Chapter 7

The Power Shift from Government to Organized Crime in Kyrgyzstan

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Abstract Organized crime (OC) groups in Kyrgyzstan have reached a level where they are competing with governmental authorities and institutions. Leaders of OC groups can assign members of their groups into law enforcement positions and parliament. It is safe to claim that the absence of rule of law and legal gaps encourage organized crime groups to flourish. From an economic point of view, privatization and capitalization of the economic system in the process of democratization have been in the interest and favor of the development of criminal organizations. Organized crime gangs can easily fill their chests by benefiting from the legal gaps. For instance, all the jewelry store owners at the major markets in Bishkek, Kyrgyzstan pay fees to an OC gang for their safety and security. Small business owners have been taken under control by organized crime to resolve economic disputes or just because they are in their area of control. Moreover, gangs and groups operating in the South Kyrgyzstan, as well as in Talas and Bishkek, deal with drug trafficking. The cultural aspect of this issue focuses on the importance of the clan ties and network connections in Kyrgyzstan and its use by organized crime. The networking used by the OC also includes utilization of the Internet and social media, consequently it became difficult to counter them during the process of globalization and the whole of society being integrated with the internet and social media, the fight against organized crime has become more difficult. Challenging existing socio-cultural structures, to increase law enforcement and combat clan-based subculture and informal law practices, such as the “thieves” “laws” and “brotherhood hierarchies” of organized crime, have been an almost impossible endeavor over the past 30 years. Consequently, breaking the network of OC and destroying its nationwide functions is a challenge, not only in Kyrgyzstan but in many post-soviet countries.

Keywords Organized crime · Rule of law · Kyrgyzstan · Politics · Central Asia · Crime and punishment

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139

7.1 Introduction

Since the declaration of independence in 1991, Kyrgyzstan has experienced many turbulent political periods. Recent uprisings in the last decade and bloody ethnic clashes between Uzbeks, Tajiks and Kyrgyz groups, as well as border conflicts in the south of the country, exhibit those hard times (Hanks 2011; Rezvani 2013). Because of the economic, social and political instability, organized crime (OC) groups have always tried to extend their spheres of influence by proclaiming war at the state level. The Tulip Revolutions led both the first and second presidents of Kyrgyzstan, Askar Akayev and Kurmanbek Bakiev, to fall from power in 2005 and 2010 because citizens demanded an end to corruption. Right after the Tulip Revolution in 2010 that marked a shift in government and major constitutional reforms, the interim president, Rosa Otunbayeva, had to accept that members of organized crime groups entered into parliament by means of the elections of 2011 (Donis 2011). Her statement “organized crime groups came to parliament” is a confirmation that criminals have gained political support and strong influential connections from above (Donis 2011). The other lamentable situation is in the business arena, where organized crime groups control the sources of income by intimidating and blackmailing business owners. For instance, after the revolution in 2005, the Kyrgyz government faced the problem of unlawful seizures of land and private businesses (Kaputadze 2007). Allegedly over 1,300 businesses were damaged during the revolution, resulting in losses of at least one billion som (around 24 million US dollars) (Saralaeva 2006). After the cancellation of parliamentary elections in October 2020 and the power vacuum thereafter, criminal groups attacked and seized several gold and coal mines in Issik Kul, Naryn and other regions of Kyrgyzstan and blackmailed and intimidated business owners. In some cases, they set fire to equipment and physically attacked workers (BBC, 8 October 2020). Moreover, Demirtepe (2006) claims that in Kyrgyzstan since the 2005 “revolution”—caused by the authoritarianism of President Akayev’s regime—organized crime gained a level of parallel power with the government. OC groups took advantage of long-lasting chaos after the 2010 uprising and ethnic clashes through a complex and dynamic set of goal-oriented processes (illegal activities), such as drug trafficking, robbery and racketeering.

Despite the large amount of research done on organized crime and criminal organizations, there is no specific consensus on its definition, namely that organized crime has various aspects in its definition. The consensus of researchers focuses on four main elements, a continuing organization, an organization or group that operates rationally for profit, by the means of force or threats, and the need for weak and corruption governmental institutions to maintain immunity from law enforcement (Albanese 2000). On the other hand, Maltz (2000) claims that organized crime leaders need public demand for certain services that they can provide. The aim to monopolize that sector puts restrictions on membership, ideology and specialization. The groups operate in secrecy and are opaque in their planning.

McIlwain (1999) describes crime organizations in three different paradigms in his piece on crime organizations. The first paradigm is an institution that appears as a

criminal organization and reflects the institutional approach. The second perspective is that there is an exchange between power and the need for power. This power gap is filled by an OC group that rejects the institutional approach. The third paradigm focuses more on the work and function of criminal organizations, hence the outcome (McIlwain 1999). The earlier paradigm dating from the 1960s, despite being outdated, perfectly describes the situation in Kyrgyzstan today, where OC groups switched from street gangs to criminal enterprises.

Heads of OC groups, as Ibraimov (2011) states, have helped financially—after the 2010 revolution—members of its groups to gain substantial political influence by becoming members of parliament (MPs) and mayors. Media reporting has alleged that several MPs have direct connections with organized crime (Demirtepe 2006). Kaputadze (2008) emphasized the same opinion and claimed that neither the tulip revolution in 2005 nor the 2010 shift in government could solve the issue of organized crime and the state, and the government subsequently failed to maintain judicial reforms. It is safe to claim that after every political crisis, such as in 2020, organized crime groups try to get involved in the political games of the country.

The recent 2020 parliamentary post-election crisis is evidence of the abovementioned statement. After the election protests on 5–6 October 2020, the prime minister and other top officials had to step down, and President Sooronbay Jeenbekov in the following days left office under pressure of opposition and protestors, leading to a power gap in the country. Under these circumstances, various political groups were staking claims on power and the country was thrust into insecurity and instability. Looters sought to exploit the situation and decision-makers reported being subjected to pressure by organized criminal groups.

There were concerns about the growing influence of organized criminal groups, with members of parliament claiming that decision makers were subjected to pressure by such groups. For instance, a week after the cancellation of the parliamentary elections, on 13 October, 2020, Deputy Parliament Speaker Aida Kasymalieva expressed support for interim prime minister and later presidential candidate Japarov, while also saying that she had been intimidated by his supporters. In particular, she said that members of organized criminal groups had threatened to burn down her house, kill her and rape her (Kudayarov 2020).

In order to examine the influence of organized crime on Kyrgyz society and political institutions, this chapter illustrates this issue under three approaches, first, the legal; second, the economic development; third, the sociocultural. These approaches derive from the Theory of Social Capital and Deterrence. It explains how organized crime leaders fear and at the same time avoid being arrested and serving prison time. Nevertheless, due to the high level of corruption and low level of rule of law, in the legal context, the “vigilante groups”, that is to say members of OC, feel safe and comfortable because of the gaps in the penal codes and criminal judiciary, and consequently the lack of deterrence and enforcement of criminal law and judicial sentences. Deterrence theory states that crime can be prevented if organized crime members believe the costs of committing a crime outweigh the benefits (Zinring and Hawkins 1973). However, that is not the case in Kyrgyzstan because the law does not deter criminal organizations. Statute 248 of the Penal Code of the Kyrgyz Republic

codifies a penalty of seven years for creating and participating in an organized crime group activity, but which also has various gaps for avoiding punishment.

From an economic point of view, excessive privatization and capitalization of the economy, such as mining and public services in the process of democratization, have been in the interest of organized crime in the post-Soviet countries. Criminal organizations can easily fill their chests by making use of legal gaps. Business owners at the main marketplaces such as the Osh bazaar, the Dordoi market in Bishkek and small businesses operating in the cities have been extorted by organized crime to resolve their financial disputes with their debtors or government. Moreover, small business owners were forced to pay fees just because their businesses were in a specific area that these gangs controlled.

This sociocultural change is best explained by the Theory of Social Capital which states that organizations that have better access to valuable social resources are more successful in their performance (Bordieu 1986; Coleman 1990; Portes 1998). If we consider a criminal organization as a societal actor that constantly looks for new strategies to maximize its profit, then we can easily understand the strategy of organized crime which looks for ways to increase clan ties and network connections.

Needless to say, considering that OC is a global phenomena (Schloenhardt 1999; Bouchard 2020), especially with the globalization processes, the financial activities of organized crime have also become a global problem. To better understand organized crime and take stronger measures, the content of the organization must first be discovered, and then the legal, social and political situation that causes the gangs to benefit and still stand. Criminologists in the United States before the 1960s categorized economic crimes separately from the crimes related to organized crime (Schloenhardt 1999). As a result of the research analysis in this area, organized crime tries to increase its income just like other legal organizations. According to Schloenhardt (1999), the agenda in a country and the new laws and regulations draw the path to financial activities of organized crime. These activities can be observed especially in autocratic and developing countries. The economic activities of organized crime are very intensive in the countries with antidemocratic laws and governments, and they are also regularly observed in countries with high levels of corruption. Kyrgyzstan, which could not reach both socioeconomic and political stability after the collapse of the Soviet Union, was a very suitable place for organized crime gangs.

7.2 Economic Power of Organized Crime Groups

Since Kyrgyzstan declared its independence and started a free market strategy, the heavy industry sector that once existed in the Kyrgyz Republic was sold out shortly after independence in 1991. During the Soviet Union, the Kyrgyz republic with its dominating heavy and light industry factories had a developed infrastructure, especially machinery factories and construction equipment factories. The collapse of the industrial sector that came with the privatization process made Kyrgyzstan predominantly an agricultural country. Rapid and radical changes, made without

considering the real economic situation of the state in the agricultural sector, led to the impoverishment of the villages and caused internal migration (Tugut 2008). The changes in the legal and economic systems of the USSR in the late 1980s and early 1990s, the privatization process and the formation of cooperatives in all areas were determined as the starting point of the shadow economy (Valieva 2006). With the collapse of the Soviet Union, the privatization opportunities led to the formation of the shadow economy and the worsening of the criminal situation. Moreover, Valieva (2006) states that one of the social causes of shadow economies in former USSR countries is extortion.

Van der Hulst (2009) claims that criminal organizations are not different from private entrepreneurs that operate within the legal frameworks and that constantly look for new opportunities, structures and strategies to maximize profits. Organized crime groups recruit employees, cooperate or build unions with business partners, politicians and even provide social benefits and bridge social structures if this serves their best interest (Van der Hulst 2009). In order to generate economic income, the organized crime groups in Central Asia commit crimes related to drug and human trafficking (Marat 2006). The United Nations report in 2006 states that annually in Kyrgyzstan there is an approximately 1.2 billion USD shadow economy (UN 2006).

Both in the drug trafficking and human trafficking sector, the city of Osh, located in the south of Kyrgyzstan, is one of the most prominent locations and a hub for traffickers and the busiest transit city for human trafficking to the Middle East, Europe and Russia. Smugglers and kidnapped persons were caught with Kyrgyz passports and attributed this to Kyrgyz officials being linked to organized gangs via corruption (Marat 2006). Consequently, in the fight against organized crime, the economic resources of these groups should be blocked. The human trafficking and internal migration process have turned into one of the most important social problems since the beginning of the 1990s. New slums that are growing around the big cities have neither the necessary infrastructure nor the right conditions. The unemployed youth from the settlements that formed because of this internal migration is involved in all kinds of crimes. For instance, Azat Tinaev, who robbed a betting office and killed the saleswoman in 2010, was from the slum established in the suburb of the capital city Bishkek (Kopitin 2010). He was part of an OC group and recruited in these suburbs to which economic hardship in the villages led him. It also causes the young population to migrate abroad, especially to Russia and Kazakhstan, but also to Turkey and Dubai. Moreover, this process caused an internal migration where the youth who migrated to big cities showed a tendency to get involved in various crimes. Organized crime members usually acquire their own environment, often by engaging in wrestling, boxing and other martial arts. Therefore, many organized crime members and leaders were champions in a sport or individuals who were in these circles (Kopitin 2010).

Sokolov-Mitric (2007) emphasizes how far such organized crime can reach using the shadow economy. For example, the organized criminal gang “Uralmash” formed by young athletes living around the Uralmash machine factory in St. Petersburg, Russia and the founders of the gang were young athletes (Vorobyev, S., Habarov,

A., Teerentyev, S., Kurdumov, S. and others) and the Tsuganov brothers (Sokolov-Mitric 2007). As it was with all the organized crime gangs and mafia groups in the former USSR states, the “Uralmash” gang initially brought the small businesses and cooperatives under their control. Lately, they have expanded their activities and were focusing on larger businesses and larger business owners.

There were dozens of gangs like “Uralmash” in Russia and in the early period of Kyrgyzstan’s transition process in the 1990s, and the desire to expand their influence led to bloody clashes and deadly rivalries between the gangs (Sokolov-Mitric 2007). The “Uralmash” gang turned into the most effective organized crime and business group of the region, and controlled approximately 200 companies, 12 banks and co-founded nearly 90 companies. Moreover, the “Uralmash” gang allegedly assisted the governor of Sverdlov province in Russia, Eduard Rossel in the 1999 elections and helped Yeltsin in the presidential elections in 1996 (Sokolov-Mitric 2007). Gifts and favors, for example, have been issued to the former president of the Russian Federation, Boris Yeltsin, that illustrated how trustworthy he was for the Russian government at that time (Mostovshikov 1999). Similar to the Russian Mafia, organized crime groups in Kyrgyzstan have always operated publicly under government eyes. They have established their own financial foundations, copying the organizational structure of the “Uralmash” gang. Members of these criminal gangs became parliamentarian and council members among governmental institutions in Kyrgyzstan. The weak economic security of the country and the powerful organized crime disrupt the economic reforms and the social, political structure of Kyrgyzstan from the roots. The lack of political will or fear of governmental officials are just a few reasons that explain the flourishing of the shadow economy and economic crimes that led to widespread corruption in all economic and political sectors.

7.3 Rule of Law Against Organized Crime in Kyrgyzstan

One of the most important tools in the fight against OC groups is deterrence, where a gang member should think about the consequences of his/her illegal activity. The Deterrence Theory posits that crime can be prevented if the measures force criminals to think about the outputs and the deterrent effects of crime prevention programs and policies that are a function of a potential offender’s perceptions of the certainty, severity, and swiftness of punishment (Nagin 2013). There are two mechanisms of deterrence, the first is when it is oriented toward the general population and the second a special deterrence which involves punishment administered to organized crime members with the intent to discourage them from committing crimes in the future (Braga et al. 2018).

Against this backdrop, legal deterrence strategies seek to directly influence perceived sanctions, such as penalties or prison sentences, risks among offenders by communicating directly with them about the consequences of their actions (Zinring and Hawkins 1973). In other words, focused deterrence strategies are intended

to prevent crime through the advertising of the law enforcement strategy and the personalized nature of its application (Braga et al. 2018, p. 6).

The Soviet criminal and criminal proceedings laws left their legacy in the penal code of Kyrgyzstan after its independence in 1991. For instance, Kyrgyzstan utilizes the majority of the statutes of the criminal and criminal proceedings laws of the former Soviet Union (Berman 1947). In other words, these laws are codified, and lawmakers stated the exact sanctions to every type of crime. After the collapse of the Soviet Union, Kyrgyzstan, as with many other former Soviet states, has inherited the criminal law and other laws on combating organized crime directly from the old system. But these new states are no longer closed environments in which courts or law enforcement mechanisms operate. Chernik (1999) states that the fight against organized crime and criminal organizations in the USSR was already insufficient and more so in a globalized world today. Moreover, in the last years of the Soviet Union there was a consensus among scholars, practitioners and policy makers on the need for developing a special assessment system for laws on organized crime and crimes related to corruption (Chernik 1999). In the declaration sent to the President of the USSR, the Supreme Council of the USSR and the High Council of the Union Republics, one of the most important issues raised was an organized crime and legal reform on the fight against corruption (Chernik 1999). However, since then any serious steps and legal reforms have been done in Kyrgyzstan in this context.

There were two attempts to amend the law on organized crime in Kyrgyzstan which were expected to be the most important steps in this area (Nochevkin 2011). For instance, in the 2013 draft law, because of the controversy of the definition of criminal organizations in the old law, the amended version offered to initiate a criminal case even for minor crimes if the suspect is to be proven a member of an organized crime group. Moreover, the draft law offered a labeling mechanism for registering all members of criminal organizations and gangs. However, the proposed drafts did not include mechanisms for deterring corrupt prosecutors and judges who abetted organized crime. Since both law drafts of 2013 and later another one in 2018 did not include preventive measures, these efforts had not deterred organized crime from committing crimes.

Osmonaliev (2013) states that in the early 2000s criminal organizations reached an unprecedented scale because they did not see any legal, or otherwise, sanction regime in the country that could stop them from filling the power gaps explained earlier. The state could not even protect private business and small enterprises and that led to the rise of OC. The government failed to launch crime prevention policies and proactive policing or any form of punitive criminal justice. Consequently, some 25 years after independence, the legal enforcement system was paralyzed in the fight against organized crime (Osmonaliev 2013).

Because of both political and public pressure, the authorities were rushed in passing the new organized crime and witness protection laws to untie their hands in the fight against organized crime. Moreover, because organized crime and corruption are interconnected, it was important to take into consideration the preventive measures on corruption in combination with organized crimes within the proposed

law amendments. However, because of the lack of procedural mechanisms, the new draft of law on organized crime has remained in suspense until present times.

According to the theory of organizations, an organization, even an OC group, in order to continue as an institution must have a secure environment, informal relations and an organizational subculture among members of that institution (Selznick 1948; Hatch 2018). Since the organized crime groups in Kyrgyzstan have become a “shadow state” alongside the official government, they comply with the corporate approach criteria specified by Selznick in his organizational theory (1948). For instance, in the beginning of the 2000s there were a bulk of cases where victims of police brutality applied to organized crime for the protection and safety in the hope of justice. On top of it, criminal organizations, such as rail-road station gangs, Osh bazaar gangs and small groups that control and blackmail business owners in the cities throughout the country became so powerful due to the lack of laws and law enforcement that they could not be stopped. Today, these groups are interested in the continuous growth of their financial benefits and desire to ensure their personal security which is possible only by legalizing their status and taking an active part in local politics (Krasinskij 2008). For instance, every local administration council is controlled or engaged with two or more members of local organized crime groups. During a summer eve in August 2014 in Bishkek, a member of the city council of the city of Kara-Kol, Altynbek Arzymbaev, was shot dead. Arzymbaev himself was allegedly a member of the Rysbek Akmatvbaev’s gang and elected member to the city council with the Ata-Meken political party. It is assumed that he was killed because of his criminal frictions and unresolved issues with Kara-Kol mayor Ilyas Erkeev (Beishenbek 2014).

The lack of effective regulatory legal and political restrictions on the election of members of organized crime to state and local governments is a serious concern. It is important to emphasize that under the current election laws, the availability of significant information about a candidate’s relations to an organized crime group is not a reason for refusing to register him/her to the list of candidates nor for excluding and canceling the registration of a candidate. For instance, Bayaman Erkinbayev, a member of Kyrgyz parliament who had a reputation as a drug baron, he was trafficking drugs from Afghanistan to Russia and Europe, was able to be elected to the parliament with the help of drug money (Marat 2006). One could easily argue that the process of allowing members of OC into parliament and thus politics is the result of liberalization and political support of illegal activities and trade in the late 1990s and the beginning of 2000s (Marat 2008). Having power over state property—that was formerly in the hands of Soviet administrations—opens endless opportunities for political figures with criminal backgrounds, such as taking over control of border guards to traffic drugs, illegal job expansion and social control (Marat 2006). The protests in the aftermath of the 2020 parliamentary elections included the demand for lustration of political candidates rooted in allegations of widespread irregularities and abuse of office by previous candidates and politicians. Because the landslide victory for pro-government parties was seen as yet another attempt by organized crime groups to exert influence over politics and elections.

Despite the principle of separation of authorities, there is little judicial independence in Kyrgyzstan. There were many cases when organized crime leaders were

released from the courthouses because of pressure from high-level state clerks and politicians. For instance, the head of an OC group, Kamchi Kolbayev, a member of an international criminal group that includes the leaders and members of several Eurasian organized crime groups and one of the most influential drug lords in the world, had his criminal sentence reduced from 25 years of jail to 3 years and 11 months in 2006, referring to all kinds of amnesties and remissions (Zhuk 2011). Kolbaev was charged with and convicted for an attempted murder. Because of the pressure by the people at the top linked to organized crime, the hands of the police usually are tied, and very often courts and the prosecutor's office investigators release organized crime members, despite the robust evidence brought by the police (Marat 2008). Thus, it is safe to claim that criminal groups in Kyrgyzstan have the same power as the state and have become a latent organization which can affect the criminal justice system.

As in the case of Kolbaev, due to the fact that there were no effective criminal charges placed by the law enforcement and corruption in the judicial system, he avoided the punishment. Possible punishments have no deterrent effects due to failure to fulfill execution of the penalties given by the court. Although Marat (2006) claims that the penal code and laws of Kyrgyzstan are sufficient in legal terms to deter criminal organizations, there is no effective enforcement due to the corrupted law enforcement and the legal system. This corruption is caused by the low wages paid to lawyers, judges and police officers. In this context, it is safe to claim that developing strong and active laws will make the fight against criminal organizations more efficient. If there is pressure on a police investigator from another authority, even the best penal code and law will have no chance. Consequently, the legal infrastructure regarding the active fight against organized crime should be revised. Moreover, effective law enforcement measures should be put in place and police officers should be allowed to act independently to override the pressure from the top.

7.4 Combating Organized Crime Groups

That combating organized crime is declared as a top priority at the presidential and government levels has illustrated the seriousness of the issue. Consequently, this should not be limited to only legal measures related to the law on combating organized crime, but also to bringing amendments and changes in criminal law, criminal procedure law, public administration code and judges' directives. For instance, it is vital to complement with an additional statute in the Criminal Code "Financial support for organized crime" (Nochevkin 2011). As a preventive measure, it was offered to punish the members of organized crime and business owners who provide financial support and abet organized crime. And as a deterrence, the sanction was up to 15 years of imprisonment (Nochevkin 2011).

This new draft of the "Fight against organized crime" in the 2011 law was considering a special operational record, which would give a legal base for initiating a special registry for the members of organized crime, and this membership would be

considered as a crime (Gov.kg 2011). Consequently, being an individual related to an organized crime group gains a legal status and corrupt prosecutors and judges would not be able to interfere. Furthermore, it is vital to make changes in the penal correction law. It is not a secret that organized crime turned correctional facilities and prisons into their own training camps. Consequently, it is important to develop amendments in the penal correction law, as keeping members of the organized crime groups in a separate cell to embed restrictive and control statutes. Moreover, most of the income sources of organized crime come from drug smuggling. The city of Osh in the south of Kyrgyzstan is the largest transit zone for Afghan drugs to Russia and further on to Europe (Marat 2006).

There are a bulk of examples that illustrate how countries and governments cope with mafia, clan, gang or other OC structures that take over governmental tasks and responsibilities, such as security. For example, the US authorities were highly affected and undermined by OC structures from the early 1900s to the 1970s. The public was harmed and feared leaders of organized crime groups, such as Al Capone and Benjamin Siegel, that operated in large cities such as Chicago, New York and Boston (Finckenaue 2007). The anti-organized crime law passed through the senate in 1970 as part of the Organized Crime Control Act. This law provided prosecutors with the ease of identifying organized crime, people or businesses cooperating with them and connecting them with the crime because of any illegal act (Finckenaue 2007). In addition, heavy penalties imposed on OC were designed to deter individuals from joining the organized crime groups. But it took joint efforts of all institutions and law enforcement to go against these influential groups.

Consequently, it is very important to adopt laws related to economic crimes such as tax fraud, illicit financial flows, trafficking of goods and people, and hence economic spheres in which OC operates. Therefore, organized crime should be brought into alignment with the laws and regulations of law enforcement in dealing with financial and economic crimes. Similarly to the US Money-Laundering Control Act of 1986, such as the 2005 Money Laundering Directive of the European Union, which has also an outreach to the trade agreements with Kyrgyzstan, prohibits individuals or businesses from performing a financial transaction with revenues from certain major crimes referred to as illegal activities in this law (Cassella 2007). Money Laundering Acts and Directives aim to sanction and penalize members of OC and freeze their assets. Such acts and directives have been a major factor in uncovering illegal economic activities of the shadow economy and organized crime. The economic structure and power of organized crime in Kyrgyzstan, which had reached a very high degree, concerns both law enforcement and citizens. A broader analysis of this topic will be made in the next section.

7.5 Socio-Cultural Changes

The research on the phenomenon indicates that organized crime has an element of social relationships or a social network (Xu and Chen 2004; Smith and Papachristos

2016). Smith and Papachristos (2016) in their research found dependencies between the criminal and personal networks and the criminal and legitimate networks, and claim that this multiplexity glued these worlds of organized crime together above and beyond the personalities of famous gangsters, ethnic homophily, and other endogenous network processes. For Kyrgyzstan that means that clan ties prevail in every aspect of the livelihood of people. If you have network connections it is easier for you to get a good position, political support, and a good status in the criminal world.

Xu and Chen (2005) state that criminal networks can be part of the research, and it is possible to investigate them via several kinds of analytical methods. For instance, the automated Social Network Analysis method and the Priority-First Search (PFS) method can be used to measure the degree of connectivity of the organized criminal organizations. As a theoretical approach, social capital is the most frequently used approach by non-governmental organizations both in the public or private context (Putnam 1995; Adler and Kwon 2002; Cohen and Prusak 2001). Cohen and Prusak (2001) identify social capital as a bundle of active connections between people who are passionate about networking and community collaboration by sharing trust, mutual understanding, and values among people. Social capital is a collection of shared norms, values and understandings among citizens and private actors that trust each other in their doings and hence co-operate among each other according to these norms. The more actors, citizens and groups are apart from these norms, the higher the level of corruption and personal benefits and the lower the social capital. Social capital is thus a way of achieving common goals through social networks, norms and trust, and a way of providing collective participation of all actors more effectively in this process (Putnam 1995).

Lederman et al. (2002) argue that the Social Capital approach is a crime-reducing mechanism. To cement concepts such as participative democracy, civic engagement in state relations and good citizen engagement in order to implement social capital in communities, a strong civil society is essential. However, the dark side of Social Capital is frequently used by organized crime (Putnam 2000; Arnold 2003; Meadowcroft and Pennington 2008). Putzell (1997) criticizes social capital in his own work, and states that the Ku Klux Klan and the Nazi party are a product of social capital. The dark side of social capital is a network that reduces overall productivity because it serves the interests of some segments of organized crime (Ostrom 1997). Moreover, Ostrom (1997) writes that states governed by the command system destroy other types of social capital and establishes their own system.

Arnold (2003) states that social capital consists of weak and strong bonds, and he emphasizes that organized crime and crime unions are among the strong ties. These strong ties are not always used in a good way; an example of it would be it being used by organized crime (Arnold 2003). It is known that often organized crime groups make use of clan and kinship connections to reach their goals (Portes 1998). In the 1990s, during the last days of the Soviet Union, Kofirin warned that the local gang networks organized by youth would, with time, transform into strong organized crime groups, and he had offered to save those youth (Kofirin 2011).

Social capital is an important tool for organized crime to boost both its financial and human capital. Kaputadze states that the 2005 Kyrgyz tulip revolution has failed

and the cooperation between state and organized crime continues (Kaputadze 2008). It is safe to claim that clan and kinship ties have a great influence on the formation of organized crime in Kyrgyzstan (Olcott 2005; Kaputadze 2008). The most important factors, or the nodes in the formation of criminal gangs, were the connections of those groups with state senior managers, kinship and lineage networks and regionalism. Furthermore, Kaputadze (2008) had conducted research in Kyrgyzstan and found that the formation of illegal networks is generally defined by regionalism or brotherhood. An example of clan and kinship ties by organized crime and their leaders was the quick mobilization of relatives of Rysbek Akmatbayev, a key leader of the criminal groups in Kyrgyzstan in 2006. Moreover, the mobilization of relatives and acquaintances has become the most important weapon of all the organized crime leaders (members), prisoners and politicians in Kyrgyzstan. Osmonaliev and Engvall state that in 2005, Rysbek Akmatbaev gathered his relatives, family members and gang members at the main square in Bishkek after the assassination of his brother, an MP, Tynychbek Akmatbaev, in one of the prisons where he went for monitoring and threatened the government (Osmonaliev and Engvall 2007). Olcott (2005), highlighted in her report to the OSCE commission that the clanship is of the main sources of OC in the country. It is evident that since the independence of the Central Asian states, the kinship network is an inevitable process in the formation of an administrative network, and the elites agreed to share the power with the members of these networks to ensure stability in the region (Olcott 2005; Schatz 2005). In this context, social capital approach can have a very robust constructive feature, leading groups or networks to positive or negative consequences (Putnam 1995; Ostrom 1997; Portes 1998; Adler and Kwon 2002). OC groups in Kyrgyzstan use these networks based on force, threats, intimidation and blackmailing to maintain them.

According to Ageeva (2001), some ruling parties are using the resources and networks of organized crime. As gratitude for using these networks, many active organized crime members were released from prison. For instance, Erkin Mambetaliev, a member of an organized crime group, and responsible for various crimes such as murder, robbery, drug trafficking, money laundering, was exempted from prison in November 2010, even though he received a life sentence for murder (Niyazova 2011). Erkin Mambetaliyev served in the close protection unit of the former President Askar Akaev, then joined Akmatbaev's gang, committed many crimes, including the assassinations of the Parliament member Surabaldiev and the Police chief Chynybek Aliev (Niyazova 2011). Despite the evidence and the refusal of the Supreme Court to approve his release, Erkin Mambetaliev managed to get out of prison using political and organized crime networks. Hundreds of similar cases can be shown. Of course, such injustices occur because of a failed judicial system, corruption and most importantly, networks of organized crime that use the black side of social capital.

For the implementation of social capital, its main determining factors are essential. In other words, it is very important that the masses are part of the decision-making mechanism and that a participative policy is followed in either political or economic decisions. The state, civil society and all other stakeholders, in order to stop the recruitment process of youth into organized crime gangs, must take bold steps to deal

with the sports clubs and sports schools opened by leaders of organized crime groups. According to Onyx and Bullen (2001), to establish a strong social capital, an active and enthusiastic citizenry and civic engagement is necessary. However, the social capital that is established by the state has been considered very weak, and therefore the state must hand over this function (Onyx and Bullen 2001). Therefore, it is very important to carry out the following process by non-governmental organizations, and of course it is very important that all shareholders are also active participants.

Since independence, political efforts and claims have been endless, but without significant change or success. After 2010, President Roza Otunbayeva declared a persistent fight against organized crime, and the first law, “On Counteracting Organized Crime”, was passed. The document consisted of 19 articles, and such concepts as “organized crime”, “criminal subculture”, “criminal ideology”, “criminal lifestyle” were introduced. This law described the principles, causes and conditions that give rise to organized crime. In addition, parole was prohibited for the members of organized crime groups by law. Almazbek Atambayev, who had been nominated for the presidency in 2011, promised to eliminate organized crime. During his presidency, another law was passed—“On Counteracting Organized Crime”, and the 2011 law was canceled. In the new law, the conceptual apparatus was expanded, and the number of articles increased from 19 to 35. President Sooronbai Jeenbekov immediately after taking office as head of state at a meeting of the Security Council of the Kyrgyz Republic said that the main reason for the unsuccessful fight against organized crime is corruption. Considering the existence of a large flow of money in the criminal environment, it is impossible without the participation of high-ranking officials in law enforcement and the judiciary. The law “On Counteracting Organized Crime” finally passed in 2013 during Sooronbai Jeenbekov’s presidency and was improved and brought in line with all legislation and harmonized the mechanisms within the framework of the judicial and legal reforms of 2019.

The government finally adopted a concept of goodwill for combating organized crime for 2015–2020. According to it, within five years, amendments should have been made to the relevant laws, and an interagency coordination center should be created. However, by 2020 no such measures have been realized.

7.6 Conclusion

Organized Crime groups in Kyrgyzstan are operating in the legal, economic and socio-cultural sphere. Throughout the history of Kyrgyzstan, these clan-driven groups are closely connected to the former Soviet organized criminal groups, operating along-aside, in collaboration or beyond state institutions. Today the Russian mafia operates in 47 countries of the world and in close collaboration with Kyrgyz groups (Kofirin 2011). Fighting against these transnationally operating groups only by adopting new national laws, acts or directives, or by freezing assets promises little success. It is important to take complex measures whilst looking at the subculture and structure of organized crime that have existed for such a long time. Consequently,

breaking the organized crime network and destroying the nationwide functions will be a very important step.

By 2020, the organized crime networks in Kyrgyzstan, and the post-election turmoil and rise of OC crimes in the presidential elections had shown that there is little fear vis-a-vis law enforcement mechanisms such as court trials or imprisonment. It is important to involve in this fight the civil society and awareness-raising programs which could be a measure against the expansion of OC. They build the foundation for social capital, and also formally collaborate with informal decision-makers and law enforcement mechanisms such as the elders (*aksakal*) committee, local families, business and other informal and formal actors.

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