

Criminal Law Legislation Reform

Racketeering and Criminal in Law

- Notion;
- The legal source of the Criminal Responsibility

The basis for the Criminal Investigation from (from 2005)

Pre-Trial Detention shrinkage;

adversarial Principle;

Plea Agreement.



Racketeering and Criminal in Law

Notion

❑ Racketeering cumulative components:

- Intense - recurrent and organized activity;
- Aim – regularly acquiring revenue or other material benefits;
- Personal Element – Intention and previous criminal record;
- Number of Commission – at least twice within 5 consecutive years;

- ❑ **Racketeering Group** – a legal person or any association of physical or legal persons related to racketeering



Racketeering and Criminal in Law

Notion

❑ Criminal in Law:

- Personal Belief – any person recognizing the Criminal World;
- Act - actively participating to its ends;

❑ Criminal World Cumulative Components:

- Unity - Any community of persons, acting through the set/recognized rules;
- Personal Belief - having the intention to get the benefit for their own self or for the other members;
- Means of activity - intimidation, threat, coerce, silence order, criminal solution, involvement of a juvenile in criminal action, commission of crime, instigation to crime



Racketeering and Criminal in Law

The legal source of Criminal Liability

❑ Criminal Law - Racketeering:

- Quality – Aggravate subsection of Extortion (Article 181);
- Disposition – Crime: Participation in a Racket Group.

❑ Participation in a Racket Group Alternative Components:

- Activity - Steering racket group independently or with others, or other sort of participation in racket group;
also
 - Dispute solution in illegal way between racket groups or between racket and other sort of groups or participation in it.



Racketeering and Criminal in Law

The legal source of Criminal Liability

□ Criminal Law – Criminal in Law:

- Disposition – Crime: Membership of the Criminal World; Criminal in Law.



□ Membership of the Criminal World; Criminal in Law:

- Status – Being the member of this world;
- Aggravation – Being a Criminal in Law

❑ The basis for the Criminal Investigation from 2005

- Any element of crime in the action ;

❑ Expiration of limitations for the defendants:

- Reducing of pre-trial detention from 9 month to 4 month;
- Reducing of status period of the accused from 24 to 12month for the same charge.



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❑ Plea agreement

- Agreement with the charge;
- Nolo contendere

❑ Adversarial Principle

- Equality of arms between parties.



**Thank you all
for your Interest
in the Georgian Experience**

