



## Fighting and Preventing White Collar Crime

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### **Abstract**

White collar crime consists of high-ranking politicians who constitute a criminal group, who, according to them, find a person outside politics to deal with crimes of smuggling. White collar crime was discovered for the first time in 1920 in England, it all started with alcohol, otherwise also known as Al Capone. Fighting and preventing the White Collar and prohibiting or fighting against corruption which in Kosovo and the Balkans is being misused a lot due to their illegal gain. Organized crime is one of the most negative phenomena which is causing a great political and economic threat to each country, thus bringing great economic and psychological consequences and damages. The main competence and responsibility for fighting and preventing organized crime falls on state authorities such as the police, the prosecution office and the courts. Regardless of the fact that laws have been issued to prevent criminality, as in every country in the Balkans, Kosovo is also unfortunately affected by this phenomenon. Organized crime and cybernetic crimes are great and continuous threats, as main causes of cybernetic crime, the purpose of hackers is to enter the private life of the individual and as the main cause also the theft of personal data through the social network that any information or photo posted for the purpose of misusing it for their personal gain.

**Keywords:** *Organized Crime; Cybernetic Criminality; White Collar Crime*

### **Introduction**

In this thesis, we are dealing with white collar crimes, its prevention and combating.

In the continuation of this thesis, we will treat one of the issues that is of great importance nowadays, i.e. we will talk about one of the many types of white-collar crime or, as it is expressed differently, a type of crime which performed by persons with a higher authority than official persons.

The main issue in this harmful phenomenon is to prevent it, as it is very harmful for the society, we will also talk about white collar crime, organized crime, computer crime, money laundering, corruption, cybernetic crimes, financing of terrorism.

Organized crime and computer crime are constant threats for large companies (Jasari, Maluku, 2021a, 2021b), the purpose of hackers is to enter the private lives of the individual and the main reason is the theft of personal data through the social network that any information or photo posted for the purpose of being misused in a negative way for their personal gain. Crime in general has been studied and analyzed from a sociological point of view (Shabani, Maluku, 2019a, 2019b), from a legal-criminal point

of view (Maloku & Maloku 2021), as well as from a criminological point of view (Maloku, 2015, 2016c, 2018, 2019, Gabela & Maloku, 2022, 2023) and from a victimological point of view (2019). The aforementioned authors analyze the etiological and phenomenological aspects as well as the influence of criminological theories on the increase of criminality. The increase in criminality also shows the increase in the fear of criminality of the residents in a certain space and time, (Maloku, 2015).

### ***Methodology***

This study is based on the use of numerous research methods (Maloku, Jasarevic & Maloku, 2021:53), The defined object of research requires the use of different methods and scientific knowledge from many scientific disciplines, in particular, the paper will use theoretical analysis methods, comparative methods and the unity of inductive-deductive methods. (Maloku,2022:76). Because of the research intricacy, numerous approaches have been modified to help each other

solve the problem (Maloku, Qerimi, & Maloku, 2022, p. 176). The scientific research in this paper, in terms of its type, will be conducted and realized as methodological research, which is basically theoretical (Maloku, Kastrati, Gabela & Maloku.2022:141). The research in this paper has the characteristics of scientific theoretical research, which is necessarily qualitative in nature. In this research, we draw on basic theoretical and methodological knowledge, standards, norms, and principles of social science methodology, but also on the expertise of basic social science disciplines, necessarily respecting the axiom of the postulated character contained and expressed in the relationship, subjectivity, and interdependence of subjects and research methods. (Qerimi, Kastrati, Maloku, Gabela & Maloku,2023:185)

### ***Results and Discussion***

White-collar crime consists of high-ranking politicians who become a criminal group, who, according to them, find a person outside of politics to deal with smuggling crimes.

Smuggling is divided into two groups:

Illegal Smuggling and Legal Smuggling

In legal smuggling, we are dealing with the export of goods that are legal and invoiced in a legal manner, while with illegal smuggling we are dealing with the export of illegal goods, some of which are: drugs, marijuana, medicaments without invoicing etc.

White collar crime was discovered for the first time in 1920 in England, that it all started with alcohol, otherwise known as Al Capone.

Fighting and preventing the White Collar crimes and stopping or fighting against corruption in Kosovo and the Balkans is being misused a lot due to their illegal gain.

According to the Criminal Code of Kosovo, Article 277 "Participation or Organization of an Organized Criminal Group" says: Anyone who participates in a criminal group deliberately and knowingly for the purpose of the permanent activity of the organized criminal group to commit one or more criminal offenses which are prohibited by law with a sentence of up to 4 years, or if he participates in the criminal activity of the group knowing that his participation will contribute to the realization of the group's activities, he will be fined up to 250,000 euros, and with at least 7 years of imprisonment. (KPRK, 2019, p. 109)

Anyone who organizes, establishes, supervises or directs the activities of the organized criminal group is sentenced to a fine of up to 500,000 and imprisonment of up to 10 years.

White Collar crime is also a punishable criminal offense which is defined by law in the Criminal Code of Kosovo.

Every action that is done by white collar crimes is done with the purpose of benefiting from their financial benefit with the purpose of harming the other person of the other person.

According to the Criminal Code of Kosovo - Article 277 - Participation or organization of an organized criminal group:

1. Anyone who deliberately and knowingly, either the general purpose and activity of the organized criminal group or the group's intention to commit one or more criminal offenses which are punishable by a maximum sentence of at least four (4) years or more actively participates in the criminal activities of the group knowing that such participation will contribute to the realization of the criminal activities of the group, shall be punished by a fine of up to two hundred and fifty thousand (250,000) Euros and imprisonment of at least seven (7) ) years.
2. Anyone who organizes, establishes, supervises, manages or directs the activities of an organized criminal group, is punished with a fine of up to five hundred thousand (500,000) Euros and imprisonment of at least ten (10) years. (KPRK 2019, p 109)

Organized crime and computer crime - are big and continuous threats, as the main cause of cyber-computer crime, the purpose of hackers is to enter the private life of the individual and as the main cause the theft of personal data through the social network that everyone information or photo posted for the purpose of being misused in a negative way for their personal benefits.

Also, in organized crimes we are also dealing with the "dark number" of cases of organized crime. A number of criminal offenses committed in an organized manner are not presented to the competent authorities, also some of them are not registered and no notes are kept regarding the number and progress of their commission, therefore, all those cases of organized crime without discovering and not recorded in the official statistics are classified as the "dark number" of organized crime.

In the Law on the Prevention and Combating of Cybercrime of the Republic of Kosovo, it says:

#### Article 1 PURPOSE

This law aims to prevent and fight cybercrime with concrete measures, prevent, detect and sanction violations through computer systems, offering respect for human rights and protection of personal information.

1.7. Information on data traffic - those computer data related to the communication that takes place through the computer system and its products, representing a part of the communication chain, indicating the origin of the communication, the destination, the line, the time, the date, size, volume and duration, as well as the type of service used for communication.

Article 1.8. Data on the users - any information that can lead to the identification of the user, including the type of communication and service used, postal address, geographic address, IP address, telephone numbers or any other access number and means of payment for the relevant service as well as any other data that may lead to the identification of the user. ((<https://gzk.rks-gov.n/ActDocumentDetail.aspx?ActID=2682,2010>))

#### Money laundering

Money laundering is a criminal offense where the property acquired through criminal activities is attempted to conceal the illegal source and convert it into property acquired in a 'legal' way.

According to the Law on the prevention of money laundering and the financing of terrorism Article 1.23. Money laundering - any action aimed at disguising the origin of money or other property, obtained from any criminal offense, including:

Article 1.23.1. conversion or any transfer of money derived from criminal activity;

Article 1.23.2. concealing or disguising the nature, origin, place, movement, disposition, rights, or ownership of money or other property obtained through criminal activity. (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=12540>, 2010)

Money laundering is the process used to conceal the source of money or assets derived from criminal activity and generally involves converting the proceeds of crime into a "legitimate" form.

## Conclusion

In conclusion, organized crime has always been a global challenge for law enforcement agencies, while cybercrimes have only expanded more around criminal organizations to further even more their illegal activities. Cyber security and the prevention of computer crime has been and will remain one of the greatest challenges. As for crime, and in particular organized crime, it is quite widespread. In this thesis, the goal has been to make a description or summary of traditional organized crime since its beginnings, and to make an analysis of its scope in the new cyber platform, bitcoin and cryptocurrency and relying on sources, literature, laws and various scientific papers.

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