

WHITE-COLLAR CRIME AS PART OF ORGANIZED CRIME

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Abstract

Everything changes and nothing stands still. Criminality is no exception to this conclusion. Namely, over the years different perceptions of criminality have changed its emergent forms, and forms of manifestation, perpetrators of crimes, the object of the protected good that is violated with the performance of the crime, etc. For a long time in theory, but in practice also, the opinion was that, as a rule, members of the lower social class appear as perpetrators of crimes. During the 40s years of the last century, the notion of "white-collar crime" appeared in American criminology. This term became synonymous for the crime committed by rich, privileged members of the social community. Within the "white-collar" crime included all forms of economic and financial crime, such as bribery, tax evasion, falsification of tax books, fake bankruptcies, etc, that is, a group of crimes that can be committed by privileged perpetrators by exploiting their own position, reputation, power, and influence. This paper will look at the criminal phenomenology and etiology of this unconventional criminality, the perpetrators of these types of crimes, the degree of danger and the consequences of the execution of the acts, but I will try to answer also whether this type of criminality and its perpetrators are under the protection of the law, i.e. the state. Consequently, the question arises of the relationship of the "white-collar" crime with the government in the state. If there is an opinion in the society that there is a phenomenon of impunity for perpetrators of such crimes, we cannot speak for a state of law and the rule of law. Obviously, there is the rule of the law of force than the rule of laws. From all this, it can sense that this is a specific issue that deserves due consideration for its elaboration.

Keywords: *crime, organized crime, white-collar crime, unconventional crime, sophisticated crime.*

I. INTRODUCTION

I have mentioned in the abstract of this paper that during the 40s of the last 20th century, the notion of "white-collar" crime came into American criminology. This notion has become synonymous with a crime committed by wealthy, privileged members of the social community, as opposed to the general crime committed by the poorer sections of the population, ie crime of "blue collars". In other words, the crime of "white-collar" appears as an antipode to the crime of "blue-collar".

There is little written about the "white-collar" crime in the Macedonian criminal and criminological literature. Because of this, I can note that it is a challenge to write on this topic. We live in a society in which the transition from one socio-political and economic system to another seems to last forever. Namely, during the so-called "transition period", every single

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citizen of this country has witnessed a huge, well thought out, massive and manipulative "robbery". This can be witnessed by former workers in state-owned enterprises who became "loss-making" overnight and the state decided to "get rid" of them for a small amount of money. This allowed a small group of people to gain power and influence in society, to build a criminal prosecution system, and in a perfidious and lucrative way to profit from their illegal activities.

In the early 1990s, while the Republic of Macedonia was on the path of independence, a large part of the state-owned companies were privatized.

During 1994, the new Greek government of the PASOK party, led by Andreas Papandreou, decided to impose an embargo on the Republic of Macedonia.

Unfortunately, at the time of breaking the embargo, especially with the smuggling of oil, derivatives, cigarettes, whiskeys, even weapons etc. another accident happened - the privatization process, which apart from the other damages to it, bring new forms of development and flourishing of crime in society, on the connection of all state authorities to the criminal actions of individuals and companies. Andov Stojan, 'State Crime in Ties with Milosević's Services' *Fokus* (Skopje, 1 November 2019) 45.

In all of these illegal activities of organized criminal groups, the entire justice system seemed to fade away, so it was "wise" to keep silent and watch as the poor Macedonian people were robbed in front of the public eye. It seems to me that the police, the prosecution, and the judiciary seem to have lacked the courage to prosecute the many transitional crimes and the millions of affairs about which the public spoke aloud.

It seems likely that all of these cases will remain subject to comment among the citizens, but without a judicial-legal epilogue. I believe that at least the scientific public will muster the courage to write and discuss (at least) at scientific and expert conferences.

II. DETERMINATION OF THE CONCEPT OF ORGANIZED CRIME AND "WHITE-COLLAR" CRIME

Defining the term organized crime is a difficult task and a real challenge, given that legal definitions and cultural perceptions vary from state to state.

It is generally accepted that there is no definitive or universally accepted definition of organized crime.

The concept of organized crime encompasses a wide range of illegal activities and criminal activities and structures, making it difficult to reach a consensus on a universally acceptable definition.

The UN Office on Drugs and Crime promotes a broad overarching definition of organized crime as "structured groups that commit a serious crime for profit".

Our working definition of "organised crime" combines the concepts of traditional 'organised crime' (e.g. drugs, illegal prostitution, trafficking of human beings, vehicle theft) and 'white-collar crime' (e.g. financial, tax, VAT, real estate frauds, embezzlement). Gunev Philip and Bezlov Tihomir, 'Examining the Links Between Organised Crime and Corruption'. (2010) 27 <http://www.csd.bg/fileSrc.php?id=20428>

Organized crime can become a threat to state sovereignty. The most important factors are first listed as "weak or indecisive state syndrome", then "state administration corruption" and the state of great legal emptiness which objectively diminishes the state's ability to control organized crime. The latter requirement should vary depending on the situation in some countries where the ruling elite is consciously choosing. Miloshevska Tanja, 'Political-criminal nexus'. (2011) 405

<http://dl.fzf.ukim.edu.mk/index.php/godz/article/download/1227/1200>

Practitioners generally accept that criminal organizations share some characteristics: they are organized groups; commit a crime for private gains using violence, illegal activities and corruption; and launder those gains into legal economic activity. Tudzarovska-Gjorgjievska Emilija, 'Corruption and Organized Crime Threat Monitoring Report'. (2015) 58 <<http://mcms.mk/images/docs/2015/corruption-and-organized-crime-threat-monitoring-report.pdf>>

The term "white-collar" crime was first used by Edwin H. Sutherland in 1939. As perpetrators of this type of crime, Sutherland identified high-status individuals in their occupations. According to him, the term "white-collar" crime was the only crime in the area of commercial business that was carried out under cover of fraud.

Sutherland was primarily interested in clarifying the different social attitudes towards the offences of the respectable population, on the one hand, and those of the poor and socially handicapped, on the other. Thus, the focus of his definition of "white-collar" crime was more on characterizing the offender than on the offense. However, as Edelhertz points out, "white-collar" crime is "democratic". Such offences can be committed by both a bank clerk and a bank director. Therefore, Edelhertz concludes, the peculiarity of "white-collar" crime must be sought in the particular way the perpetrator behaves, in what is called "modus operandi" as in his object, and less in the perpetrator's personality. In contrast, Gottferdson and Hirshi object that the crime of upper-class members is limited to a small number of criminal cases. Günther Kaiser, *Criminology: Introduction to the Basics* (first published 1989, 1996) 374

According to author Edwin H. Sutherland, the "white-collar" crime is defined as a crime committed by persons with highly prestigious social status within the occupations they perform, and as a "white-collar" criminal is determined any person with a high socioeconomic status who violates the laws that regulate their professional engagement, that is to say, business people, civil servants, persons with special social status, power, influence and power in the state apparatus, business - business sector, politics and so on. Edwin H. Sutherland, 'White Collar Criminality' [1940]

According to other authors: the "white-collar" crime, which as a professional crime is committed by members of the higher, ruling business circles, using the influences and connections in society to commit crimes that bring enormous material benefits, and to citizens and society brings huge damage. This type of crime is found in almost all countries and it is characterized by being concealed by the highest levels of society with uncompromising fraud and manipulation in the area of business transactions. So the basic characteristics of this type of crime are the non-violent committing of crimes in the economic life by persons of high social status, who can use their influence to violate the legal regulations in order to gain material benefits and to avoid justice. (i.e. to avoid criminal liability). Matevski Zoran, 'Sociological Aspects of Organized Crime and Corruption' [2006]

But as the "white-collar" criminality is not depleted in the appropriate actions of entrepreneurs, freelancers and officials, but is carried out or can be accomplished through the middle or lower-level employees, the term must be broadly conceived. Günther Kaiser, *Criminology: Introduction to the Basics* (first published 1989, 1996) 376

These are forms of economic, financial crime, corruption and abuse of power, such as: bribery, mass robberies of customers, fraudulent bankruptcies, fraudulent balances, tax evasion etc., which are carried out by exploiting a special position, reputation and the impact they have on the appearance of legal economic, financial and political activities. Vlado Kambovski, *Organized crime* (2005) 62

Author Hansen argues that "white-collar" crime can be defined in terms of the offender, the offense or both. Defined in terms of a misdemeanour, it denotes a criminal offense against property carried out by non-physical means and with concealment or fraud for personal or organizational gain. Defined in relation to the perpetrator, it means a crime committed for

personal or organizational gain by persons who are wealthy, highly educated and socially connected and who are usually employed by and in legitimate organizations. Laura L. Hansen, 'Corporate financial crime: social diagnosis and treatment' [2009] 28-40

I have tried to outline several definitions of the term "white-collar" crime, as well as its forms and characteristics. The question then arises as to the nature and origin of this type of crime.

The answer to the question of the nature and origin of this crime can be understood if it is understood at the same time that it is people who consistently exploit the practice and opportunities to support wrongdoing as a model of workplace work. But what is crucial is that Western criminologists, in explaining "white-collar" criminality, do not depart from the essence of the socio-economic, political, and social relations in which this criminality occurs, but seek to explain the delinquent personality of "white-collar", not realizing that this crime is a direct product of those class and social-economic relations. In this sense, we are talking about people who have a strong ambition to acquire, retain, and exploit the high status of material possessions, following the rule of double morals. Megwair, M., Morgan, R. and Rainer, R. *Oxford Handbook of Criminology* (2010) 186

For these reasons, Kaiser believes that studying this crime should not neglect social status and status as a surefire symptom of gaining a sense of duty and honour. It is on this basis that the situations, situations, and relationships in which this criminality occurs, which sends the poor to gallows and the rich to freedom can be discovered and understood. Ljupco Arnaudovski, *Criminology* (2007) 375

The "white-collar" crime is defined as a professional crime committed by members of the upper, ruling and business circles, who use their influence and connections in society to commit crimes that bring enormous material benefits to both citizens and huge damage to society. Milan Milutinovic, *Criminology* (1990) 235

In sum, the notion of "white-collar" crime is made up of the following characteristics:

1. non-violent crime in economic life,
2. by persons of high social status, reputation and power in society (persons belonging to the social elite),
3. who use their influence (their high socio-economic position, their high position in the social hierarchy) to violate legal regulations,
4. in the course of their professional activity (violation of the laws governing their professional activity),
5. in order to gain enormous material benefits,
6. and with great certainty that they will escape justice (avoiding criminal responsibility and criminal sanctions). Zoran Sulejmanov, *Criminology* (2003) 554

Given these characteristics, "white-collar" crime can be defined as a crime committed by perpetrators who have a special position in economics and politics, which use the benefits created by market conditions and the absence of appropriate legislation to make a profit or its non-application, suppressing ethical prohibitions and rules of business morality that could inhibit criminal behaviour. Vlado Kambovski, *Organized crime* (2005) 64

As significant criminogenic factors for "white-collar" criminality, we will set them apart: lack of political will, partisanship in the executive and judiciary, public enterprises and institutions at the state and local level, incomplete legislation and insufficient control over the application of the laws by the competent authorities or institutions, the powerful economic-financial oligarchy is becoming a strong lever of power, and inefficient, politicized and partisan public administration is in direct conflict with the essential benchmarks for the battle for the legality, nepotism, ministerial discretionary powers, power to enact bylaws, public prosecution passivization, non-transparent and slow privatization, ineffective public sector activity with that very conflict of interest. Sherif Saloski, 'White-collar criminality' [2014] 3 < <https://www.pravdiko.mk/wp-content/uploads/2014/08/statija1.pdf> >

From the many definitions, in theory, we can conclude that in the criminality of the "white-collar", the emphasis is on the individual and the profession that enables him to commit the crime.

The perpetrators of this kind of crime are persons with the high and prestigious state, business and professional positions, who constantly use their power and position, bribing and becoming bribed in committing crimes. Tatjana Velkova, *Introduction to Criminology (Authorized Lectures)* (2009) 95

III. IS A "WHITE-COLLAR" CRIME A CRIME "UNDER PROTECTION OF THE LAW"?

Corruption seems to be a crucial feature of the concept of organized crime. It is related both to the structure and operation of organized crime groups, as well as to impunity and affiliation with the ruling structures in the state. Namely, besides making financial profits and property benefits, the purpose of organized criminal groups is to have a great influence in the high structures of government, while creating a system of protection against disclosure of their illegal activities and actions and immunity from criminal prosecution.

It is difficult to assess the impact of corruption used on organized crime and "white-collar" crime, as its scale in the EU remains unknown. Corruption is just one of the tools that criminals use to facilitate their activities. The full impact of organized crime and "white-collar" crime, therefore, needs to be recognized, and only then can the extent of its impact include the exploitation of corruption. Tudzarovska-Gjorgjievska Emilija, 'Monitoring the link between corruption and organized crime: public policy documents' [2015] 47-48

A distinctive feature of this form of crime is its heavy recognition, identification. The high level of "hidden crime" (or - the "dark figure" of crime) is due to its association with economic and other social activities, concealment of legal transactions, the use of legal gaps and the move to legalize illegal transactions. It is also affected by the difficulty of identifying the individual victim. The consequences of the crimes affect an indefinite number of persons (consumers, shareholders, ordinary citizens), or some public interest of general importance. And when the victim can be identified, it is usually difficult to determine the immediate relationship, the relationship between her and the perpetrator. In the case of the prosecution, the offender finds a number of excuses: that it is a business risk, an offence that is not a "criminal" case, but a violation of business morality, etc. Criminals in "white-collars" are not usually regarded as criminals, but as businessmen who take advantage of opportunities and "manage" to stay on the market, and in the face of legal bans they find the justification that the laws are conservative and do not fit the business climate of the new age, the specifics and needs of the market and the conditions for a profitable business. Unlike ordinary crime, in this form of crime, the perpetrator's belonging to a particular social class is its inherent constituent element. The "white-collar" criminal is neither a political delinquent nor a rebel, but an individual who exploits the weaknesses of society to achieve greater profits and social influence. Vlado Kambovski, *Organized crime* (2005) 63-64

When we talk about crime "under the protection of the law" we mean on situations where there are adequate criminal-legal instruments in law to detect, prosecute and convict perpetrators of specific crimes, but at the same time there is no will by the state authorities to prosecute and process the perpetrators before the competent judicial authorities.

The "white-collar" crime is committed by perpetrators who have a special position in economics and politics, who for the sake of profit make use of the benefits created by market conditions and the absence of appropriate legislation or non-compliance, suppressing ethical prohibitions and rules of business morality which could inhibit criminal behaviour. Sue Titus Reid, *Crime and Criminology* (2000) 253

The consequences of the crimes affect a larger circle of persons (consumers, shareholders, ordinary citizens), or some public interest of general importance. Even in the case where the victim can be identified, it is usually difficult to establish an immediate relationship, the relationship between the victim and the perpetrator. Vlado Kambovski, *Organized crime* (2005) 63

From this, we can conclude that at the “white-collar” crime is a real challenge to establish a direct link between the perpetrator, the victim of the crime and possibly other accomplices, assistants and/or accomplices. This type of crime makes it difficult to detect and eventually prove the crime.

1. Political corruption and links to organized crime

Corruption exists on every continent, in every state, in every society. Wherever there are people, there is corruption. Man corrupts and becomes corrupt for personal gain and prosperity.

Corruption has become the biggest challenge facing any state that wants to build and establish a rule of law system. The consequences of corruption are inconceivable, as they affect both the personal legal security of citizens and the overall public interest. At the same time, wherever corruption reigns, the government loses its legitimacy. This is the entire more so if the state (above all, public authorities and public officials) have knowledge of and tolerate criminal activity.

In addition to some form of criminality, corruption is a method, a means of perpetrating an organized crime, as well as the "white-collar" crime.

In this section of the paper, I will look at political corruption and its association with organized crime.

There are several empirical academic or policy studies in Europe investigating how organized criminals corrupt politicians and civil servants. Tudzarovska-Gjorgjievska Emilija, ‘Monitoring the link between corruption and organized crime: public policy documents’ [2015] 38-39

In the Republic of North Macedonia, the main feature of the global plan is the high level of corruption, as well as the insufficient efficiency to prevent it, both preventive and repressive. Corruption is pervading all walks of life. This is why tackling corruption is the biggest challenge in building a legal state.

Criminal organizations are penetrating democratic mechanisms and their representative systems. The voices are extorted by threats and violence or received by citizens in exchange for different types of stimulation. Political parties rely heavily on external funding. This dependency inevitably makes them susceptible to corruption. Therefore, it is customary to provide a number of votes in exchange for services, such as public procurement contracts, protectionism or legislative changes. Tudzarovska-Gjorgjievska Emilija, ‘Monitoring the link between corruption and organized crime: public policy documents’ [2015] 39

There is no doubt that these organized crime groups can most easily operate in transition states, societies in which individuals associated with the criminal "underground" occupy high political positions. The question here is whether these persons can influence the establishment of legal norms and the construction of a legal system that is in their best interests? The answer to this question is logical.

In its most advanced form, organized crime is so well integrated into the economic, political and social institutions of legitimate society that it may no longer be recognized as a criminal venture. Tudzarovska-Gjorgjievska Emilija, ‘Monitoring the link between corruption and organized crime: public policy documents’ [2015] 39

Therefore, some authors stress the claim that: "High-level corruption and organized crime are two sides of the same coin: instead of a link, there is a fusion. The political and criminal

agendas are one and the same." Tudzarovska-Gjorgjievska Emilija, 'Monitoring the link between corruption and organized crime: public policy documents' [2015] 39

2. Corporate crime as a special type of "white-collar" crime

A special type of "white-collar crime" is corporate, collective crime, which covers the criminal activities of legal entities, as well as the related activities of individuals or criminal organizations in the performance of their professional activities and for which is of primary importance the organization itself, more than the activity in which the crimes are committed. Maurice Punch, *Dirty Business: Exploring Corporate Misconduct, Analysis and Cases* (1996) 55

In the beginnings of corporate crime research, theorists placed him in the field of commercial crime. But over time, given the perpetrators of this type of crime and the seriousness of the protected well, it is right that theorists and practitioners place corporate crime in the area of organized crime.

In foreign literature, in addition to the term "white-collar" crime and corporate crime, the terms "economic crime" as well as "financial crime" are used. The first, similar to the views of domestic authors, does not apply to all property crimes, but to those committed in an economic context (apart from classical economic crimes, such as fraud and corruption). Michael Levi, 'Financial Crimes in Comparative Context' in S. G. Shoham, P. Knepper, M. Kett, *International Handbook of Criminology* [2010] 309-342

Financial criminality, according to some authors, covers criminal behaviour in financial markets that involve financial institutions and have unintended consequences. David O. Friedrichs, *Trusted Criminals: White Collar Crime in Contemporary Society* (2009) 168-169

According to other authors, this term covers precisely certain crimes (fraud, market abuse, money laundering and terrorist financing, classical forms of corporate crime). Michael Levi, 'Financial Crimes in Comparative Context' in S. G. Shoham, P. Knepper, M. Kett, *International Handbook of Criminology* [2010] 310

According to some authors, the "white-collar" crime represents: "A type of property crime consisting of acts punishable according to Criminal Code, committed by persons of high social status within their occupation, thereby abusing the confidence they enjoy due to their position and (or) occupation." Djordje Ignjatović, 'Conceptual determination of white-collar crime' (1996). 229-242

Some authors point out that: "The perpetrators of this type of crime are business people, officials and persons with special social status, authority, influence and power. They are members of the highest social strata in certain services - banking, insurance, commerce, railways, state institutions, inspection or tax services, police and customs services, medicine." S. Konstantinović-Vilić; V. Ristanović-Nikolić and M. Kostić, *Criminology* (2010) 191

Another author points out that "Economic crime can be considered as a form of "white-collar" crime, which is particularly true of the most serious forms of economic crime, as well as corruption crimes committed by persons of high social standing, in relation to economic criminality." Milan Škulić, *Economic crime* (2010) 15

The authors, Clinard and Quinn, wanting to avoid taking into account social characteristics, have replaced the term "white-collar" crime with two new ones: crime in the profession and crime in the company. The first refers to criminal conduct committed within the legitimate professions, while the second concerns the illegal conduct of companies. L. M. Salinger (ed.). *Encyclopedia of White-Collar and Corporate Crime*, (2005) vol. 1, 174

The approach of these authors is justified because it neglects the characteristics of the perpetrators, which in criminal law must be so as to respect equality, but may object to the limitations of applying this definition. Namely, there are crimes (tax evasion, corruption and infringement of intellectual property rights) that must not be committed either for the benefit

of the company or within a particular profession. And these are exactly the crimes of the "white-collar" criminality. Stuart P. Green, 'The Concept of White Collar Crime in Law and Legal Theory' [2004] 1-34

The shift away from individual business activities to "white-collar" corporate crime coincides with the strengthening of the role of corporations (companies, institutions), not only in the economic sphere but also in the public sector (public enterprises and institutions, public procurement, tenders etc.). The unequal position, size, profit and degree of concentration of capital and the activities of companies, similar to the different social and professional status of the individual in the case of "white-collar crime", have a key impact on the characteristics of corporate crime. Katherine M. Jamieson, 'The Organization of Corporate Crime: Dynamics of Antitrust Violation' (1994) 95

Because of the criticisms that have been raised about the definitions that embody the social characteristics of the perpetrators, the literature highlights another element in establishing the "white-collar" / corporate criminality, and that element is inappropriate behaviour.

Unlike conventional crime which first violates criminal law norms, i.e. committing acts provided for in the criminal law (s) of states, at the "white-collar" crime is coming to violate, in addition to criminal law norms, as well as a violation of administrative-legal norms, obligatory-legal norms, economic-legal norms and other legal norms, according to the positive legislation.

The criminality of companies is a subset of "white-collar" crime. The difference generally seems to be in terms of benefits - whether it is personal or in the interest of the company. However, in many cases, it is difficult to distinguish between these two types of benefits, because even when a crime is committed in the interest of a legal entity, it will often even have an indirect personal benefit (thus, for example, builds a professional career). Djordje Ignjatović, 'Conceptual determination of white-collar crime' (1996) 229-242

As a form of "white-collar" crime, corporate crime is aimed at earning more profit from the company than personal gain. Therefore, modern legislation has overtaken the notion that leaving criminal activities of corporations in the name of market autonomy and freedom of entrepreneurship and focusing the interest of criminal justice on the criminality of the poor or, eventually, the members of the economic and political arena on the contrary, but on the contrary, an explosive increase in crime related to the creation of illegal profits. The result of such a reversal is the statutory punishment of legal entities in all modern penal legislation. Sherif Saloski, 'White-collar criminality' [2014] 6 < <https://www.pravdiko.mk/wp-content/uploads/2014/08/statija1.pdf> >

In essence, perhaps the key difference between "white-collar" crime and corporate crime is whether the benefit of committing a crime is in the personal benefit of the natural person who commits the offence and to the detriment of the company or the legal entity (enterprise, corporation, etc.).

A complementary part of the new regulation is the clear separation of the two fundamentals of liability, the management structures in private companies: liability for acts committed on behalf of and on behalf of the company and liability for acts against the interests of the company itself or its shareholders (fraud, financial abuse by managers' side, etc.). Vlado Kambovski, *Organized crime* (2005) 65

The punitive legal framework of individual responsibility for corporate crime knows three types of liability. The first is objective, assumed liability, the second is a liability for another or vicarious liability, and the third is a corporate liability, where the responsible person in the legal entity is responsible for certain acts committed by the employees of the company. Filtering the rules for the last type of liability has overridden the view that the company's internal relations are its internal work of internal control, which should remain outside state penal intervention. Vlado Kambovski, *Organized crime* (2005) 65

From the hitherto mentioned in this section of the paper, we can conclude that the state, through its institutions of the system and the individuals at the head of those institutions, may (if it is in its interest) not take any action upon knowledge of a particular type of criminality. Keeping in mind that the perpetrators of the “white-collar” crime are people who are highly rated in certain social functions, people who possess power and influence in the social environment in which they live and work, it is justified the fear that those same perpetrators will do everything in their power to build a system of protection against prosecution.

IV. RECOMMENDATIONS

Given the above, author Kambovski rightly asks: "White-collar crime" - yes, but what next? Does the notion of this notion have anything other than scientific-architectural-usability value? Is it supplemented by a specific criminal-law treatment, a specific strategy for its removal or any other specific solutions other than the treatment of crime as a whole? Vlado Kambovski, *Organized crime* (2005) 65

Efforts to improve the results of investigations, trials and convictions for organized crime and corruption should continue. The fight against organized crime and corruption is essential to tackling the infiltration of criminals into the political, legal and economic systems. Tudzarovska-Gjorgjievska Emilija, ‘Monitoring the link between corruption and organized crime: public policy documents’ [2015] 48

It follows that this is a serious legal challenge for the state and its institutions, a challenge that must be addressed, faced and dealt with.

There are various anti-corruption measures in the Member States. Although some of them have an impact that is "obvious in itself", institutions' representatives are generally not familiar with professional impact assessments (whether they are ex-ante or ex-post). As a result, it is difficult to claim "what works" or to talk about "best practices". Member States' policy oversight institutions should either audit or order impact assessments for key anti-corruption initiatives. Tudzarovska-Gjorgjievska Emilija, ‘Monitoring the link between corruption and organized crime: public policy documents’ [2015] 48-49

The anti-corruption authorities and anti-corruption departments within government bureaucracies (including the police) do not fully understand organized crime, the corrupting impact of organized crime and the threat it poses. "Organized crime" is considered a specific area for which anti-corruption authorities have poor professional knowledge. Such a lack of knowledge undermines the effectiveness of these bodies and their anti-corruption policies. Tudzarovska-Gjorgjievska Emilija, ‘Monitoring the link between corruption and organized crime: public policy documents’ [2015] 49

The State Commission for the Prevention of Corruption should play an important role in national anti-corruption policy. Since its inception in 2002, however, it has often been criticized for lack of independence, weak tenure and low profile. In addition, its activities were suspended in 2018, when five of the seven members, including the President of the Commission, resigned amid allegations of embezzlement. The new Commission was established on February 8, 2019, and functions as the main anti-corruption body in the country. An important challenge for the future is to make this body effective and to have public confidence in it. GRECO, *Fifth Round of Evaluation, Preventing Corruption and Promoting Integrity with the Central Government (Top Executive) and Law Enforcement Agencies, Report North Macedonia*, (18-22 March 2019)

EU Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, argues that: “cooperation at the European level complements the efforts of the Member States to safeguard national security.” He points out that: “the threat of organised crime should in no way be neglected.” The commissioner also points out that: “organised crime in Europe has

broadened its scope over the past 25 years. Criminals focus on drug trafficking, smuggling of weapons and people; distributing counterfeit and falsified goods and committing environmental crimes.” In this speech, the Commissioner noted that: “our security model will rely on a combination of preventive and protective measures and the participation of a wide range of stakeholders.”

It also outlined what measures and activities must be taken.

- Improve operational cooperation among Member States;
- Ensure that the EU and its Member States can act jointly and in a spirit of solidarity in case of major crisis;
- Put the security of our citizens at the heart of Europe’s internal security policies;
- Ensure an effective information-sharing between the Member States’ law enforcement and judicial authorities, and the relevant EU agencies;
- Apply the data protection principle to internal security policies;
- Make even better use of research and innovation in boosting security in Europe, notably through the Horizon 2020 programme;
- Ensure that all our actions are taken in full synergy with the EU’s external policies (including our Common Security and Defence Policy), such as in the field of capacity-building in third countries. Dimitris Avramopoulos, *European Security Forum 2014: Defining Europe’s Priorities, European Security Round table*, (17 November 2014) <https://europa.eu/rapid/press-release_SPEECH-14-1880_en.htm>

It follows that it is essential for the EU Member States to develop appropriate mechanisms for increased co-operation between anti-corruption bodies, in particular anti-corruption bodies and policymakers, on the one hand, and investigators of organized crime and the “white-collars” crime, on the other hand.

V. CONCLUSION

Bearing in mind the seriousness of the "white-collar" crime, that is, certain types of crime, such as financial crime, tax crime, corruption, real estate fraud, embezzlement, and the like, it can rightly be concluded that the degree of crime the danger of committing these crimes is quite high. Committing these crimes also affects protected goods that affect a wide range of persons.

From the above analysis we can conclude that in addition to making financial profits and property benefits, the purpose of organized criminal groups is to have a major influence on senior government structures while creating a system of protection against disclosure of their illegal activities and activities and immunity from criminal prosecution.

Therefore, it is necessary for the institutions of the system to find a continuous way to deal with any attempt to carry out illegal activities by individuals or organized groups aiming at gaining criminal profits and legalizing them by launching them into legal economic and financial activities in one country.

In an effort to build a true legal state in which justice will be an *ultima ratio*, all socially responsible actors in the state must find mechanisms to deal with all criminality, including "white-collar" crime.

Bibliography:

1. Andov, Stojan. ‘State Crime in Ties with Milosević's Services’, Skopje: D.N.I.D. Media Plus Focus, *Focus*, No. 1256, November 1, 2019;
2. Gunev, Philip and Bezlov, Tihomir. (2010). ‘Examining the links between Organised Crime and Corruption’. Sofia: Center for the Study of Democracy (CSD)
Available at: <http://www.csd.bg/fileSrc.php?id=20428>

3. Miloshevska, Tanja. 'Political-criminal nexus'. Yearbook of the Faculty of Philosophy – Skopje, No. 64 (2011)
Available at: <http://dl.fzf.ukim.edu.mk/index.php/godz/article/download/1227/1200>
4. Tudzarovska-Gjorgjievska, Emilija. (2015). 'Corruption and Organized Crime Threat Monitoring Report'. Skopje: Macedonian Center for International Cooperation (MCIC).
5. Tudzarovska-Gjorgjievska, Emilija. (2015). 'Monitoring the link between corruption and organized crime: public policy documents'. Skopje: Macedonian Center for International Cooperation (MCIC).
6. Kaiser, Günther. (1996). *Criminology: Introduction to the Basics*. Skopje: Alexandria.
7. Sutherland, Edwin. (Feb., 1940). 'White Collar Criminality'. *American Sociological Review*, Vol. 5, No. 1, New York.
8. Matevski Zoran. (2006). 'Sociological Aspects of Organized Crime and Corruption'.
9. Kambovski, Vlado. (2005). *Organised crime*. Štip: August 2nd
10. Hansen, L. Laura. (2009). 'Corporate financial crime: social diagnosis and treatment'. *Journal of Financial Crime*, Publisher: Emerald Group Publishing Limited, Vol. 16 No. 1, pp. 28-40.
1. Megwair, Mike; Morgan, Rod and Rainer, Robert. (2010). *Oxford Handbook of Criminology*. Skopje: Nempres.
2. Arnaudovski, Ljupco. (2007). *Criminology*. Štip: August 2nd.
3. Saloski, Sherif. (2014). 'White-collar criminality'
Available at: <https://www.pravdiko.mk/wp-content/uploads/2014/08/statija1.pdf>
4. Milutinović, Milan. (1990). *Criminology* (sixth edition). Belgrade: Modern administration.
5. Sulejmanov, Zoran. (2003). *Criminology* (second edition). Skopje: Institute for Sociological, Political and Juridical Research.
6. Velkova, Tatjana. (2009). *Introduction to Criminology (Authorized Lectures)*. Štip: August 2nd.
7. Mannheim, Hermann. (1966). *Comparative Criminology, A Text Book, Volume Two*. London: Routledge & Kegan Paul.
8. Sue, Titus Reid. (2000). *Crime and Criminology*, Ninth Edition. Boston.
9. Punch, Maurice. (1996). *Dirty Business: Exploring Corporate Misconduct, Analysis and Cases*. London: SAGE Publications Ltd.
10. Levi, Michael. 'Financial Crimes in Comparative Context', in: S. G. Shoham, P. Knepper, M. Kett, *International Handbook of Criminology*, Boca Raton, 2010.
11. David O. Friedrichs. (2009). *Trusted Criminals: White Collar Crime in Contemporary Society*, Belmont.
12. Ignjatović, Djordje. 'Conceptual determination of white-collar crime'. (1996). *Archives of Law and Society of Science*, No. 1-3.
13. Konstantinović-Vilić, Slobodanka; Ristanović-Nikolić, Vesna i Kostić Miomira. (2010). *Criminology*, Belgrade.
14. Škulić, Milan. (2010). *Economic crime*. Bar.
15. Lawrence, M. Salinger (ed.). (2005). *Encyclopedia of White-Collar and Corporate Crime*, Volume 1, Thousand Oaks.
16. Stuart, P. Green. (2004). 'The Concept of White Collar Crime in Law and Legal Theory', in *Buffalo Criminal Law Review*, Volume 8, N. 1.
17. Jamieson, Katherine M. (1994). 'The Organization of Corporate Crime: Dynamics of Antitrust Violation' in the *British Journal of Criminology*, Vol. 36, No. 1, Oxford University Press.
18. 'Fifth Round of Evaluation, Prevention of Corruption and Promotion of Central Government Integrity (Highest Executive Bodies) and Law Enforcement Agencies, Report North Macedonia', adopted by GRECO at the 82nd Plenary Session (Strasbourg, 18-22 March 2019).
19. Speech by the European Commissioner for Migration and Home Affairs at the European Security Forum in 2014
Available at http://europa.eu/rapid/pressrelease_SPEECH-14-1880_en.htm