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## **ECONOMIC CRIME COMBATING IN GERMANY**

Economic crime is one of the most dangerous and predatory of offenses. Unlike street crime, the average citizen is completely at the mercy of the perpetrators of economic crimes. [2]

A basic dilemma in the scientific and practical treatment of economic crime is one of definition. There exists neither a legal nor any another generally accepted definition. German research originally used the concept of “white collar crime” by Edwin H. Sutherland in 1949. [3]

He dealt with the problem as a violation of trust involving either or both misrepresentation and duplicity. He argued for the use of criminal sanctions rather than civil remedies as a means of dealing with white collar offenses. Sutherland's views were attacked by the legal profession, by sociologists and criminologists and by public opinion specialists. [2]

Not until later did German criminologists formulate their own definition, which concentrated on the crime rather than on the criminal. The German literature on criminology has dealt so much with the definition problem that it is almost impossible to keep track of all the new definitions of economic crime. A leading criminal lawyer and criminologist aptly described the situation by saying that the way things stand now. We don't know exactly what economic crime is, but we are managing to fight it with a fair amount of success. [3]

On the Eleventh United Nations Congress on Crime Prevention and Criminal Justice Herbert Maassen said the fight against white-collar crime was a focal point of his country's policy in the field of national security. Modern industrial societies were characterized by a dense network of global business relations, new and swift communication paths and more likely possibilities of manipulation and fraud. The huge pressure from international competition was also encouraging more persons involved in business to use illegal methods and instruments. The fight against white-collar

crime was becoming more difficult and complex. Germany had set five goals in the fight against white-collar crime. Comprehensive information on the scale of white-collar crime and the methods used to commit such crime was needed. To combat white-collar crime efficiently, comprehensive know-how was needed. He said it was also necessary to intensify cooperation between public authorities and ministries. [3]

Investigation and prosecution of economic crime require special training. At the time of the study, only a small number of investigators and prosecutors had undergone such training. Since special knowledge is often lacking, it is conceivable that only a few of the cases in which balance sheet manipulations are involved will be actually recognized as such. Moreover, a lack of expert knowledge results in long investigation times, as unqualified criminal investigation police officials and prosecutors working in this area require more time than those who are adequately trained. The few investigators and prosecutors who are qualified are chronically overloaded with pending cases.

Some 24 of the cases were pending for at least 2 years; more than half of them (18) took longer than 3 years to be settled. Such delays are partly the result of the heavy work load of law enforcement authorities (in more than a third of the cases charges were not brought until after 3 years). However, the more time that passes, the more difficult it is to solve the case. [3]

In economic crimes the public prosecutor's office is involved to a considerable degree in the investigation of serious cases. Furthermore, the police involve the public prosecutor's office if they want to be sure that the investigations comply with legal requirements in order to gather evidence which can be accepted by the courts. [1]

Germany is a country where the law provides courts for special purposes to solve economic crime cases. On the territory of Baden-Württemberg there is a special police force of economic control. The scope of its activities includes checking prices of consumer goods, control over the observance of rules of transportation of food products and supervision over the sale of alcoholic drinks. [5]

Prevention of economic crime is focused on the interests of particular groups of business people or consumers. Accordingly, they tend to concentrate on the kind of action they take and/or the phenomena of economic offences they are confronted with.

With regard to the kind of preventive measures taken, it was found, that rather than preventing the criminal acts themselves, most measures are aimed at preventing the damage resulting from such crimes. In other words, action is taken after the offences have been committed. At most, crime fighting programs are successful, if at all, in deterring offenders from repeating such crimes. [31]

We can conclude that in Germany economic crime rules are concentrated in more than 400 laws. Despite the sluggish nature of the criminal law classification under the Criminal Code of the Federal Republic of Germany there is a tendency to consolidate economic crime rules. According to this classification economic crimes are not united in the separate chapter. [4]

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