing UNTOC is the difficulty of extradition, particularly in cases where there may be no bilateral extradition treaty between the nations involve. Some nations may additionally have distinctive prison systems or won't have the necessary legal framework to help extradition. In addition, a few countries may be reluctant to extradite their residents to different countries that can similarly complicate the process.

Mutual Legal Assistance: Mutual legal assistance (MLA) is a manner via which nations provide every different with legal and judicial cooperation in illegal topics, consisting of replacing data, engaging in investigations, and obtaining evidence. One of the demanding situations in implementing UNTOC is the lack of uniformity inside the MLA legal guidelines and techniques throughout exclusive countries. This can lead to delays or problems in obtaining information or proof from other nations that may hamper investigations and prosecutions.

In Addition to those Demanding Situations, there are also a Number of Different Challenges which could make it Difficult to Enforce UNTOC, Including

Lack of resources: Some nations might also lack the sources to correctly put in force UNTOC, along with the necessary personnel, gadget, or schooling.

Political will: Some international locations won't have the political will to put into effect UNTOC, because of a lack of interest, a lack of assets, or different elements.

Corruption: Corruption also can pose a undertaking to the implementation of UNTOC, as it is able to allow criminals to perform with impunity.

Despite these Challenges, there are a Range of Factors that may be Done to Improve the Implementation of UNTOC, Including,

Ratifying and enforcing UNTOC: Countries need to ratify and put into effect UNTOC, and have to additionally take steps to make certain that their laws and procedures are in step with the Convention.

Providing technical assistance: Countries that need help in enforcing UNTOC must be supplied with technical assistance, consisting of education, system, or monetary guide.

Building political will: Countries should be recommended to construct political will to put in force UNTOC, via raising cognizance of the Convention and its advantages.

Combating corruption: Countries have to take steps to fight corruption, as this could assist to prevent criminals from working with impunity.

Multidimensional Phenomena of Organized Crime

Organized crime is a complex and multifaceted phenomenon that entails an extensive range of illegal activities, including drug trafficking, human trafficking, prostitution, money laundering, cybercrime, and terrorism. These illegal organizations regularly operate throughout borders and are involve in exceptional forms of illegal organizations.

Some of the Important Thing Factors that make Organized Crime Multifaceted Consist of,

Criminal activities: Organized crime isn't confined to a single illegal interest. Instead, it incorporates a broad variety of illegal organizations that are designed to generate income for the criminal agencies. These activities can variety from drug trafficking to human trafficking to money laundering.

Transnational operations: Organized crime companies that function across national borders engage in transnational operations which could contain unlawful activities along with drug trafficking, human smuggling, and other criminal activities. These organizations regularly have connections with

different illegal organizations and engage in activities which have global implications.

Use of violence: Organized crime businesses regularly use violence as a means to reap their desires or guard their pastimes. The use of violence can serve numerous purposes for these groups, which include intimidation, retaliation, enforcement, and profit.

Sophisticated organizational structures: Organized crime companies are frequently fantastically dependent and perform like a commercial enterprise, with simply defined roles and responsibilities.

Political and economic corruption: Political and financial corruption is a not unusual tool used by organized crime agencies to further their pastimes and defend their illegal activities.

Use of era: Organized crime groups have increasingly more adopted and adapted to new technology to carry out their unlawful activities. The use of era allows organized crime companies to make bigger their operations, communicate greater correctly, and avoid detection via law enforcement.

The Multidimensional Nature of Organized Crime makes it a Tough Mission to Fight. However, there are a Number of Factors that may be Accomplished to deal with the Trouble, along with,

Improving intelligence collecting and sharing: Law enforcement businesses want if you want to percentage facts effectively with each other with a view to track and disrupt organized crime groups.

Strengthening law enforcement and judicial structures: Law enforcement groups want to be safely funded and geared up to research and prosecute organized crime cases.

Enhancing international cooperation: Organized crime companies regularly perform throughout countrywide borders, so it's far essential for law enforcement companies to cooperate with every different the world over.

Addressing the foundation reasons of organized crime: Organized crime is frequently rooted in poverty, social inequality, and political corruption. Efforts to cope with these root reasons can help to lessen the occurrence of organized crime.⁴

Organized crime is an extreme hassle that has a negative effect on societies and economies around the world. However, by way of running together, law enforcement agencies and different stakeholders can make progress in fighting this complex and multifaceted phenomenon.

The United Nations Convention Against Transnational Organized Crime (UNTOC) Is A Worldwide Treaty that targets to Prevent and Fight Transnational Organized Crime. UNTOC Targets the Following Forms of Organized Crime,

- Drug trafficking
- Human trafficking
- Money laundering
- Smuggling of migrants
- Organ trafficking
- Cybercrime
- Environmental crime
- Firearms trafficking
- Corruption
- Counterfeiting
- Intellectual belongings crime
- Terrorism

UNTOC seeks to prevent and fight these crimes through promoting worldwide cooperation amongst nations, increasing law enforcement efforts, and decreasing demand for illicit items and offerings.

Drug trafficking: This involves the cultivation, manufacturing, distribution, and sale of unlawful drugs, which includes cocaine, heroin, and methamphetamine. Organized criminal organizations have interaction in drug trafficking as a supply of income, and it frequently includes violence and corruption.

Human trafficking: This includes the recruitment, transportation, transfer, and harboring of human beings for the cause of exploitation, including forced labor or sexual exploitation. Human trafficking is a shape of cutting-edge-day slavery and affects tens of millions of people worldwide.

Money laundering: This involves the concealment or conceal of the proceeds of illegal activities to lead them to seem valid. Money laundering is used by organized illegal organizations to hide their illicit activities and profits.⁵

Smuggling of migrants: This entails the unlawful transportation of humans across borders, often for the cause of exploitation or compelled labor. Smuggling of migrants is frequently executed by using organized criminal companies, and it poses risks to the safety and properly-being of migrants.

Organ trafficking: This includes the unlawful alternate in human organs. Organ trafficking is a shape of human exploitation and poses dangers to the health and protection of both donors and recipients.

Cybercrime: This involves the usage of computer systems or the internet to commit crimes, along with hacking, identification theft, and on-line fraud. Cybercrime is a developing threat to individuals, groups, and governments international.

Environmental crime: This includes the illegal change or disposal of dangerous waste, natural world trafficking, and unlawful logging. Environmental crime poses risks to public health and the environment, and it often involves organized illegal groups.

Firearms trafficking: This entails the illegal transportation, distribution, and sale of firearms across borders. Firearms trafficking is frequently done by means of organized illegal organizations and poses risks to public protection and safety.

Corruption: This includes the abuse of public workplace for non-public benefit. Corruption can take many bureaucracies, along with bribery, extortion, nepotism, and embezzlement. Corruption undermines the rule of thumb of law and can facilitate different types of crime.

Counterfeiting: This involves the unlawful manufacturing of products which might be falsely represented as being proper. Counterfeit items can pose a risk to public fitness and protection, and they can also damage the economic system by means of depriving valid businesses of sales.

Intellectual property crime: This entails the infringement of highbrow property rights, such as copyrights, trademarks, and patents. Intellectual

belongings crime will have a good-sized financial impact, and it can additionally damage the recognition of legitimate businesses.

Terrorism: This involves using violence or the chance of violence to obtain political, non-secular, or ideological goals. Terrorism may have a devastating effect on individuals, groups, and societies.

References by Articles in UNTOC of the Aforesaid Organized Crime,

Drug trafficking: Articles 3, 5, 6, 8, 12, 13, 14, 15, 16, 17, 18, and 20.

Human trafficking: Articles three, five, 6, eight, nine, 10, eleven, 12, thirteen, 14, 16, 17, 18, and 20.

Money laundering: Articles 6, 7, 14, 15, sixteen, 17, 18, and 20.

Smuggling of migrants: Articles three, five, 6, 8, 9, 10, 11, 12, 13, 14, sixteen, 17, 18, and 20.

Organ trafficking: Articles 3, five, 6, eight, nine, 10, eleven, 12, thirteen, 14, sixteen, 17, 18, and 20.

Cybercrime: Articles 2, three, 4, five, 6, 7, eight, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, and 24.

Environmental crime: Articles 2, 3, 4, 5, 6, 8, nine, 10, 12, 13, 14, 15, 16, 17, 18, and 20.

Firearms trafficking: Articles 3, five, 6, 8, 12, thirteen, 14, 15, sixteen, 17, 18, and 20.

Corruption: Articles 15, sixteen, 17, 18, 19, 20, and 21.

Counterfeiting: Articles three, 6, eight, 10, 12, 13, 14, 15, 16, 17, 18, and 20.

Intellectual property crime: Articles 2, 3, four, 5, 6, eight, nine, 10, 11, 12, thirteen, 14, 15, sixteen, 17, 18, and 20.

Terrorism: Articles 2, 3, 4, 5, 6, 8, 10, 11, 12, thirteen, 14, 15, sixteen, 17, 18, and 20

Challenges Offered Through Emerging Sorts of Transnational Organized Crime to UNTOC,

Cybercrime: Cybercrime is a developing risk that includes using virtual technology, laptop structures, and the internet. Traditional tools and

strategies of investigation and prosecution won't be powerful in opposition to cybercrime because it requires specialized technical information and expertise. Cybercriminals can use encryption and anonymization technology to hide their identification and steer clear of detection. Moreover, the dimensions and pace of cybercrime make it difficult for law enforcement companies to maintain up with the ultra-modern tendencies and traits on this location.

Illicit alternate in cultural property: The illicit alternate in cultural property refers back to the trafficking of art, antiquities, and historic artifacts that are regularly stolen or looted from museums and archaeological web sites and then smuggled across borders. This is a developing transnational organized crime that has sizeable economic and cultural implications. The criminal framework to deal with the illicit trade in cultural assets is insufficient, and many nations have different laws and rules to protect their cultural historical past. As a result, there are gaps inside the legal device that can be exploited with the aid of traffickers.⁶

Human trafficking: Human trafficking is a crime that involves the recruitment, transportation, switch, harboring, or receipt of humans with the aid of coercion, deception, or different sorts of exploitation for the cause of compelled labor or sexual exploitation. It is a worldwide problem, with tens of millions of people being trafficked throughout borders every yr. Despite the efforts made, human trafficking stays a huge mission.⁷ The complexity of human trafficking makes it difficult to combat. Traffickers frequently perform in a clandestine manner, the use of fraudulent files and disguising their activities to keep away from detection. Additionally, there are frequently a couple of actors involve in the crime, including recruiters, transporters, financiers, and exploiters, making it difficult to pick out and prosecute all the ones involve.

Environmental crime: Environmental crime refers to illegal activities that harm the environment, together with poaching, illegal logging, and unlawful fishing. These crimes have considerable monetary, social, and environmental affects, consisting of the lack of biodiversity, deforestation, and the destruction of ecosystems. The legal framework to address environmental

crime is inadequate, and many nations have exceptional legal guidelines and laws to shield their herbal sources.⁸ As a result, there are gaps inside the legal system that may be exploited with the aid of criminal organizations.

Terrorist financing: Terrorist financing refers back to the provision of funds or different resources to people or companies concerned in terrorist activities. Terrorist groups use numerous strategies to finance their activities, which includes drug trafficking, fingers trafficking, and cash laundering. Despite the efforts made, the financing of terrorism remains a big task. Terrorist organizations are surprisingly adaptable and might use diverse strategies to raise and switch budget, inclusive of via informal monetary structures, charities, and the front companies. Moreover, the involvement of multiple jurisdictions and the use of state-of-the-art techniques and technology make it challenging to detect and disrupt terrorist financing networks.⁹

The Objectives of the Islamic Penal System

Islam seeks to protect society from the dangers of crime. It is common knowledge that if crimes are not countered with serious punishments, then society will be in grave danger. Islam seeks to make social stability and security widespread, making life in society secure and peaceful. It has made this consideration a platform for action, legislating punishments that will discourage crime. This purpose has been articulated by the following verse that discusses retribution and its effects on society:

“There is (preservation of) life for you in retribution, O people of understanding, that you may become pious.” (Quran 2:179)

If the murderer, or any other criminal for that matter, knows the extent of the negative consequences for himself that his crime will cause, he will think a thousand times before committing it. Awareness of the punishment will cause the criminal to abstain from committing the crime in two ways. The criminal who has already been subject to the punishment will most likely not return to the crime again. As for the rest of society, their awareness of the effects of this punishment will keep them from falling into the crime. To realize a general effect from the punishment, Islam has established the principle of

publicly announcing when it will be carried out. God says: "...A group of the believers should witness the punishment." (Quran 24:2)

Islam seeks to reform the criminal. The Quran often makes mention of repentance in association with the crimes that it deals with, making it clear that the door to repentance is open whenever the criminal abandons his crime and behaves properly. It has made repentance a means of waiving a fixed punishment in some instances, like the punishment for highway robbery. God says: "...except for those who repent before you take hold of them. Then know that God is the Forgiving, the Merciful." (Quran 5:34)

God says regarding the punishment for fornication.

"It they both repent and mend their ways, then leave them alone. Verily, God is the Acceptor of repentance, the Merciful." (Quran 4:16)

God says after mentioning the punishment for false accusation: "... except for those who repent afterwards and makes amends, then verily God is the Forgiving, the Merciful."

God says after mentioning the prescribed punishment for theft: "Whoever repents after his wrongdoing and makes amends, then verily God will accept his repentance and verily God is the Forgiving, the Merciful." (Quran 5:39)

This objective is seen more frequently with regard to discretionary punishments, whereby it is incumbent upon the judge to take into consideration the circumstances of the criminal and what will insure his betterment. The punishment is a recompense for the crime. It is undesirable to treat a criminal lightly who threatens the security of society with danger. The criminal should receive his just recompense as long as he is pleased with taking the path of evil instead of the path of righteousness. It is the right of society to be secure in its safety and the safety of its individual members. The Quran has asserted this objective when mentioning a number of punishments. God says: "The thieves, male and female, cut off their hands as a recompense for what they have earned..." (Quran 5:38). "The recompense for those who wage violent transgression against God and His Messenger and who go forth spreading corruption in the Earth is that they should be killed or crucified or

that their hands and feet should be cut off on alternate sides or that they should be sent into exile..." (Quran^{5:33})

Recommendations to Improve UNTOC, with a Brief Definition of each,

1. Strengthen the legal framework: UNTOC desires to have a stronger prison framework that offers clear definitions of organized crime, cash laundering, and corruption, and units' clean penalties for those who commit them.¹⁰

2. Enhance global cooperation: Countries want to paintings together and collaborate extra correctly to combat transnational organized crime. This consists of sharing records and intelligence across borders, and coordinating investigations.¹¹

3. Address rising developments: UNTOC desires to be updated and reinforced to provide an extra proactive and bendy approach to its implementation. This consists of developing new rules and strategies that may respond to the converting nature of organized crime, and offering law enforcement organizations with the necessary assets and tools to combat these new styles of crime.

4. Increase sources and investment: The effective implementation and enforcement of UNTOC calls for adequate assets and funding. This is essential for supplying law enforcement agencies with the vital gear and training to fight transnational organized crime and to assist global cooperation and coordination.¹²

5. Involve civil society: Civil society agencies and different stakeholders play an important role in the effective implementation and monitoring of UNTOC. These companies can provide valuable insights and perspectives on the impact of transnational organized crime on groups and may help to make sure that the Convention's provisions are being effectively applied and that the rights of individuals suffering from organized crime are being protected.

6. Strengthen asset recuperation mechanisms: Organized crime often generates enormous profits via unlawful activities together with drug trafficking, cash laundering, and human trafficking. These profits are usually used to finance in addition illegal activities. UNTOC wishes to bolster asset

recovery mechanisms to make sure that these earnings can be seized and again to the sufferers of crime.¹³

7. Promote using generation: Technology may be an effective device in the combat against transnational organized crime. UNTOC can promote using technology by imparting steerage on a way to use technology to analyze and prosecute organized crime, and by means of helping the improvement of latest technology that may be used to combat organized crime.

Eight.

8. Address the foundation reasons of organized crime: Organized crime is regularly rooted in poverty, inequality, and absence of opportunity. UNTOC can deal with the basis reasons of organized crime through assisting development initiatives that may help to lessen poverty and inequality, and by means of supplying opportunities for young humans to get an education and find an activity.

9. Strengthen the guideline of law: The rule of law is vital for fighting organized crime. UNTOC can improve the guideline of law through assisting international locations which might be growing their prison systems, and through offering help to countries that are suffering to uphold the rule of law.

10. Protect human rights: The fight against organized crime should be conducted in a way that respects human rights. UNTOC can shield human rights by means of ensuring that its provisions are interpreted and implemented in a way that respects the rights of people, consisting of the proper to due process, the proper to privateness, and the proper to freedom of affiliation.

11. Build public cognizance: Public focus is crucial for fighting organized crime. UNTOC can build public attention via raising consciousness of the chance of organized crime, and with the aid of instructing the public about a way to defend themselves from organized crime.

12. Support victims of crime: Victims of organized crime often suffer sizeable damage. UNTOC can guide sufferers of crime with the aid of

providing assistance to victims, and by means of working to make sure that victims have get admission to justice.

I3. Promote research: Research is vital for expertise the nature of organized crime and for developing powerful techniques to fight it. UNTOC can sell studies by means of helping studies on organized crime, and by disseminating study's findings to policymakers and practitioners.

I4. Evaluate the effectiveness of UNTOC: UNTOC must be evaluated regularly to evaluate its effectiveness in preventing organized crime. This evaluation should be performed through an independent frame, and must be primarily based on a comprehensive assessment of the Convention's implementation.¹⁴

I5. Update UNTOC: UNTOC have to be up to date periodically to reflect the converting nature of organized crime. This update must be based at the findings of the assessment, and must be made in session with all stakeholders.

Conclusion

The origins of organized crime can be traced back to historical times, wherein criminal groups have been fashioned to control activities consisting of smuggling, robbery and extortion.¹⁵ However, the contemporary form of organized crime is associated with the upward thrust of industrialization and urbanization in the 19th century, which created new possibilities for illegal activities. In the United States, organized crime began to broaden during the prohibition Era of the 1920s, when the sale and distribution of alcohol had been banned. This brought about the emergence of bootlegging, a worthwhile illegal change in which illegal organization smuggled and bought alcohol. One of the prominent of these businesses was the Mafia, also known as La Cosa Nostra, which have become a dominant pressure in American organized crime in the course of this time. Initially, the Mafia become composed of Italian-American gangs based totally in foremost towns which include New York, Chicago, and Detroit. This article aims to analyze the application of the International Organized Crime Convention (UNTOC) to counter the global threat posed by organized crime. Organized crime is a complex and multifaceted phenomenon that poses a serious threat to international peace

and security, generating an estimated \$870 billion annually. The purpose of this study is to explore the effectiveness of the UNTOC in preventing and combating transnational organized crime, highlight the complexities in the UNTOC employment process, and explore the UNTOC's role in national and international efforts to combat organized crime. To assess and investigate the impact of the challenge posed by the UNTOC by new forms of transnational organized crime. The research questions are designed to examine UNTOC's specifications, its impact on national and international efforts to combat organized crime, implementation challenges, and the types of organized crime it seeks to deter and combat. The significance of this article is that it may provide legislators, law enforcement and other stakeholders with insights into combating organized crime and recommend ways to improve the effectiveness of the UNTOC.

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