

## The Genesis of Economic and Financial Criminality

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### Abstract

*Financial crime is a global problem and as globalization makes foreign markets more accessible, this becomes more apparent. Financial crime involves the illegal making of money through relationships with transnational organized crime, tax evasion, corruption, stock fraud, drug or people trafficking, and embezzlement. To detect, manage and combat financial crime more effectively, stakeholders need to implement more cohesive and integrated financial crime programmes. The fight against financial crime therefore requires cooperation and coordination between many jurisdictions and the public and private sectors. This complex challenge requires constant dialogue between government and regulatory agencies, reporting entities, industry representatives and global and local independent watchdogs to develop mechanisms to collect and monitor data sharing.*

*Crime remains in the interest of other disciplines, especially criminology and criminal law, which translates into the awareness that there is a real need to define this phenomenon precisely to be able to fight against it.*

**Key words:** economic-financial crime, globalization, profit, loss

**J.E.L. classification:** G14, G17

### 1. Introduction

Since the dawn of mankind, the inheritance of some has fueled the greed of others. It thus generated theft, embezzlement and even murder, with the sole purpose of appropriating it, and thus gaining power. If at first it was only about depriving others of the basic elements and necessities, over the centuries this need was reflected more in values, wealth, land inherited at birth, acquired through work or through wise investments. Little by little, what would become delinquency was able to adapt to the evolution of various societies. In a rustic appearance, it could move after civilizations, the latter, according to A. DEHEL, "in no way to make it disappear, but to make it evolve" (A. DEHEL, *Le poison au service du crime*, Société Parisienne d'Édition, Paris, 1946). This fundamental role of society, both victim and vector of criminal behavior, is also taken over by D. SZABO, full professor at the School of Criminology of the University of Montreal. Accredits the DEHEL theory. He states that each phase of social evolution tends to correspond to a constant ratio of physiological, biological and social factors of delinquency. (D. SZABO, *Déviance et criminalité*, Coll. U2, Armand Collin, Paris, 1970, p. 11-32) This predominant role of society is also extended to all communities, none of which escapes a crime more or less developed, which present themselves in different forms, as noted by E. DURKHEIM (E. DURKHEIM, *Les règles de la méthode sociologique*, Félix ALCAN éditeur, Paris, 1895, p. 81) in the 19th century. Thus, as a corollary of every social evolution, delinquency has been inspired by novelties, modernism, technology to persist and cause ever greater harm. Whether harming the person or specifically targeting property, it has established its superiority by hijacking legal systems for the benefit of the crime industry. If, in general, it knows how to "live with the times", some of its components make these three words an axiom, since their forms adapt almost naturally to the developments of different social groups. Thus, in addition to small and medium-sized adult and juvenile delinquency, serious attacks on persons and property, there is organized crime, a particular form of deviant behavior.

Inspired by a sense of greed, economic crime has devastating effects and affects everyone. Generating significant financial losses, both for the economies of the states affected by this phenomenon, as well as for natural persons, it can cause significant physical and mental damage. It is an international scourge, which finds its bases in the various international socio-economic systems that offer it, even unwittingly, fertile ground for its survival.

Globalization, neoliberalism, financial markets, spheres of commerce and free enterprise are all environments in which this "economic crime" thrives, circumventing all forms of state regulation. The fight against this scourge, which threatens even democracies, has become a categorical imperative. The need for this "white collar" fight against crime finds a favorable echo in the light of recent cases, which have directly and severely shaken the international economy.

Economic and financial crime has survived the test of time and established itself in the very heart of the heights of power.

## **2. Literature review**

Financial crime has been a central issue on the international scene for several decades. Authorities are constantly looking for new ways to detect and prevent financial crime, and criminals are constantly developing innovative tactics to stay ahead.

Financial crime is defined as a crime that is committed specifically against property. These crimes are almost always committed for the personal benefit of the offender and involve an illegal conversion of ownership of the property in question. Financial crimes can take many different forms and happen all over the world. Money laundering, terrorist financing, fraud, tax evasion, embezzlement, forgery, counterfeiting and identity theft are among the most common crimes facing the financial sector. These crimes are committed every day, and governments around the world are constantly tracking financial criminals in search of new ones.

The two most widespread types of financial crimes today are money laundering and terrorist financing. While the term "terrorist financing" is fairly straightforward, money laundering can be a more complex concept to understand. In essence, however, money laundering is nothing more than disguising the proceeds of crime. Cartels and mafia groups are among the most important money launderers in the popular media, but money laundering can extend beyond organized crime groups and occurs at a wide variety of scales.

Criminals who launder money and finance terrorists usually use very sophisticated techniques, which means they are difficult to detect and catch. Both crimes are often international because money launderers and terrorist financiers must smuggle money across borders to facilitate their plans. It is not uncommon for these criminals to have corrupt relationships with government and corporations; they may be employees of financial institutions, accountants, government officials and other service providers.

The primary method by which officials are currently combating financial crime is extensive surveillance through the use of technology. Anti-money laundering technology has made it much easier to catch criminals before the law because it allows financial professionals to quickly collect, organize and view account and transaction data. Compliance software is now commonly used by financial institutions and businesses to track customers due to its efficiency and ease of use.

Of course, international action against various forms of crime is essential, either through prevention or, when this is (inevitably) ineffective, through public prosecution or administrative sanctions. While there will never be enough resources to try everything that might work in the fight against organized crime, on the other hand, cross-border cooperation in the investigation and basic prevention of corruption and fraud can minimize the criminal justice costs that businesses and governments can reduce must pay. By costs, we mean not only financial costs, but also costs in terms of credibility and social legitimacy.

There is indisputably a pressing need for public/private cooperation to establish a partnership capable of combating direct crime against companies and its effects on the public, customers and employees. The police need to improve their capacity and motivation to deal with crime and increase their international relations. How much should be devoted to these actions against crime?

Nowadays, companies have put in place seemingly unbreakable security systems, audit and internal control procedures, and supposedly effective governance mechanisms, but they have forgotten that it is people who are at the origin of all these regulations and techniques. Knowing all the flaws in the system, these individuals can bypass it without any difficulty. Should we then blame accounting or the law for their inability to avoid sometimes this or that financial crime, or rather focus on the individuals themselves who evolve within the company? As such, Laschi (1901, p. 59) states that "the influence of economic and social factors in financial crime, confirmed by history and daily experience, does not exclude that of individual factors. These, on the contrary, supplement them: for it has now been shown by the study of all the phenomena of crime, that it would be as inaccurate to attribute everything to the action of the environment, as to restrict the genesis of crime. the only perversity of money". It would therefore be wiser, when studying financial crime, to look at individual characteristics to isolate those most likely to commit crimes. In business, the goal of such an approach is to understand whether certain employees are more likely to cheat than others, or whether fraud is more likely to be committed by these employees in a random manner and therefore does not obey any rules. The first possibility being the most plausible, we then ask to what extent these financial crimes can be prevented in time to avoid colossal losses, both at the company level (financial losses, alteration of notoriety, etc.) and at the society level. the extent of the individual himself (social problems, conflict with the law, etc.).

To detect professional crimes and possibly prevent the risks associated with them, the use of the concept of "profiling" would meet the concerns of financial crime specialists. In criminology, criminal profiling, or "behavioral analysis", is an interesting method that allows determining the profile of a criminal. Kocsis (2006) defines this concept as follows: "Criminal profiling refers to the process of identifying the personality traits, behavioral tendencies, geographic location, and demographic variables or biological characteristics of an offender based on the characteristics of the crime committed." The purpose of profiling is therefore to enumerate individuals and thereby distinguish them on the basis of well-defined characteristics.

Applied to the company in the context of the fight against financial crime, profiling is used not only to determine the psychological characteristics of the individual prone to financial criminality, but also to identify other characteristics of a social, cultural character, etc., playing an important role. role in the "genesis" of financial criminals. This profile is basically built from real observations supported by material and scientific findings. In this case, the fundamental utility of profiling lies in identifying people who exhibit the characteristics attributed to financial criminals, in order to monitor them and ensure that they do not commit crimes, which considerably limits business risks.

### **Gender**

Sutherland (1949) and Zahra et al. (2007) suggested that males are more likely to commit financial crimes than females. This could be explained by the characteristics of opportunism and materialism attributed to men, as opposed to the characteristics of virtue and sense of ethics generally associated with women, as explained by Hofstede (1980). However, Holtfreter (2005) as well as Weisburd and Waring (2001) seem less categorical, as the former states that the gender of the individual differs according to the nature of the financial crime committed, while the latter shows that women are involved in crime in white collar on the same basis as men.

### **Age**

Greenfield et al. (2008) argued that young employees are more tempted by data management than their older colleagues. This management can sometimes be fraudulent in nature and therefore can be considered a financial crime. This idea corroborates that presented by Zahra et al. (2007). Indeed, these authors established a link between maturity and morality, that is, the older we get, the more wisdom and morality we acquire. At the same time, they asserted that youth is associated with risk-taking, recklessness, and an inability to assess long-term consequences. Regarding Langton and Piquero (2007), they stated that young people tend to commit low- or medium-level financial crimes, while older people are most often involved in higher-level financial crimes and therefore , more complex. Holtfreter (2005), in turn, stated that the age of the financial offender differs according to the nature of the crime committed, while researchers such as Friedrichs (2009) or Weisburd and Waring (2001) argued that white-collar criminals are older . than conventional criminals.

### **Social status**

According to Friedrichs (2009), crimes are mostly the work of people who are married and have a fairly stable family situation. They may be driven to commit fraud or embezzlement when they need to.

### **Level of education**

A large number of authors are unanimous that the criminal is an educated person. Thus, Laschi (1901) showed that swindlers and swindlers "are seldom illiterate." This agrees with the idea presented by Sutherland (1949) and Friedrichs (2009) who stated that financial criminals are likely to be more educated than conventional criminals. For his part, Dion (2011) argued that the financial offender can be, for example, "a lawyer, a doctor, an accountant, a member of parliament or a director of a large company". However, Weisburd and Waring (2001) suggested that education is associated with low crime rates, and Zahra et al. (2007) showed that the level of education must be positively correlated with the degree of morality of the individual. As for Holtfreter (2005), she showed that the level of education of the financial offender is different from one crime to another.

### **Hierarchical level**

In two different studies and at two different times, Sutherland (1949) and Friedrichs (2009) argued that the criminal occupies a high position within the company. Weisburd and Waring (2001) in turn showed that a theft of company stock can be committed by employees who do not necessarily have much power in the company, from a low hierarchical level, while the crime of Internet Fraud is, in generally, carried out by employees from the middle hierarchical level. Holtfreter (2005), in turn, attested that fraud in financial statements is the act of people whose hierarchical position is quite high, while crimes of corruption and misappropriation of assets are associated with low, high hierarchical positions within the company.

Profile of the financial offender who committed the crime of "misappropriation by a function of public funds which he held by virtue of his position.

The fact that this criminal is a father once again speaks to the gap between needs and income. But what is striking is that among these criminals there are also single people. Feeling free from all constraints and having no family responsibilities, these loners dare to take risks by committing this type of crime recklessly.

Such a study is relevant in a context where crime is increasingly present and where companies feel overwhelmed and powerless in the face of financial crimes committed by their employees. Its purpose is to help identify proven criminals and why not detect potential criminals.

Furthermore, this study can serve both academics and practitioners. Indeed, in addition to its scientific and theoretical contributions, conducting a study on the profile of white-collar criminals in Tunisian companies is of practical utility and can be used by various professionals, company managers, internal and external auditors, internal control, etc. in their fight against financial crime.

This study can also be deepened and refined by distinguishing the companies that are victims of financial crimes by their nature (public or private), by their sector of activity or by their size. Moreover, reading the different results obtained in the context of this article, we can ask whether or not the cultural dimension has an impact or an influence on the formation of the profiles of white-collar criminals evolving in different environments and countries. cultures.

## **3. Research methodology**

Qualitative research was used to write this article, for which material (such as publications or archival data) was collected and selected for inclusion in the analysis.

In this research the methods are flexible and subjective, with analysis based on language, images and observations (often involving some form of textual analysis).

The method of qualitative research was chosen, because it represents an expressive way of analyzing bibliographic sources.

## 4. Findings

### 4.1. Emergence of the concept of economic and financial crime

However, it was not until the 20th century that the current concept of economic and financial crime emerged. We owe this awareness especially to the American sociologist E. SUTHERLAND (E. SUTHERLAND, White collar crime, American sociological Review, vol. 5, n° 1, 1940, p. 1). In the origins of this name "white collar crime", he based one of his studies on the fraudulent activities of several dozen companies owned by the two hundred largest companies in the United States and convicted of numerous economic crimes. He thus demonstrated the existence of delinquency among the highest social classes. According to SUTHERLAND, these crimes were committed by socially respectable people. Their actions were directly related to their businesses, cultures and professional backgrounds. This peculiarity, which is due to the author of the crime, had already been addressed in the second half of the 19th century, by the German socialist school and Karl Marx. They emphasized, at that time, how many are the economic and social conditions imposed by the capitalist production process, generating not only a crime of need, but also a crime of exploitation and profit committed by the bourgeoisie. Along with this criterion, which can be described as social, SUTHERLAND also highlighted an inverse proportional relationship between the socio-economic damage resulting from these crimes and the criminal penalties applied.

However, this form of crime generates a lot of harm. According to an expert from the National Institute for Advanced Security Studies, in 2007, it would have amounted to ten billion euros per year, i.e. half of the total annual cost of global crime. For H. BOULANGER, at the beginning of the 21st century, its gross product exceeded one hundred billion euros, that is, at that time 20% of world trade and half of China's GDP (H. BOULANGER, La criminalité économique et Europe , P.U.F, Paris, 2002, p. 24). In 2012, in France, it generated a direct and indirect cost of twenty billion euros, including the financial and moral damages of the victims, but also the cost borne by the community in terms of public and private security expenses (J. BICHOT, Le coût du crime et de la délinquance, Études et analyses n° 16, Institut pour la justice, 2012, p. 87 et ss. et p. 119). At a factual level and according to the National Observatory of Delinquency and Criminal Response, in 2013, along with the one thousand three hundred attacks on physical integrity observed daily in France, there were also one thousand attacks on the economic sphere (L. OBERTONE, La France orange mécanique, Éditions Ring, Paris, 2013, p. 24). These figures tend to provide evidence that this form of crime, less perceptible, affects society as well as all crimes and misdemeanors that, on a daily basis, disturb public order. Despite the high cost it imposes on states, it still remains an unrecognized crime due to the "apparent absence of a direct victim".

### 4.2. Aspects of economic-financial crime from the contemporary perspective

The contemporary era marks a reversal of its acceptance. According to some authors, there is a growing interest of society and the media in its opposition. Its "appearance in a criminal trial" is less and less exceptional, but its specificities still make it difficult to access. The fight against economic and financial crime really requires the control of special rights, combined with a specialization of its actors. In France, the beginnings of professionalization in this field took place in the first half of the 1970s. However, they only concerned the judicial aspect of the fight. The law of August 6, 1975 granted, for the first time, to certain criminal courts, competence in economic and financial matters. The inadequacies found in the resolution of this type of cases led the legislator to establish specialized high courts, whose powers extended to the entire power of an appeals court, in terms of criminal prosecution, investigation and judgment of economic cases and financial cases, which presented complexity criteria. Although innovative, this law had some shortcomings. It did not create new jurisdictions, it did not establish a real specialization, it did not in any way institute a system of mandatory jurisdiction. It will be necessary to wait for the law of 1 February 1994 for these financial centers to acquire concurrent jurisdiction with that of the natural courts. Over the next three decades, this arsenal underwent several changes, which were not fundamental. The legislator focused more on the expansion of the criminal field, in which these courts could intervene without carrying out any reorganization. This did not happen until the early 2000s. The Legislature finally revised the

provisions regarding courts dedicated more specifically to the fight against "white collar" crime. It joined the financial centers of specialized jurisdictions with extended territorial powers.

This is how the specialized interregional jurisdictions, established by the law of March 9, 2004 to combat organized crime, were given economic and financial powers. With the jurisdiction extended to several courts of appeal, they had to deal with very complex economic and financial disputes, the high complexity ones remaining the daily practice of already existing financial centers. Although the effectiveness of these specialized courts is indisputable, it appeared that the mechanism to combat economic and financial crime could still be improved. Indeed, on a substantive level, the jurisdictional scheme presented pitfalls. These were mainly due to the increase in investigative resources allocated to both investigators and magistrates, which could be inadequate with the structures in place. Two laws of December 6, 2013 therefore improved the legal arsenal dedicated to the fight against economic and financial crime and simplified it at the jurisdictional level. One concerns tax evasion and serious financial crimes, the other establishes a financial prosecutor with national jurisdiction.

However, as far as the police investigation is concerned, it is unfortunate that these successive reforms have not fundamentally improved anything. On the one hand, the legislator recognized the need to entrust the handling of complex business crimes to "specialized" jurisdictions. On the other hand, it did not make available to the actors from the repressive aspect, especially the judicial police, any major procedural tool consistent with this complexity. However, the investigation highlights the most sophisticated financial embezzlements. It remains the necessary and inevitable premise for the implementation of the various jurisdictional adaptations introduced in domestic law, since the 1970s. Of course, the recent reforms of 2007 and 2013 have expanded the powers of the judicial police to investigate and observe some economic and financial ones. crimes, but this reform is characterized by its timidity, which goes against the will of the state to try to eradicate attacks on the economic and financial sphere. While there is no doubt that white-collar crime is imbued with specificities, we note that the will to prevent it and the means put in place remain neutral. To an exceptional form of crime, the legislator opposes common law standards that quickly prove ineffective in the face of its most technical and complex forms. At the same time, economic and financial matters remain too marginalized within the services responsible for the judicial police.

The crimes that make up its spectrum indeed present an atypical nature and subjectivity that tend to make them inaccessible to some. Their intelligence, their diversity, their technique, their stealth are all factors that contribute to the complexity of understanding their mechanics. An exceptional delinquency like organized crime only benefits from rare derogatory measures to prevent it. Hard to remember and hard to identify, it concerns only a limited number of investigators (E. GISSLER, L. RUAT, J. SCHNEIDER et D. REBERRY, Rapp. sur l'évolution des effectifs de la police et de la Gendarmerie nationales, Inspection des Finances, 2017, Ann. I, p. 51). This marginalization of the fight against economic and financial crime is due not only to the state of mind and will that lead its actors, but also to the intrinsic characteristics of this crime, against which an abundance of jurisprudence obscures and further complicates the constituent and elements of the crimes that falls within its scope. The practical approach to a great classic of "white collar" crime abounds in this direction. Misappropriation of corporate assets is a good illustration of the difficulties that can arise from apprehending the components of this crime.

It is a form of delinquency that also finds a form of sustainability, both in its consequences and in its context. It is an ethereal material in the sense that it remains difficult to understand because it does not disrupt the real-time order. It thrives in environments that help to hide it. Unlike the abuses of common law, which constitute especially "apparent" delinquency, crimes resulting from economic and financial delinquency have no Unlike the crime that, on a daily basis, disturbs the social peace, they remain a form of delinquency invisible to the eyes of the repressive services and , de facto, of justice. It also enjoys a favorable posteriority in terms of appearance, which is not without impact on its often irreversible consequences. Moreover, this late appearance influences the lack of attractiveness for this form of delinquency. This contributes to reinforcing the disinterest of law enforcement agencies, who have a greater interest in current crimes and misdemeanors. This lack of interest affects the judiciary which, thus deprived of "raw material", is no longer able to provide a criminal response, consistent with the phenomenon. According to some authors, these insufficiently dissuasive sanctions testify to the reluctance of a judiciary unable to deal with this atypical crime,

and the consequences of such shortcomings have a significant impact on the impaired enthusiasm of investigative services.

No one can deny that there is a fine line between these two forms of crime. They have common components such as, for example, counterfeiting, fraud or money laundering, but also very similar *modus operandi*, in the sense that one or the other induces a notion of organization in the transition to the criminal act. It is therefore clear that two exceptional and closely related forms of delinquency tend to apply two procedural regimes. A derogatory one that gains the support of the investigative services, thanks to the existence of more effective combat tools. The other, traditional and common law, which is synonymous with a decrease in the efficiency of these services.

However, the legal arsenal that makes possible the fight against economic and financial crime is based on the solid foundation that the judicial investigation must give it. Without the contributions of these specialized investigations, an effective criminal response cannot be provided. They constitute both the foundations and the cornerstones of a repression that must integrate the specifics of this form of crime. As innovative as they are, the judicial reforms undertaken since the 1970s cannot have favorable results without the addition, in domestic law, of some exceptional procedural norms in the investigation phase.

In its current forms, the judicial investigation in economic and financial matters has a double problem. On the one hand, its form and the opportunities it offers arouse more disinterest than enthusiasm. On the other hand, it is no longer consistent with the contemporary forms of this atypical crime. The personal experience and expectations of investigative professionals abound in this direction: a fundamental reform of this pre-trial phase is essential. This review is certainly accompanied by legislative improvements, but without requiring major changes. Our criminal law and our criminal procedure already provide tools which, adapted to the characteristics of business crime, are sufficient to arm law enforcement. However, this reform must be accompanied by cultural and structural improvements, aimed not only at re-establishing this delinquency at the center of the repressive debate, but also at revitalizing all the actors dedicated to leading the struggle. Indeed, one cannot imagine the granting, by the legislator, of powerful repressive instruments without associating them with an endless will to implement them. Such an operation inexorably requires a restructuring of the training scheme of the active subjects of the struggle, so that more professionals from the judicial police, but also from the judiciary, can deal with this complex crime on a daily basis. In fact, we cannot consider modernizing the judicial counterpart of the fight against "white collar" crime without ensuring that the personnel with these duties have the appropriate knowledge. It also leads to a change in the habits of these personnel, especially by demystifying economic and financial delinquency which, for many, remains a specialist problem, while many of its facets can be addressed by generalists.

As easy as it is to define attacks on the person, attacks on property, attacks on the nation, the state, and the public peace, it is more difficult to make the same analysis with regard to delinquency. The study of several books on the subject proves this. Very technical writings, analysis of several situations, none can claim to address the preventive and repressive aspect in its entirety, and some only touch the core of the subject. On this point, empiricism agrees with theory. The world of criminal business law is constantly evolving. The measures taken to combat economic and financial abuses are a clear proof of this. Attacking a phenomenon to which he assigns important qualifications, without defining it, or even formally identifying it, he only confronts certain counterparts, without taking it into account in its entirety. These facts are the cause of the difficult nature of this form of crime to identify and control, which rarely takes the simple form of acts committed in isolation by some active and passive actors.

From the 20th century, the contemporary concept of economic and financial crime, neglected until now, began to appear. Indeed, as early as 1742, the Universal Dictionary of Commerce, Natural History and Arts and Crafts had already taken into account, in the forms of the time, the crime of bankruptcy. However, it is difficult to conjure up a proper definition. The various authors have contented themselves with enumerating a few characteristics relating in particular to the subjects, but also to the causes and certain consequences of these acts, which are harmful to the economic sphere. This definition remains imprecise as it covers only very general aspects. It hides crimes that target the general public and, in particular, private interests.

In its contemporary form, economic and financial crime is presented as a "tool" very often intended to safeguard, even the survival of a few sectors of activity or a company. If this criterion eludes the specialists of this first half of the 20th century, the daily fight against the financial criminal demonstrates this double objective. The oldest one is geared towards obtaining illicit profits. The latest believes that it is appropriate to work for the survival of an activity, whatever the means used. Our experience shows that these two aspects usually interact. The crime is committed, ostensibly, in the collective interest, but in fact it is only intended to serve personal interests. Financial crime is a set of "crimes related to the world of industry, commerce and finance", the authors of which are "most often businessmen, who disregard the rules of community life in favor of profit and robbery".

A more pragmatic and contemporary view of the phenomenon makes it possible to highlight a definition that declines this form of delinquency, "whose exact perimeter is uncertain", as all illegal activities that take place in the "context" of economic life, business and finance and that concern private enterprises and companies, as well as state activities or mixed economy enterprises. This delinquency is carried out by means and methods that in principle do not require force or physical violence, but which are characterized much more by intelligent or fraudulent processes, such as deception or forgery". This definition has the merit of placing in context this non-violent crime of profit, which sets in motion brilliant processes for occult purposes, the consequences of which have a direct impact on economic, financial and business life, and whose perpetrators are both from the environment private as well as from that of the public spheres. It differs from the very broad positions taken by certain authors who rely more on its content, and demonstrates the variety of its facets, if not precisely limiting it.

#### 4.3. Types of economic-financial criminality

The so-called business crimes are:

- formation of cartels;
- fraudulent practices and abuse of economic position by multinational companies;
- obtaining or fraudulently embezzling funds allocated by the state or international organizations;
- IT crimes;
- creation of fictitious companies;
- falsifying the company's balance sheet and violating the obligation to keep accounts;
- frauds related to the commercial situation and the capital of commercial companies;
- the company's violation of safety and health standards for employees;
- fraud against creditors;
- crimes against consumers;
- unfair competition;
- tax crimes and evasion of social benefits by companies; 13. customs offences;
- currency and exchange crimes;
- stock market and banking crimes;
- crimes against the environment.

The process of globalization is ongoing. According to the IMF, it is considered a historical process that is the fruit of human innovation and technical progress, which evokes the increasing integration of economies around the world, through trade flows, financial flows, and also sometimes international transfers of labor or knowledge (labour). migration or technologies. This process has given criminals a tremendous chance to "expand" their criminal activities globally (into the "borderless" market).

Currently, at the international level, there are notions such as corruption, transnational organized crime, but there is no definition of economic crime that is valid for all states erga auguri. States, alone or grouped within certain international organizations (such as the European Union for example) try to "fill" this void by means of bilateral and multilateral conventions that explicitly concern their collaboration in the fight against economic crime and, implicitly, , deals with criminalization (reciprocity requirement, known as "double criminality").



Globalization has placed the company at the center of economic circuits. Most of them (value-added producers, socio-economic security base, etc.) behave correctly, but, unfortunately, there are some who have become an inevitable object of organized crime, especially when it comes to funds from criminal activities: companies, banks and other entities created for criminal purposes (fictitious companies and banks or created to launder illicit funds, to transfer them from one corner of the world to another, etc.). Another illegal activity linked to globalization that is becoming profitable for criminal organizations: human trafficking for exploitation. Trafficking in human beings is generally linked to the world of prostitution, but situations of exploitation can arise in sectors such as domestic staff and food, or in organ trafficking. Worldwide, it is estimated that the number of victims varies, depending on sources and definitions, with the EU estimating that many people are trafficked in Western Europe. Women and children are particularly vulnerable to this modern form of slavery.

Economic crimes include crimes the commission of which could have serious consequences for the population and economy of a country, region or global community, as well as those committed by a person who:

- has a special status due to the functions and assets entrusted to it;
- has special knowledge;
- uses exceptional means or methods to commit the crime;
- is motivated by a motive to harm the population or economy of a country, region or global community.

## 5. Conclusions

By disrupting local and transnational organized crime networks, governments and corporations can help ensure public safety and quality of life. A public policy to reduce financial crimes has direct and indirect benefits, such as:

- the fight against epidemics;
- reducing gang-related violence;
- improving housing accessibility;
- poverty reduction;
- increasing income equality.

These efforts will require the cooperation of all levels of government, the justice and security sectors, and the private sector. Developing and implementing such a policy will take many years, but day-to-day operations should not be neglected. Therefore, the government should start by establishing a project management office to:

- assessing the current state of its financial crime framework and identifying areas of concern;
- developing a vision for the future;
- to identify the funds needed to achieve this vision and the source of those funds;
- create a roadmap to realize the vision for the future and identify quick wins by prioritizing immediate actions to disrupt illicit activities;
- achieving a coherent, incremental and iterative approach to improving the financial crime framework, including the use of change management to begin fostering a collaborative, innovative and risk-based culture; implementing a rigorous governance and oversight framework focused on clear roles and responsibilities, accountability, reporting and communication; updating, amending or drafting laws to strengthen current policy; exploring the convergence of different financial crime functions to support intelligence sharing, investigation and enforcement; creation of independent supervisory bodies in high-risk sectors; developing a data strategy and establishing the necessary IT infrastructure; independent evaluation of the effectiveness of the new framework after its implementation.

Financial crime is one of the main challenges facing organizations around the world. Companies of all types, banks, insurance companies, public companies, telecommunications companies face this. All must now have a proper risk management system in place to prevent any act of financial crime. Financial crime has an impact not only on the reputation of companies and individuals, but also on world security and peace. It violates the regulations in force and involves a risk of national or even international sanctions.

## 6. References

- Alexander, C, R, Cohen, M, A, 1999. Why do corporations become criminals? Ownership, hidden actions, and crime as an agency cost, *Journal of Corporate Finance*, vol. 5, p. 1-34, [https://doi.org/10.1016/S0929-1199\(98\)00015-7](https://doi.org/10.1016/S0929-1199(98)00015-7)
- Boulanger, H, 2002. *La criminalité économique et Europe*. Paris: P.U.F, p. 24
- Bichot, J, 2012. *Le coût du crime et de la délinquance, Études et analyses n° 16, Institut pour la justice*, p. 87 - 119.
- Braudel, F, 1979. *Civilisation matérielle, économie, capitalisme, 15ème – 18ème siècle, 3 tomes*, Paris: Armand Collin.
- Dehel, A, 1946 *Le poison au service du crime*. Paris: Société Parisienne d'Édition
- Durkheim, E, 1895. *Les règles de la méthode sociologique*. Paris: Félix ALCAN éditeur, p. 81.
- Dion, M, 2011. *La criminalité financière: prévention, gouvernance et influences culturelles*. Bruxelles: De Boeck.
- Fines, L, 2010. Numéro spécial sur les victimes de crimes en col blanc. *Journal International de Victimologie*, H4 Édition, Montréal, p. 96.
- Friedrichs, D, O, 2009. *Trusted criminals: white-collar crime in contemporary society*, Wadsworth, Belmont.
- Gissler, E, Ruat, L, Schneider, J, and Reberry, D, 2017. *Rapp. sur l'évolution des effectifs de la police et de la Gendarmerie nationales, Inspection des Finances*, Ann. I, p. 51.
- Greenfield, A,C, 2008. Strand, N, C, Wier, B, 2008. The effect of ethical orientation and professional commitment on earnings management behavior, *Journal of Business Ethics*, vol. 83, p. 419-434, <https://doi.org/10.1007/s10551-007-9629-4>
- Hofstede, G, 1980. *Culture's consequences: International differences in work-related values*, Sage Publications, Thousand Oaks.
- Holtfreter, K, 2005. Is occupational fraud 'typical' white-collar crime? A comparison of individual and organizational characteristics, *Journal of Criminal Justice*, vol. 33, p. 353-365, <https://doi.org/10.1016/j.jcrimjus.2005.04.005>
- Laschi, R, 1901. *Le crime financier dans la sociologie criminelle: l'histoire et le droit*. Lyon: Storck.
- Maillard, J, 1998. *Un monde sans loi, la criminalité financière en image*. Paris: Stock.
- Morand, P, 1961. *Fouquet ou le soleil offusqué*, Gallimard, Coll. Folio histoire, Paris, p. 27, 28 et 60; in Dulong, C, Mazarin, P, 1999. Paris, p. 310; in D. DESSERT, Pouvoir et fortune au XVIIème siècle: la fortune du cardinal Mazarin, *Revue d'histoire moderne et contemporaine*, t. 23, 1976, p. 161-181.
- Obertone, L, 2013. *La France orange mécanique*. Paris: Éditions Ring, p. 24.
- Sutherland, E, H, 1949. *White-collar crime*. New York: Dryden Press.
- Sutherland, E, H, 1945. Is white-collar crime 'crime'? *American Sociological Review*, vol. 10, nr 2, p. 132-139, <https://doi.org/10.2307/2085628>
- Sutherland, E, 1940. White collar criminality, *American sociological Review*, vol. 5, nr 1, p. 1, <https://doi.org/10.2307/2083937>
- Szabo, D, 1970. *Déviance et criminalité, Coll. U2*. Paris: Armand Collin, p. 11-32.
- Weisburd, D, Waring, E, 2001. *White-collar crime and criminal careers*. New York: Cambridge University Press.
- Zahra, S, A, Priem, R, L, Rasheed, A, A, 2007. Understanding the causes and effects of top management fraud, *Organizational Dynamics*, vol. 36, nr 2, p. 122-139 <https://doi.org/10.1016/j.orgdyn.2007.03.002>