



Customs Smuggling Crimes in the Context of Organized Crime

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Abstract:

Customs smuggling is considered a global criminal phenomenon that harms national economies. It is also a highly complex problem because of its negative effects, which distort the rules of legitimate competition and hinder development at several levels: social, cultural, health-related, and especially security-related. In the present era, it has also become intertwined with corruption-related crimes, such as organized crime.

In fact, customs smuggling has taken on characteristics that make it difficult to distinguish from business crimes, serious crimes, and high-risk crimes. It assumes organizational forms within the context of transnational economic and financial crime through networks and smugglers operating in various countries, working outside the scope of systems and laws, and exploiting the globalization of crime. As a result, its field of activity, with all its risks, has come to threaten and undermine the values and stability of states and to harm the fundamental interests of society.

Keywords: Customs Smuggling, Organized Crime, Import and Export, Goods Smuggling, Constructive Smuggling.

INTRODUCTION:

Legislations express their desire to protect the interests of society and the state by adopting mechanisms and measures required to confront and reduce the seriousness of crimes, given the economic and social problems they cause. They do not criminalize acts merely for the purpose of criminalization; rather, they seek to achieve a specific objective, namely the protection of the fundamental interests necessary to safeguard society from all assaults that threaten the collapse of those essential interests.

Among the examples of high-risk crimes whose rates have increased recently are customs smuggling crimes, which have taken an escalating and alarming trend. They have undoubtedly become among the most prominent modern high-risk crimes committed by mafia gangs and drug trafficking groups. Indeed, they now seriously threaten the global economy, national sovereignty, legality, and international legitimacy with severe harm, especially with the expanded reliance on communication technology and computer technology in industrial fields, and with the duties of caution imposed by these advanced technological devices when used, given their serious damage to human life and safety.

Smuggling crimes in particular, as a category of crimes in all their forms, have a specificity that distinguishes them from other crimes. They are among the most dangerous and



complex crimes that threaten the stability and balance of society's interests, because of their numerous consequences and negative effects, which cast their shadow directly on the financial balances of the state. In addition, they contribute to supporting other crimes that are no less dangerous and that may harm the interests of states and citizens. This harm may lead to the collapse of those interests as a result of the rapid and extensive increase of this type of crime in our modern era. Inevitably, this leads criminals and organizations to innovate advanced means and techniques by employing scientific progress and technological development in their field of activity, which has crossed borders. This is one of the reasons for the difficulty of effectively confronting these crimes, especially in light of international markets, the freedom of commercial exchanges, and obstacles related to public freedoms, particularly given the ability of criminal organizations and smuggling networks to penetrate security and judicial bodies.

Since the objective of this research is primarily to examine the reality of customs smuggling as one of the criminal activities in all its forms, and as a complex and dangerous scourge that has prompted calls for its inclusion within the environment of organized crime, we have chosen the topic of the study, Customs Smuggling Crimes in the Context of Organized Crime, in order to provide a different description of customs smuggling crimes as serious crimes with international and transnational dimensions, whose risks undermine the security and stability of every state and poison the economic and even political climate.

On this basis, and starting from this premise, discussing customs smuggling as a harmful international phenomenon within the context of organized crime means discussing corrupt actors and dangerous gangs with exceptional capabilities in the field of smuggling, whether the smuggling of antiquities, metals, weapons, drugs, and other items. Such activities lead to disturbances that may threaten the stability of the political and security system and slow down the wheel of progress and development of the state.

Therefore, the following research problem arises:

How do customs smuggling crimes constitute one of the characteristics of organized crime, and to what extent is this type of crime dangerous to the economy and sovereignty of the state?

1. Description of Smuggling Crimes in the Field of Organized Crime

Customs smuggling crimes are among the most important models of organized crime whose emergence has been facilitated by development, to the extent that they have taken on dimensions that have left deep negative effects in most countries. Their danger continues to threaten societies because of the complexity and secrecy of their activities, the expansion of the scope of criminal networks' activities, and their refusal to recognize traditional borders.

These crimes are also among the most dangerous acts associated with transnational organized crime, which, as a whole, represents living models of the criminal economy. According to scholars, customs smuggling crimes are operations related to import and export that take place through illegal channels. They are a dangerous manifestation of corruption that



records higher levels within organized crime at the global level¹. This phenomenon has taken dangerous upward trends that threaten the economic stability of the state. Since these crimes are a manifestation of the informal economy that threatens national security and has severe effects in several respects, most legislations have classified them as felonies and misdemeanors and have prescribed various penalties for them.

1.1 The Relationship between Customs Smuggling Crimes and Organized Crime

The relationship between organized crime and the activities of customs smuggling groups in different parts of the world cannot be ignored. Acts or crimes of customs smuggling represent a serious offense and are among the largest activities that cause severe harm to the national economy and to all sectors. This limits the certainty of the commercial policies and plans established by the state.

Customs smuggling crimes are also committed through methods of planning, execution, the tools used, and escape from justice systems that have reached a global scale in all forms of fraud². This behavior, in itself, is a deviation from compliance with the legal rules and systems in force locally and internationally. This overlaps with the field of the mafia in various directions, or what is called the field of criminal organizations or professional criminal gangs, which exploit the conditions of certain countries in order to develop their activities at a time when communication technology has reached its peak³. Thus, we now speak of the crime of intelligent offenders and professional smugglers, who possess the best internet networks and the most precise electronic projects, which may be difficult to detect, thereby increasing the difficulty of discovering the illegal operations they carry out⁴.

To clarify the features of this idea and the relationship between smuggling crimes and organized crime, customs smuggling crimes are considered among the most important fields of corruption affecting economic life. They are also one of the activities of transnational economic and financial crime, whose criminal activity is carried out through the mere organization and management of the criminal group. They represent a direct threat to security and stability at both the national and international levels, as they are committed by organized criminal gangs⁵.

It is no secret that these crimes are practiced by members of a criminal group with a high level of organization and the ability to implement its plans through fraudulent means in order to obtain economic gains. According to one researcher, they are organized in a way similar to

1- Naziha Naeem Shallala, *Organized Crime*, Al-Halabi Legal Publications, Lebanon, 1st ed., 2010, p. 61.

2- Jabli Mohamed Larbi, Smuggling and Its Impact on the Development of the Educational Sector in Border Regions, *Ansaq Journal for Arts, Literature and Humanities*, 21st edition, Vol. 6, Issue 4, 2025, p. 16.

3- Saad Ilham, Smuggling as an Organized Crime, *Police Magazine*, Issue 124, issued on July 22, 2014, Algeria, p. 102.

4- Naeem Moghabbab, *Smuggling and Money Laundering: A Study in Comparative Law*, Lebanon, 2005, p. 199.

5- Isabelle Braun-Lemaire, Customs and the Fight against Counterfeiting, *Customs Magazine*, No. 14, January 2022, pp. 16–17.



an alumni association; they trust one another absolutely and cooperate without having personal knowledge of one another. They have a formal structure bearing the emblem of the dragon's head⁶.

Customs smuggling activity is based primarily on crossing continents and nations. It does not occur in one country only; rather, it moves from one country to another or involves more than one country, thanks to the network structure and the alliance of criminals⁷. This criminal activity does not include the smuggling of goods only, but also includes weapons and the smuggling of persons, including women and children, and their exploitation in illegal practices within the framework of transnational crime, which negatively affects growth and development⁸. There is no doubt that such criminal acts occur across national and international borders.

The existence of customs smuggling movements in all their forms is also a clear indicator of the criminal phenomenon committed by an organized criminal group, and it is inseparable from the plague of organized crime. Therefore, the manifestation of organized crime in customs smuggling crimes can be identified in the act of bringing goods into the country or taking them out of it in a manner contrary to the legislation in force, without paying customs duties, taxes, and other fees, either wholly or in violation of the provisions of the law⁹.

Thus, it cannot be said that customs smuggling is separate from organized crime. Rather, it is a form of economic deviation and takes a typical, globally organized form under the cover of darkness, especially in light of criminal gangs taking the form of blocs and cells that use enormous human, material, and financial means. Consequently, it has acquired the nature of organized crime, with all the many negative effects that this type of crime has at the social, health, security, and political levels. No society is safe from the evils of this crime, particularly with regard to the smuggling of persons, weapons, drugs, and money¹⁰.

1.2 Forms of Customs Smuggling Crimes

Customs smuggling, in various legislations, includes acts through which the payment of due customs duties is evaded; that is, importing or exporting goods without paying customs duties. It also includes acts related to bringing goods into the country or taking them out of it without paying customs duties, as well as bringing goods into the country or taking them out of it in violation of the regulations in force concerning import and export. It also concerns the import and export of prohibited goods¹¹.

6- Naeem Moghabbab, previously cited reference, p. 202.

7- Nasreen Abdel Hamid Nabih, *Transnational Organized Crime*, Dar Al-Fikr Al-Jami'i, Alexandria, 2012, p. 64.

8- Naziha Naeem Shallala, previously cited reference, p. 62.

9- Nabil Saqr, *Customs and Smuggling in Text and Practice*, Dar Al-Huda, Ain M'lila, Algeria, 2009, p. 5.

10- Ladji Bamba, Blaise Djato Kouassi, and Seydou Bambare, Customs Fraud: Reflection through the Case of the District of Abidjan, *Journal of Criminology, Victimology and Security*, Vol. XI, No. 1, January–April 2017, p. 10.

11- Shawqi Ramez Shaaban, *The General Theory of Customs Crime*, Dar Al-Jami'a Al-Jadida, Alexandria, 2000 edition, p. 51.



Customs smuggling acts may also be considered operations connected with the introduction of prohibited materials, such as drugs and weapons, and the trafficking of the antiquities of a particular state within the framework of a well-organized criminal organization, despite the existence of a law prohibiting such acts¹².

Accordingly, the most important forms of customs smuggling used by smugglers to bring their goods into the territory of the state or take them out of it can be limited to two types of smuggling.

1.2.1 Actual Real Smuggling:

This type of smuggling occurs when goods subject to customs duties are brought into the country or taken out of it by illegal means without paying the taxes due on them¹³. This act represents the ideal form of smuggling, as it is based primarily on the goods as the object of the smuggling crime and on the act of import or export outside customs offices. In this case, we are dealing with a real smuggling crime whose elements are complete in terms of conduct, the object of the crime, the causal relationship, and the result¹⁴.

1.2.2 Constructive Smuggling:

The law has considered certain cases to constitute smuggling on the basis of the existence of a presumption of smuggling. They therefore constitute smuggling by operation of law because, in many cases, smugglers use advanced means to carry out smuggling operations. Fearing that they may escape punishment, the legislator sought to prove smuggling through several presumptions indicating import or export by means of smuggling¹⁵.

Moreover, in many cases, the act of goods crossing the borders is an evasive act, which makes it difficult to prove certain acts of fraud¹⁶. Most legislations have provided for these acts, particularly Algerian Customs Law No. 17-04 in Article 324 thereof¹⁷. The most important of these acts include the import and export of goods outside customs offices, the fraudulent unloading and loading of goods, the reduction of goods placed under the transit system, smuggling that threatens public security and health as well as the national economy, and arms smuggling¹⁸.

12- Saad Ilham, previously cited reference, p. 103.

13- Ladji Bamba, Blaise Djato Kouassi, and Seydou Bambare, Customs Fraud, previously cited reference, p. 8.

14- Ahmed Al-Tibi, The Crime of Smuggling and Its Relationship with Money Laundering, *Law and Society Journal*, Vol. 11, Issue 02, 2023, p. 178.

15- Saba Nasira, Customs Crime in Algerian Law, *Voice of Law Journal*, Vol. 10, Issue 01, 2024, p. 299.

16- Mohamed Kamal Hamdi, *The Crime of Customs Smuggling and the Presumption of Smuggling*, University Publications House, Alexandria, Egypt, 1989, p. 19.

17- Law No. 17-04 of February 16, 2017, amending and supplementing Law No. 79-07 of July 21, 1979, containing the Customs Law, Official Gazette No. 11.

18- See, regarding arms smuggling, Ordinance No. 05/06 issued on August 23, 2005, relating to the fight against smuggling, Official Gazette No. 59, issued on August 28, 2005, which was approved by Parliament pursuant to Article One of Law No. 05/17 of December 31, 2025, as amended and supplemented.



In general, these acts constitute some of the most dangerous forms of corruption and a serious waste of economic policy, and they harm the country's reputation and development¹⁹.

2. The Major Effects Resulting from Customs Smuggling Crimes

The activity of organized crime in the field of customs smuggling affects all parts of the world. It is controlled by organized networks and gangs that monopolize the smuggling of weapons, drugs, and other items in an astonishing manner in order to extend their economic, social, and political influence.

Today, with development in all aspects of life, means of communication and transportation, and the flourishing of the business world amid increasing competition in markets, customs smuggling crimes have grown and taken an upward trend, exploiting the weakness of legal systems and security agencies. These crimes have also reached an enormous scale, with multiple cases and forms, and have therefore come to constitute a direct threat at both the international and national levels, reaching a degree of seriousness that affects international peace and security and creates an obstacle for the authorities.

2.1 The Effects of Customs Smuggling Crimes at the International Level

Customs smuggling crime, within the discussion of organized crimes, is developing and becoming rooted across the world. It has known many extensions and has reached an enormous scale, with its forms, methods, and fields of activity multiplying, until it has come to pose a danger at several levels, which may be summarized as follows:

- It represents a threat to the sovereignty of states and their national stability because of criminal acts, whether the state is merely a transit point or a direct target of criminal operations. In both cases, this requires penetrating law-enforcement agencies, administrative bodies, and various authorities²⁰.
- Smuggling disrupts public order in its various pillars, namely public security, public morals, and health. It may also have negative effects on the field of national cultural, artistic, and environmental heritage, both locally and internationally²¹.
- Smuggling has a close relationship with corruption. With the expansion of globalization and the increasing movement of money as a result of the growth and multiplication of the activities of criminal organizations, and with criminals interfering in economic and commercial decisions through smuggling, markets have been corrupted and new types of illegal activities have been created and spread beyond borders, that is, outside the customs territory, which gives criminal gangs greater strength.
- The revenues of illegal activities resulting from smuggling have reached imaginary levels, to the extent that they have far exceeded the budgets of some states. This is due to the movement of the income sources of criminal groups and the growth of their funds,

19- Mokhtar Chelbi, *Combating International Economic and Financial Crime*, Master's thesis, Faculty of Law, Saad Dahlab University of Blida, Algeria, June 2004, p. 21.

20- Nasreen Abdel Hamid Nabih, previously cited reference, p. 81.

21- Boudali Belkacem, *The Phenomenon of Customs Smuggling and Strategies for Combating It*, Master's thesis, Abou Bakr Belkaid University, 2011, p. 135.



which affect the soundness of states' financial institutions and influence their economies.

- The destabilization of the global economy results from the ability of criminal gangs to exert hidden influence on the global economy through acts of economic espionage and the seizure of inventions and discoveries. In addition, the presence of these gangs from other countries within a state lead to major political and social crises between states, because criminals usually seek to penetrate the mechanisms and institutions of the state, using different methods that harm individuals and the very entity of states²².

2.2 The Effects of Customs Smuggling Crimes at the National Level

Customs smuggling crimes are considered manifestations of organized economic crime that leave numerous effects on individuals and society. They lead to the collapse of state policy and the weakening of its finances, with consequences for individuals, whereby the rich become richer and the poor become poorer²³.

Customs smuggling crimes have a negative impact on individuals and society, especially after the policy of economic openness and the widespread deliberate involvement of criminal organizations in smuggling money, penetrating the legitimate market, and using fraud in relation to tax payment or goods in an unlawful manner.

Based on the subject of our research, Customs Smuggling Crimes in the Context of Organized Crime, we aim to clarify the repercussions of these crimes with international dimensions, which have undoubtedly become closely linked to organized crime. This field has been imposed by professional criminal networks and gangs, particularly with regard to smuggling acts related to absolutely prohibited goods, such as drugs and weapons. Today, these acts have certainly become a source that feeds organized crime and, consequently, corruption²⁴.

Customs smuggling crime within the environment of organized crime and corruption constitutes a direct violation and assault on the individual and society. Criminal networks use advanced means of transport and communication to smuggle prohibited items and sensitive and strategic goods, including weapons, drugs, explosive materials, persons, money laundering, and other illegal activities. This makes it a means of financing other criminal organizations and, consequently, a major danger threatening the entity of the state and its institutions as a result of the growing power of this serious crime, which affects the economic and financial life of states.

The key methods used by smuggling gangs have become innovation, promotion, counterfeiting, various types of fraud, and the pursuit of the greatest possible amount of illegal profit at the expense of economic systems. This creates major and multiple risks at more than one level: political, economic, and social, especially with the increasing areas of corruption

22- Nasreen Abdel Hamid Nabih, previously cited reference, p. 81.

23- Nasreen Abdel Hamid Nabih, same reference, p. 21.

24- Alain Bollée, David Hott, and Élodie Assel, *The Fight against Money Laundering and Performance*, Paris, France, 2006, p. 17.



and smuggling opportunities, which have become among the features of organized crime²⁵. The effects of customs smuggling may be summarized as follows:

2.2.1 Financial and Economic Effects

- Impact on the public treasury, as the depletion of state resources due to smuggling constitutes a real problem for the treasury and economic development. Importing goods through smuggling, without paying customs duties, leads to the loss of an important part of the resources of the public treasury. Consequently, it does not allow the formation of financial savings, and it may deprive the treasury of substantial wealth that should have been invested in local projects beneficial to the country's economy²⁶.
- Customs smuggling causes the state to be unable to cover its expenditures and to meet its public obligations in various fields, especially social support for its citizens²⁷.
- It threatens national products by introducing goods and merchandise into the local market and offering them without paying the due customs duties and fees, which affects emerging enterprises and causes the closure of local institutions²⁸.
- It leads to the loss of tax and customs revenues because of organized criminal activities that reduce the revenues that the state treasury is supposed to collect, instead of allowing them to go into the accounts of criminals and increase their wealth²⁹.
- Smuggling affects foreign trade, as it leads to errors in the results of the state's trade balance because of inaccurate statistics on exports and imports in terms of quantity and value. This weakens the trade policies that the state establishes on the basis of inaccurate data, which negatively affects the plans that the state originally builds on such data³⁰.

In general, smuggling acts may cause economic losses at the level of both the individual and society and may threaten the national economy. They also distort the monetary policy plans being followed, since smuggling in its various forms reduces the acquisition of hard currency, especially because the smuggling of goods is accompanied by the illegal movement of capital³¹. All of this weakens legitimate economic institutions that rely for their financing on lawful financial markets, as a result of mixing the proceeds of the activities of criminal organizations

25- Christian Debris, Mafia States and Transnational Corporations, *Le Monde Diplomatique*, April 2000, p. 19.

26- Chebili Mokhtar, *The Global Apparatus for Combating Organized Crime*, Houma Publishing House, Algeria, 2013, p. 91.

27- Siwani Abdel Wahab, *Customs Smuggling and the Strategy for Confronting It*, Master's thesis, University of Algiers, 2007, p. 160.

28- Zikio Mustafa, The Phenomenon of Smuggling in Algerian Society, *Journal of Legal and Social Sciences*, Ziane Achour University, Algeria, Vol. 06, Issue 4, 2021, p. 1216.

29- Chebili Mokhtar, previously cited reference, p. 91.

30- Taleb Fatima and Yousfi Rashid, The Impact of Customs Smuggling on Economic Development in Algeria and the Necessity of Moving toward Maghreb Integration as a Strategic Option, *Journal of Business and Trade Economics*, Issue 4, December 2017, p. 237.

31- Boudali Belkacem, previously cited reference, p. 133.



with the income of legitimate activities³². This harms the national economy and obstructs the state's policy aimed at achieving development.

2.2.2 Political and Social Effects

- Threatening national security by smuggling weapons for the purpose of financing terrorist activities.
- Smuggling pamphlets and books containing ideas that are hostile to national principles and destructive of the morals that preserve the dignity of the human being.
- Illegal activities and their continuity deprive the state of its ability to impose security and stability³³.
- Increasing crime rates among the unemployed.
- Threatening public health as a result of smuggling and promoting drugs among young people, and the effect of this on individual behavior and health, as well as the growth of violence, the use of weapons, fear of crime, and control over official bodies and institutions³⁴.

CONCLUSION

It is clear from the foregoing that customs smuggling crimes are among the most dangerous economic crimes and among the greatest threats to the national economy, especially because they are linked to other forms of organized crime, such as smuggling hard currency, illegal migration, money laundering, corruption, organ trafficking, exchanging drugs for weapons, and stealing and smuggling antiquities across borders. Customs smuggling crimes have even become one of the covers used across land and sea borders, led by organized transnational criminal gangs characterized by a degree of organization and division of roles in the field of smuggling. These gangs carry out operations professionally, which leads to the extension of their networks into several countries and inevitably results in a noticeable increase in crime rates. This exhausts the economies and values of states and also affects the course of growth.

In view of the effects and risks that these crimes may leave at all levels, it is necessary to adopt a clear strategy to combat customs smuggling in all its forms, while imposing effective and practical controls for combating these crimes and ensuring proper monitoring of smugglers' movements at the borders through all advanced detection methods.

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34- Nasreen Abdel Hamid Nabih, previously cited reference, p. 83.



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