

Strategic planning and directing the fight against economic crime

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Abstract:

The article "Strategic planning and directing the fight against economic crime", deals with the question, how to observe on the right time some of the phenomenal forms of economic crime. Saterland marks it as "white collar crime" (White Collar Criminality), the one that makes the wealthy class and that is punishable in terms of criminal law. Despite the fact that the definition of Saterland is still ongoing, Bunić points out that economic crime has changed over time, evolved, and individual acts of economic crime can be committed not only by the higher socioeconomic level, but also by poor people, the unemployed ones and so on. That is to say that the status of the amended situation, knowledge and other elements, shoed that a person who is not a director or owner of a company, can empty the bank account of one citizen, one company, even of one country.

Keywords: *economic crime, strategy, struggle, repression, prevention.*

1. Introduction

Economic crime is not new type of crime, it has been known since the beginning of the twentieth century (1905) as a "crime of traders and entrepreneurs" (la délinquance des Commerçants et entrepreneurs), but his theory was developed in 1940 by Edwin Saterland (E. Sutherland), who is considered to be the father of economic crime. Saterland theory was that "white collar crime" (White Collar Criminality), is the one that is made by the wealthy class and that is punishable in terms of criminal law. Despite the fact that the definition of Saterland is still ongoing, Bunić points out that economic crime has been changed over time, it evolved, and individual acts of economic crime can be committed not only by higher socioeconomic level, but also by poor people, the unemployed ones and so on. That is to say that the status of the amended situation, evolved with the new knowledge and other elements, so that we come to the situation that person who is not a director or owner of a company, can empty the bank account of one citizen, one company, even one country. Therefore, it is impossible to specify portrait of economic delinquent – person of certain age, who lives in abundance or modestly and so on.

2. Historical development of economic crime and its characteristics

Basic characteristics of economic crime are: clandestinity, dynamism and a danger to the system and its values. In accordance with these characteristics economic crime

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can be defined or crime as a phenomenological form of criminal offenses defined largely by criminal law, but also in many other laws regulating different areas of economic life (banking, customs, technical standards, security, etc.), whose implementation may have severe consequences for the population and economy of a country or a region, as well as offenses committed by a person who has a special status, outstanding theoretical and professional knowledge (eg. in the field of computer science) or used exceptional means and methods (eg. high tech) and which are motivated by the harm to individuals or the economy of a country, a region or around the world.

While the first "classic" criminology emerged in the early twentieth century, the other, "economic" criminology manifested in late twentieth and early twenty-first century that studies economic criminality. So, the other is dealing with a special type of delinquency called economic crime. Bunić recalls that the criminalistics is discipline that does not belong to one or more of the founders of those whose merits can not deny, such as Hans Gros (Hans Gross) and Edmon Lokar (Edmond Locard), but to whole generations of criminologists who built it like scientific wall on which each adds one or more of the theoretical and scientific bricks. While the first, older criminology, was historically reserved for men, the other domain, economic, gave women an increasingly big place – as a professor, a judge, prosecutor or investigator or inspector.

Although the classic criminology relies on certain methods, such as forensics, ballistics and toxicology, criminology and economic benefits over it, the other relies on-accounting analysis, forensic document, information. However, these two disciplines are used many of the same tools, methods, processes and operations (dactiloscropy, photos, genetic analysis, spectrometry, psychology, tracking, search, hearing, etc.), which makes it virtually impossible to differentiate them. Through historical facts recorded vividly-illustratively describes the relationship between the classical and the economic crime investigation, giving their figurative role of mother and daughter. Classical criminology is a mother of special, economic criminalistics and they are both living in the same family house and serve the same household matters, that is to use the same methods, tools, procedures and operations.

In the chapter "The criminal methods" (*Méthodologie criminalistique*), Bunić first gives the history of development of certain groups of offenses, appointed by the members of the criminal and other laws, then describes their characteristics, points out the essence of what constitutes legal protection, *modus operandi*, and shows criminal measures and actions to detect and prove the offenses of criminal responsibility of the offender, and that the answer to the "nine gold issues in criminology" (what, where, when, how, who, what, when, with whom and why).

3. Prevention in the field of economic crime

It is important to emphasize that the society still can not give up of systemic repression, but it had already shown its limits in the field of economic crime, and that it should be put "at the service of prevention". Prevention should be given a priority over repression, insisting on the formation of personnel involved in the fight against economic crime. Some criminologists, lawyers and other scholars, theorists-practitioners wonder where is the heart of detection and investigation of economic crime. In fact, that is criminal methods, it is the fifth chapter (as it is written on Bunić's web site).

The mentioned section contains data and examples which are important for the study of the causes of economic crime and its manifestation in practice: phenomenology,

etiology, criminal factors of social and individual backgrounds, dark figure and its lighting scientifically, globalization and the economic crisis, a description of the stock exchange crash of Wall Street, mortgage loans, entry securities debts and selling them on the stock exchange as a "value", the lack of regulations that would regulate international relations in the field of trade and exchange of goods and services, particularly finance, on the world stage.

Since the company was the main factor of economic development, the victim, and sometimes the perpetrator or accomplice of certain criminal acts of economic crime, the author proposes concrete measures to protect the company from the inside and the outside, which are very useful to companies in order to avoid involvement of certain individualism, or to control and bypass operations with fictitious companies and mafia-organizations.

In strategic terms, as one of the goals, it is necessary to work constantly on the formation, training and specialization of personnel who will participate in the fight against economic crime. They must know not only the form under which they manifest crimes, but also the means to prevent them. Bunić says "that should be organized not only by this personnel but also by victims of economic crime - companies, associations, collectives, and lastly citizens (legal and natural entities), because there lies" magic power "needed to overcome economic crime. Treated prevention should help victims in the defense of any phenomenological forms of economic crime, "Corruption is everywhere today, from an ordinary counter to the state leadership. A sport not to mention ... "says Bunić.

4. The strategy of fight against economic crime

Strategic planning of fight against economic crime is a form of managerial planning in police structures. The main or general strategy, as opposed to special strategy, seeks to achieve systemic problems in the organization and link the organization with the environment in terms of special strategies and prevention of economic crime.

Its characteristics are: (1) drawing up plans that anticipate possible problems (thus avoiding the sudden decision makers in dealing with the current problems in the system), (2) the planning carried out by management to a higher level of functional rather than specialists for planning (this allows better and more rational or functional management structure), (3) most often the same leaders are functionally involved in the implementation of the resulting criminal policies, and thus become the decision makers both in strategic planning and in directing the fight against economic crime and (4) or less all managers work with a clear understanding of the overall strategic direction of the police organization at different levels, which provides a framework actions of individuals (the prosecutor, the judge for preliminary proceedings, criminal investigators and other law enforcement structures).

Strategic Plan for the fight against economic crime should include: a) the assessment of threat to the system of criminal and phenomenological forms, or of economic crime, b) the organization of the police and other structures that will participate both in general and in special prevention, worked out a system of reporting on a phenomenological the form of economic crime, c) the police and other structures (the prosecution, the court, inspections) in the case of the phenomenological forms of economic crime, d) forensic technical equipment and other means of establishing some form of economic crime, e) joint action or a planned and systematic sylogisation of all structures of the system,

(which means an economic crime as priority task) in the settlement of the economic and criminal problems; f) measures and other business intelligence or counterintelligence protection.

5. Conclusion

Aware that it is a pioneer in the enterprise, Dragan Bunić on the site writes: "Without any pretensions to give readers a recipe for the fight against economic crime and the way you can protect yourself from it, I hope that this book can be considered in the preparation of food whose successful completion means in refining, in order to be well-dressed meal. I will be grateful to all those who we indicate the way, means and modes how we can successfully protect ourselves against economic crime that seriously threatens us in our daily lives whether we are consumers, taxpayers, citizens, whether it comes to companies and the administration".

Modern states have adopted such basic methods of its activities and the prevention and repression so through them trying to effectively suppress phenomenological forms of crime. Today, in Western, capitalist, and the eastern, called socialist countries, including ours (Ex Yugoslavia, Bosnia and Herzegovina and others.), very diverse forms of prevention have been applied. In addition to traditional state bodies agencies were formed together with public authorities who seek the way to prevent the commission of crimes of economic crime, or "to keep the further development of crime".

Used and Consulted literature

1. Aleksić I. Živojin, 1982. *Kriminalistika* (drugo izmjenjeno i dopunjeno izdanje);
2. Bunić Dragan, 2010. „*Criminalistique économique*“, autor i izdavač Sentoban, Švajcarska;
3. Jašarević Osman, Kustura Mensur, Travnik 2013. *Kriminologija (etiologija i fenomenologija kriminaliteta)*;
4. Nedžad Korajlić, Muharremi, Travnik 2011. Heuristička kriminalistika;
5. Modly Duško, Korajlić Nedžad, Tešanj, 2002. *Kriminalistički riječnik*;
6. Petrović Andra, Beograd, 1978. *Kriminalistička metodika*.