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Public and private sectors about White-collar crimes

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Abstract

As part of our scientific article, we decided to subject the judicial practice of the Republic of Moldova to a thorough analysis. Taking into account, on the one hand, the large and widespread phenomenon of white-collar crime and, as a result, the large number of criminal cases in the courts associated with white-collar crime and the adequacy of scientific research, on the other hand, we decided to limit our survey to only the most recent (2013 -2016 (first six months)) criminal decisions modified in the circuit of the Supreme Court of the Republic of Moldova.

Nevertheless, we have obtained a number of important scientific results, which, in our opinion, will significantly improve the concept and the real essence of the phenomenon of white-collar crime. Our conclusions obtained from criminal decisions will more than focus on the matter of the white-collar crime category, on the one hand, on the matter of the personality of the white-collar offender (bio-social-psychological profile). All these results together will make a significant contribution to the understanding of the most contentious and complex problem of white-collar criminology.

Keywords: white-collar, private sectors

Introduction

As such, according to our empirical findings, white-collar crime is a widespread phenomenon in the Republic of Moldova, and the courts are full of such criminal cases. It cannot be forgotten that there are many categories of white-collar violations that are situated outside of substantive criminal law and cannot be adequately calculated and accounted for.

In order to succeed, we selected 50 criminal judgments amended by the Supreme Court of the Republic of Moldova for the period from 2013 to 2016. We divided these criminal judgments as follows:

2013 – 2 cases [1];

2014 – 15 cases [2];

2015 – 9 cases [3];

2016 (first six months) – 21 cases [4].

In addition, in our survey area, we divided all cases (47) into two large groups according to the sector where the white-collar crime was committed. Therefore, we emphasized two criteria:

White-collar crimes committed in the public sector - 21 criminal cases; White collar crimes committed in the private sector - 26 criminal cases.

We can formulate the following basic opinions about white-collar crimes in the private sector of the Republic of Moldova:

I. We found the following results regarding the circumstances surrounding the private sector white-collar personality:

1. Age at the date of the crime

- 23-29 years old – 3 people (11.12%);
 - 30-39 years – 7 people (25.92%);
 - 40-49 years – 7 people (25.92%);
 - 50-59 years – 8 people (29.63%);
 - 60-64 years old – 2 people (7.41%).
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In the private sector, white collar female offenders are much more involved in fraudulent activity than in the public sector. In particular, there were 7 women in the 27 offenders, accounting for (25.92%), while only 14.29% (3 people out of 21) encountered white-collar workers in the public sector.

Based on the above, we come to the following conclusions:

The golden age of white collar crime is age

40. We see that the predominance of persons involved in white-collar criminal activity in the private sector of the Republic of Moldova is observed among persons over 40 years of age, in particular 17 persons. As a result, older offenders (> 40 years) account for 62.96% of those charged. While in the public sector the median age is lower (<40 years in 66.67%). We assume that it is related to the specific nature of the work that the defendant performs. In such a In the public sector, the perpetrator is often a young man who is selected to work for the law enforcement agencies of the state, whose salary is very low, and who commits corrupt behavior in connection with his profession. Such acts of corruption are often associated with the abuse or excess of power. At the same time, the classic profile of a white-collar worker in the private sector is significantly different: it is often a person over 40 years old, with extensive management and financial experience, with a good financial situation, who commits serious criminal activity criminal offenses in the field of embezzlement by abuse of trust associated with forgery of official documents. In fact, they can be called white collar workers. Among them, acts of corruption are rarely encountered.

Often, white-collar female criminals are more involved in the private sector rather than the public sector.

All offenders charged and convicted of these categories of white collar crimes have no prior convictions (no criminal record).

Absolutely all criminal acts are directly related to the profession of the offender and are committed at a time when the person was employed.

The offender was given a summary sentence (imprisonment and criminal fine at the same time) for most white collar cases committed in the public sector, while private sector offenders were punished with only one basic sentence (either imprisonment or a criminal fine). Nevertheless, private sector offenders are prosecuted more severely and more severely than public sector defendants, with imprisonment in particular being increased and applied more frequently.

In the majority of white-collar cases committed in the public sector, the perpetrator was charged and convicted of acts of corruption, while in private-sector white-collar cases there is an absolute preponderance of abuse cases. trust (dishonest acts) and embezzlement.

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