

## ORGANISED CRIMES AND ANTI-MAFIA LEGISLATION

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### Research methodology

This research primarily follows the doctrinal research method, which involves national laws, international statistics and relevant academic writings. It also uses a comparative approach by examining how organised crimes are prevalent in different parts of the world and how they are tackled by different countries like India, United States, Japan, China, Colombia etc. Since this research paper gives a general outlook about the organised crimes in the world, case laws will not be mentioned. The statistical data and academic writing are given the utmost importance.

### Scope of research

The scope of the research is limited to organised crime nexuses and the anti-mafia activities carried out by different governments across the world. The research paper gives one an idea about the organisational structure of different organised crime syndicates and the laws implemented by different governmental organisations in the world for tackling and neutralizing their criminal activities. The study encompasses both historical and contemporary perspectives, assessing the effectiveness of legal interventions in various jurisdictions.

### INTRODUCTION

Organized crime refers to illegal activities conducted by structured groups with the primary aim of generating profit. These groups are often involved in activities such as drug trafficking, human trafficking, extortion, money laundering, and illicit trade. The Mafia, a specific form of organized crime, is synonymous with long-standing criminal organizations like the Italian Mafia, the Yakuza in Japan, Colombian and Mexican drug cartels

etc. These groups operate through structured hierarchies and use tactics such as violence, corruption, and intimidation to achieve their goals while avoiding law enforcement. Their common activities include drug trafficking, arms smuggling, human trafficking, money laundering, extortion, and illegal gambling. The examples of organized crime groups like the Italian mafia which includes Cosa Nostra, 'Ndrangheta, and Camorra, known for their influence in Italy and the globally. The Japanese criminal organizations like Yakuza are famous their illegal activities including gambling, extortion and other activities. The Mexican and South American drug cartels like the Sinaloa and for Medellin cartels dominate drug trafficking. The Russian mafia is known for cybercrime, human trafficking, and arms dealing. These mafia groups have a great impact on destabilizing communities and undermines trust in institutions. The mafia nexus around the world strains law enforcement and judicial systems. Governments and International agencies like INTERPOL, the UN Office on Drugs and Crime (UNODC), and others continuously work to

combat organized crime through intelligence sharing, law enforcement cooperation and legislation. The Indian mafia also witnessed mafia activities mainly in the industrial capital Mumbai lead by Dawood Ibrahim, Haji Mastan, Chhota Rajan, Bada Rajan and Varada Raja Mudalaliar. Anti-mafia legislation refers to laws and legal frameworks designed to combat organized criminal groups, particularly those structured like the mafia, which engage in illicit activities such as extortion, drug trafficking, money laundering and racketeering. These laws aim to dismantle such organizations, disrupt their operations, and prosecute their members. This legal research paper deals with the challenges posed by the organised crime groups over the legal judiciary system and aims at showing how criminal activities are tackled across all over the globe.

### **The history of organised crime syndicates across the globe**

In the 1920s the American mafia became the biggest and most violent crime nexus in the United States of America. It was popularly known as the Mob, Mafia, or La Cosa Nostra. American mafia includes large group of families who runs the criminal activities in an organised way. La Cosa Nostra, which means "This Thing of Ours" in Italian<sup>276</sup>. These crime families followed strict crime codes. The 1920s, were known as the roaring twenties was a time of excitement, parties and America witnessed a rapid social change. However, the banning the sale and the production of alcohol, affected the American lifestyle, which many people enjoyed. This created a business opportunity for the mafia. Since they were already involved in illegal activities like drug trafficking, extortion and prostitution, they quickly expanded their roots into illegal alcohol trade, which later got the name "bootlegging". Bootlegging became one of the most profitable businesses for the American crime mafia during the roaring twenties. For a person to become a mafia

member, one had to take an oath and agree to follow five main rules. The first rule was the Code of Silence. This 'Code of Silence' ensured the secrecy nature of the organised crimes carried out by the American mafia during that time by ensuring that each member of the mafia should not speak about the mafia secrets or expose the crimes of others, even if facing prison or death. The second rule was total obedience to the boss. The orders of the boss should be fulfilled by the member without question or doubt. The third rule is to help the members of the mafia in need. The fourth rule was revenge. If anyone caused any harm to the mafia then the members of the mafia should respond in the equivalent way of violence. The fifth rule was to always stay away from police and the government. Breaking any one of these rules can lead to the mafia member's death. The American mafia is believed to have started when don Vito Cascio Ferrero moved to the United States. Even more mobsters began to relocate to the states after Mussolini came into. Thousands of criminals flocked to America looking for a better life and seeking more opportunities. The Mafia began to expand and eventually every major city in America had its own sanction (History of the Mafia). The 1920s was by far the most profitable time for The American Mob. Prohibition was the most important reason for organized crime to become even more organized and competitive (Albanese 12). The demand for illegal liquor rose after prohibition set in, and the Mobs flourished. On the other part of the world, it was the Yakuza and Triads who controlled the power in Japan and China respectively. The yakuza were the most powerful organisations in the world as enigmatic as they are terrifying. despite their long and complex history many people associate them with tattoos and amputated fingers. The mafia was immense both in terms of the size of its size of operations and the number of people it employed. In the The Yakuza and the Triads: The History of Asia's Most Notorious Transnational Criminal

<sup>276</sup> John Dickie, 'Mafia Republic: Italy's Criminal Curse. Cosa Nostra, Ndrangheta and Camorra from 1946 to present' (2013)

Organizations<sup>277</sup>, the author draws a comparison between the 1960 s American mafia and the yakuza prevalent in the 1960s. The American mafia members had around 20,000 members whereas Japan had over 180,000 Yakuza. The history of this organised crime nexus can be traced in the 17th century. The 17<sup>th</sup> century Japanese society was basically divided into the kings, samurais and the common people. The samurais, kings and common people maintained a distance towards the people, especially towards the groups called **tekiya** who sell illegal products and **bakuto** who organised dice games and card games. The mafia organization was formed by these two groups who were literally alienated from the society. The name yakuza comes from the card game **oicho-kabu**. While playing this card game if the three cards show the numbers 8, 9, 3 respectively, the player will not get any point. The numbers 8(ya),9(ku),3(za) defines the term “yakuza”. The members of the new group set some rules and traditions for the group and its members. The members of the yakuza later gained power during the golden era of Japan when Japanese society witnessed immense development. The yakuza members tried to take part in the industrial and the real estate activities during the time of Japan.

The strength of the yakuza is its organised crime structure led by the crime leader **Oyabun** and the members were called **Kobun**. The members if did anything which was against the organisation where compelled to perform **Yubitsume**, where the member should give his small finger to the organisation. Another tradition was **Irezumi** which is about tattooing the whole body. The tattoo symbolises brotherhood and love for the organisation. Yakuza consists of many gangs in it and the most prominent one in that was **Yamaguchi-gumi** founded by **Haruki chi Yamaguchi**. This organisation flourished under the leadership of

**Kazuo Taoka**. During this time the Yakuza organisation had power in the industrial, real estate and the entertainment sectors and became successful in building political collections.

The crime group used to have wars and conflicts with other yakuza crime syndicates including Sumiyoshi-Kai, Ingawa -Kai etc. Yamaguchi-gumi performed criminal activities including kidnapping, extortion, gambling, human trafficking, drug trafficking etc. After the death of Kazuo Taoka, tensions arise between the members in the Yamaguchi Gumi because of which a new group called **Ichiwa -kai** was formed. Later this resulted in a war between the two crime groups and caused severe bloodshed. The account of this war which created bloodshed in the lands of Japan can be seen in the book **Yakuza: Japan's Criminal Underworld**<sup>278</sup>. The yamaguchi gumi was victorious in the gang war. The yakuza crime organisations collapsed as the Japanese government made an Anti-Boryokudan Law. Bust still their presence is still evident in shadows with drug trafficking and cybercrimes.

The triads trace their beginnings to secret societies founded in China 2,000 years ago to oppose warlords. Their activities and the nature of their organization, which is so difficult for western police to penetrate, are pieced together through interviews and on-the-street fieldwork. Many of the societies are respected community organizations. However, many have developed criminal subgroups and in some cities in western Europe nearly all the triads are engaged in prostitution, illegal gambling, extortion, and heroin. A major portion of the world's raw opium is grown in the golden triangle, the mountainous country on the borders of Laos, Burma, north Vietnam, and Thailand. Then it is processed into about 80 tons of heroin annually. The distribution of this heroin is under the control of triad leaders in Hong Kong, Singapore, and Malaysia, who

<sup>277</sup> Charles River Editors, *The Yakuza and the Triads: The History of Asia's Most Notorious Transnational Criminal Organizations* (Charles River Editors 2019)

<sup>278</sup> David E Kaplan and Alec Dubro, *Yakuza: Japan's Criminal Underworld* (2nd edn, University of California Press 2003)

distribute it worldwide through their couriers. Western police officials did not realize either the extent of the heroin traffic or its organization until well into the 1970's. It was thought that the mafia controlled the hard drug trade, but mafia members get their supplies from triad brokers, who keep tight control over their distribution channels. Chinese colonies in London and Amsterdam are major distribution terminals, especially Amsterdam because Dutch laws are quite lax. Triad wars, the unsolved murders left in the wake of these wars, and the difficulties facing western police are all recounted in this informal, journalistic narrative. Photographs are included and a bibliography is appended.

The **Medellín cartel**,<sup>279</sup> Colombia's first major drug cartel, originated in the mid-1970s when marijuana traffickers began smuggling small amounts of cocaine into the U.S. As demand grew, a range of individuals—from ranchers to petty criminals—joined the trade. The cartel quickly expanded its operations, purchasing aircraft, building advanced labs, and even acquiring a Caribbean island for logistics. However, by the late 1980s, internal violence, disorganization, and competition from the **Cali cartel** led to its downfall. Its leader, **Pablo Escobar**, became a global fugitive and was eventually killed by Colombian forces in 1993. The **Cali cartel**, known for its more discreet and calculated methods, rose to dominance. Its leaders reinvested profits into legal businesses and actively supported authorities in tracking down Escobar. Despite its influence, the Cali cartel's leadership was dismantled through arrests in the 1990s, and the organization dissolved by the early 2000s. Although other Colombian cartels emerged, none achieved the power or reach of their predecessors. Meanwhile, in the 1960s and '70s, **Mexico** was a major marijuana supplier. As drug routes from Colombia were disrupted, Mexico became a key player in the cocaine trade. The **Tijuana cartel**, led by the Arellano Félix brothers, gained prominence in the late 1980s and trafficked

large quantities of cocaine, heroin, and meth into the U.S.

Organised criminal groups in India has a different story to tell. Major criminal activities were based in the country's industrial capital Mumbai. The inception of organised crime in India started by the Indian dons like Varada raja Mudaliar, Karim Lala, Haji Mastan, Chhota Rajan , Bada Rajan and Dawood Ibrahim<sup>280</sup>. Their crime gangs posed a threat to the society and became a major headache for the police force. Even though crime groups are present in different parts of the country. Mumbai crime mafia is famous across all over the globe for its notorious criminal activities in the past. These mafia groups were involved in criminal activities from bootlegging to extortion, kidnapping, robbery, drug trafficking and human trafficking. It has been stated that some of the criminal organisations have connections with the Pakistan ISI and terrorism. It has been clearly found out that the Mumbai gangster Dawood Ibrahim had taken part in the 26/11 Mumbai bomb blasts. These types of associations posed a threat to the country's security. Another major crime syndicates were in India were mainly led by Atiq Ahmed, Mukhtar Ansari, Lawrence Bishnoi, Vikas Dubey etc.

### **Beyond the Mafia: Strengthening Legal Measures to Dismantle Criminal Networks**

The major strength of the organised crimes across all over the globe is their organised structure. These organised groups have great strength in the political domain with their money and muscle power. They have connections with the leaders of the elected government and can influence the political decisions made by them. Sometimes they can even act as a parallel government. So, it is high time that to tackle these organised crime groups and the illegal criminal activities which affect the world globally. For this every country should join their hands for the destruction of these criminal nexus. As we could see today

<sup>279</sup> Guy Gugliotta, 'Kings of Cocaine' (1989)

<sup>280</sup> V.K Deuskar, 'Organised crime in India' (1999)

every country in this world are actively participating in the country. In the book *Anti-mafia*<sup>281</sup>, the author describes about the activities of the Italian government in tackling the mafia. Since the 1980s, Italy has introduced various legislative measures and judicial strategies to combat organized crime, including laws targeting mafia associations, special prison regimes, and international judicial cooperation. Authorities created specialized bodies like the *Direzione Investigativa Antimafia* and the *Direzione Nazionale Antimafia e Antiterrorismo* to strengthen efforts against the Mafia. The **Antimafia Pool** was a team of magistrates in Palermo who worked together to prosecute Mafia cases, sharing responsibility to protect individuals from retaliation. Their efforts led to the **Maxi Trial** (1986–1992), where Sicilian prosecutors indicted 475 mafiosi, ultimately convicting 338 individuals with sentences totalling thousands of years. It was the largest trial in history against the Sicilian Mafia, confirming the existence of Cosa Nostra. Another major trial, the **Spartacus Trial** (1998–2010), targeted the Casalesi clan of the Camorra. It exposed extensive criminal operations, including extortion, illegal business monopolies, and election manipulation. Over 115 defendants were prosecuted, resulting in 27 life sentences and over 750 years in prison. The trial was marked by threats and murders, emphasizing the dangers faced by those combating organized crime. Both trials marked significant victories against Mafia organizations but also came at great personal risk to those involved.

In the case of the United States, the government introduced the Racketeer Influenced and Corrupt Organisations Act (RICO)<sup>282</sup> to tackle the American organised groups. This federal law was implemented by the government to ensure strong punishments and civil actions against people involved in

organised crime. Under the act if a person commits at least two acts of racketeering within ten years and these acts are connected to a criminal enterprise, they can be charged with racketeering. and to put up a performance bond. An injunction or performance bond ensures that there is something to seize in the event of a guilty verdict. If found guilty, the person could be imposed with a fine of twenty-five thousand dollars and sentenced to twenty years in prison. The law also requires the offender to leave his earnings got from the illegal activities he /she committed. This provision prevented the owners of Mafia-related shell corporations from absconding with assets. A United States Attorney may also ask the court for a restraining order or injunction before the trial. The suspect's assets can be freeze by the government and stop them from moving money or property that could be later be seized. This prevents mafia offenders from escaping with their money.

Later local governments in Japan passed exclusion ordinances to further reduce the influence the anti-mafia nexus prevalent there. The Anti Boryokudan law was implemented in 1992. The Japanese government later also passed the anti -yakuza ordinances which were to isolate yakuza from Japanese society. People and business entrepreneurs were prohibited from working with them. The punishments can vary based on the region, in some regions it only ends in warnings but in other regions can cause even fine and imprisonment.

The influence of triads has reduced over time especially after the formation of the Independent Commission Against Corruption (ICAC) in 1974. The major objective of this commission is to end corruption within the police force which had strong ties with the triad groups. With the implementation of stricter laws and investigations, it became more difficult for triads to operate. In 1994, the governmental agencies made it clear that being a member of

<sup>281</sup> Alison Jamieson, *The Antimafia: Italy's Fight Against Organized Crime* (Macmillan 1999)

<sup>282</sup> G S Roukis ; B H Charnov, '*RICO Statute- Implications for Organised Labor*' (1985)

the triad group will be considered as a serious criminal offence.

In response to the growing power of drug traffickers, the Colombian government implemented various anti-drug measures. During the presidency of Belisario Betancur (1982-1986), efforts were made to combat drug-related violence, although these were often met with significant challenges, including the assassination of the minister of justice in 1984 by individuals linked to the drug trade. The government continued to pursue anti-drug policies under subsequent administrations. For example, during the presidency of César Gaviria (1990-1994), Colombia saw significant constitutional changes aimed at strengthening the legal framework against drug trafficking. Gaviria's administration also engaged in plea-bargain agreements with drug cartel leaders, leading to the surrender of many, although violence remained prevalent. Despite these efforts, the influence of drug cartels persisted, and violence associated with drug trafficking continued to be a major issue. The Colombian government, often with support from international partners like the United States, has continued to implement strategies to combat drug trafficking, including military and intelligence operations to dismantle drug networks and eradicate coca fields.

India has also introduced several laws to control organised crimes.<sup>283</sup> One major law is the Prevention of Money Laundering Act, 2002. The process of money laundering plays a key role in strengthening the organised criminal activities. Its main goal is to prevent money laundering and take away money or property earned through criminal activities. This act plays an important role in tracking and seizing illegal assets gained from organised crime. The Unlawful Activities Prevention Act law was first introduced in 1967 and has been updated many times. It is mainly used to prevent terrorism and activities that go against state. The act gives power to the authorities to arrest

criminals and freezing their property. The Narcotic Drugs and Psychotropic Substances Act, passed in 1985, focuses on stopping drug trafficking and misuse of narcotic substances. This law strictly prevents the production, distribution and consumption of drugs and other narcotic substances, especially when it is done in an organised way. Another important law is the Protection of Sexual Offences (POSCO), Act was introduced in 2012. It protects children below the age of 18 from sexual trafficking, pornography or abuse. It includes serious punishment for sexual offenders.

### Quantifying organized crime: Patterns, Trends and Projections

According to an article in the Economic and Political weekly<sup>284</sup>, since 1991 crime rates in India, have been decreasing especially in property related and violent crimes. The only area of concern is the crimes against women. A similar trend of decline also can be seen in different parts of the world because of the active efforts of the governmental organisations. This fall was first witnessed in the United States and then reported in other countries too. Many researchers believe that this fall is real, but a few people still think that police force is manipulating the data on purpose.

In the United States, there are two main governmental organisations that collect annual data – FBI (Federal Bureau Of Investigation) and BJS (Bureau Of Justice Statistics). The FBI publishes annual data on crimes that have been reported to law enforcement, but not crimes that haven't been reported. Historically, the FBI has also only published statistics about a handful of specific violent and property crimes, but not many other types of crime, such as drug crime. And while the FBI's data is based on information from thousands of federal, state, county, city and other police departments, not all law enforcement agencies participate every year. In 2022, the most recent full year with available

<sup>8</sup>Harshit Handa, 'Laws of prevention of organised crimes in India' (2024).

<sup>284</sup> Aravind Verma; Hanif Qureshi; Michael Frisby; Alok Mohan, 'How real is the Crime decline in India?' (2019)

statistics, the FBI received data from 83% of participating agencies.

BJS, for its part, tracks crime by fielding a large annual survey of Americans ages 12 and older and asking them whether they were the victim of certain types of crime in the past six months. One advantage of this approach is that it captures both reported and unreported crimes. But the BJS survey has limitations of its own. Like the FBI, it focuses mainly on a handful of violent and property crimes. And since the BJS data is based on after-the-fact interviews with crime victims, it cannot provide information about one especially high-profile type of offense: murder.

All those caveats aside, looking at the FBI and BJS statistics side-by-side *does* give researchers a good picture of U.S. violent and property crime rates and how they have changed over time. In addition, the FBI is transitioning to a new data collection system – known as the National Incident-Based Reporting System – that eventually will provide national information on a much larger set of crimes, as well as details such as the time and place they occur and the types of weapons involved, if applicable.

Membership to yakuza groups across Japan has been in decline over recent decades<sup>285</sup>. In 2024, the number of members of organized crime syndicates stood at 18,800, hitting a record low and falling below 20,000 for the first time, according to police data. Those official figures show the number of active members of the Yamaguchi-Gumi gang have almost halved since 2014 – falling from 6,000 then to just 3,300 at the end of last year. The Kobe Yamaguchi-Gumi had around 120 members last year. As yakuza membership falls, however, Japanese authorities are contending with a new criminal phenomenon: the “tokuryu”. These anonymous gangs are not affiliated with a yakuza family, operating individually or in ad hoc groups. About 10,000 members of tokuryu gangs were investigated last year, with police

linking them to violent robberies in Tokyo, and fraud schemes involving romance scams and investments on social media.

Average annual arrests of alleged triad members have fallen steadily from the peak of 2745 in 1972-1976, to 1651 arrests in 1977-1981, 1337 in 1991-1995 down to an average of 780 arrests in 2000-2008. The age of offenders arrested for these offences has also increased over time suggesting the attraction of dark societies may be fading for new generations: about 56 percent were under 21 years of age in 2008 compared to 72 percent in 1989. So, when we analyse the data of the organised crimes happening globally, the number is decreasing.

## CONCLUSION

The world in which the humans lived reflected the glories of heaven but at the same time the heavens were affected by what happened on the model Earth. This philosophy can be connected to the organised crimes. The underworld is shaped by the upper world but also shapes it. The decision of the US government to introduce prohibition reshaped the North American underworld while the collapse of Soviet Union unleashed a new form of crime network. Organised crime exists because it supplies needs not satisfied by the legitimate public. Organised crime syndicates become so dangerous in situations where it becomes so powerful that it can even replace the elected governments. Understanding organised crimes helps us in understanding the wider world in which they operate. Global crime is not a globalized conspiracy but not a random collection of thugs, frauds and psychopaths. It is powerful, growing and transnational. It is the dark side of organised society. However, the best we can hope for is to minimise the actions and criminal activities by the organised criminal groups and as a citizen we must ensure whether the rate of organized crimes is decreasing in the world. Through this project an attempt is made to know the truthful realities of the world of the organised criminal syndicates and how their legislation takes

<sup>10</sup>Alan Rawcliffe, 'The collapse of the Yakuza' (2022)

place. We believe in the idea that organised crime syndicates are controlled by the investigators, task forces and judiciary, but whether it was true or false is what that needs to be found out. Through the medium for this research paper, the reader would be able to know about the general idea about the organised crimes and how the governmental organisations tackled them. After analysing the data collected on the organised crimes across the globe, one can conclude that the number in the organised crimes is decreasing. So, one can easily conclude that the governmental organisations have succeeded in controlling organised crime groups and the criminal activities carried out by them.

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