

Bissengali L.¹, Lopashenko N.A.², Shopabayev B.A.³, Bazilova A.A.⁴

¹PhD Doctor, Senior Lecturer, Al-Farabi Kazakh National University,
Kazakhstan, Almaty, e-mail: bisengali89@gmail.com

²Professor, Saratov State Law Academy, Russia, Saratov, e-mail: lopashenko@yandex.ru

³Senior Lecturer, Al-Farabi Kazakh National University, Kazakhstan, Almaty

⁴Senior Lecturer, Al-Farabi Kazakh National University, Kazakhstan, Almaty

ECONOMIC CRIME: CONCEPT AND FEATURES

This article represents result of the complex research conducted by authors of such social and legal phenomenon as economic crime.

At the present stage of development of the world community economic crimes evolve, their new types, commission methods appear. These facts cannot but cause concerns. Due to the tendencies observed in underworld, more and more sharp and actual is the question of effective fight against them that, in turn, is impossible without detailed and comprehensive investigation of the category like “economic crime”.

Over a long period of time, economic crime as a criminological category has undergone changes. The term “corporate crime” has been used for a long time in foreign criminology, in the Soviet literature – the term “economic crime”. At the moment, discussions are also continuing, since, according to one of the hypotheses, it is also necessary to include criminal offenses against property in the group of economic criminal offenses.

In this article views of different academic lawyers concerning the issue of reference of specific criminal actions to category of the economic are given. On the basis of researching of these works authors made own conclusions concerning the term “economic crime”.

Key words: economic crime, managerial crime, corporate crime, property, economic relations, shadow economy.

Бисенғали Л.¹, Лопашенко Н.А.², Шопабаяев Б.А.³, Базилова А.А.⁴

¹PhD докторы, аға оқытушы, әл-Фараби атындағы Қазақ ұлттық университеті,
Қазақстан, Алматы қ., e-mail: bisengali89@gmail.com

²профессор, Саратов мемлекеттік заң академиясы, Ресей, Саратов қ., e-mail: lopashenko@yandex.ru

³аға оқытушы, әл-Фараби атындағы Қазақ ұлттық университеті, Қазақстан, Алматы қ.

⁴аға оқытушы, әл-Фараби атындағы Қазақ ұлттық университеті, Қазақстан, Алматы қ.

Экономикалық қылмыстылық: түсінігі және ерекшеліктері

Бұл мақала авторлардың экономикалық қылмыс сияқты әлеуметтік-құқықтық құбылысты кешенді зерттеу нәтижесі болып табылады.

Әлемдік қоғамдастықты дамытудың қазіргі кезеңінде экономикалық қылмыстар дамуда, олардың жаңа түрлері, қылмыс жасау әдістері пайда болуда. Бұл фактілер алаңдаушылық туғызбауы мүмкін емес. Қылмыстық әлемде байқалатын үрдістерге байланысты экономикалық қылмыстық құқық бұзушылықтарға қарсы тиімді күрес мәселесі барынша өткір және өзекті болып отыр, ол өз кезегінде «экономикалық қылмыс» сияқты категорияны егжей-тегжейлі және жан-жақты зерттеусіз мүмкін емес.

Бұл мақалада нақты қылмыстық әрекеттерді экономикалық санатқа жатқызу мәселесі бойынша әр түрлі заңгерлердің пікірлері келтіріледі. Осы жұмыстарды зерттеу негізінде авторлар «экономикалық қылмыс» терминіне қатысты өз тұжырымдарын жасады.

Түйін сөздер: экономикалық қылмыс, басқарушылық қылмыс, корпоративтік қылмыс, меншік, экономикалық қатынастар, көлеңкелі экономика.

Бисенгали Л.¹, Лопашенко Н.А.², Шопабаяев Б.А.³, Базилова А.А.⁴

¹PhD, старший преподаватель, Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы, e-mail: bisengali89@gmail.com

²профессор, Саратовская государственная юридическая академия, Россия, г. Саратов, e-mail: lopashenko@yandex.ru

³старший преподаватель, Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы

⁴старший преподаватель, Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы

Экономическая преступность: понятие и особенности

Данная статья представляет собой результат проведенного авторами комплексного исследования такого социально-правового явления, как экономическая преступность.

На современном этапе развития мирового сообщества развиваются экономические уголовные правонарушения, появляются их новые виды, методы совершения. Данные факты не могут не вызывать беспокойства. Из-за тенденций, наблюдаемых в преступном мире, все более острым и актуальным становится вопрос эффективной борьбы с экономическими уголовными правонарушениями, который, в свою очередь, невозможно решить без подробного и всестороннего исследования такой категории, как «экономическое преступление».

На протяжении длительного периода времени экономическая преступность как криминологическая категория претерпевала изменения. В зарубежной криминологии долгое время применялся термин «корпоративная преступность», в советской литературе – «хозяйственная преступность». На настоящий момент дискуссии также продолжаются, так как, по одной из гипотез, в группу экономических уголовных правонарушений также необходимо включать уголовные правонарушения против собственности.

В данной статье приводятся мнения различных ученых-юристов по вопросу отнесения конкретных преступных действий к категории экономических. На основании исследования этих работ авторы сделали собственные выводы относительно термина «экономическая преступность».

Ключевые слова: экономическая преступность, управленческая преступность, корпоративная преступность, собственность, экономические отношения, теневая экономика.

Introduction

Due to the transition to market economy new types of the crimes appeared connected directly with the activity performed in the economic sphere. Since the beginning of the last century and so far disputes in science on determination of category of the crimes committed in this sphere do not cease. Some scientists consider them managerial, several – corporate, others – economic.

We give the analysis of the existing points of view below and we create the representation concerning essence of the considered type of crime.

There are different determinations of economic crime.

Modern researchers fairly specify: “What is economic crime?” – the question is not so abstract and theoretical, from the category belonging to so-called pure science. Actually efficiency of control over this phenomenon in many respects from the society depends on accuracy and depth of the answer to it” (Egorshin 2000: 83). In the most general view *the economic crime* can be designated as the social and legal changeable negative mass phenomenon consisting of all aggregation of economic crimes made during this or that period in any country or in any region. This determination quite corresponds

to classical criminological concept of crime (Kudryavtsev 1997: 74).

The problem, however, consists that the concept of the economic crime is poorly developed in criminal and legal and in criminological sciences (Yanni 1997: 33), and not all criminologists distinguish economic crime as the independent type of crime (Lopashenko 2015: 215).

The research purpose consists in detection of features of economic crime formation as criminological category, and development of the author’s position on the case in point.

For achievement of the above purpose the following tasks were set:

To study the first theories of foreign authors;

To carry out the analysis of works of scientists of the Soviet period;

To investigate works of modern authors;

To reveal features of formation and development of the criminological category “economic crime”.

The hypotheses of scientists made by them during the different period of formation of the economic relations that proves the definitions of the considered concept offered by them are given in the article.

Authors place emphasis on research of process and the reasons of allocation of economic crime in

the separate category other than managerial, official and other types of crime.

Methods

In the work progress over this article the dialectic approach which allowed to consider in a complex economic crime was applied.

Such methods as comparative and legal, specific and sociological, historical, logical, method of the system analysis, the content analysis were applied as the main scientific methods.

Also in the course of work on article the international documents, namely, working documents of the UN Secretariat were studied.

Studying of the bases of differentiation of adjacent with economic types of crime was the separate direction of the conducted research.

Literature review

The number of scientists researched economic criminality at different times.

So, E.E. Demytyeva notes that interest in the studied subject in the western criminology arose at the beginning of the XX century (Demytyeva 1992).

The significant contribution to studying of the considered matter is made by the American criminologist E. Sutherland (Sutherland 1949). It was he who developed new type of the criminal – the “white-collar” criminal.

In turn, G. Kaizer in 1940 offered own determination of economic criminality (Kaizer 1979).

In the USSR V.A. Obraztsov, V.G. Tanasevich, B.E. Bogdanov, A.N. Larkov, A.M. Yakovlev researched economic criminality.

In Kazakhstan I.I. Rogov made the significant contribution to formation of theories on economic crimes.

Works of Lopashenko N.A., Svensson B., A.I. Dolgovaya, T.V. Pinkevich and others were used in the course of writing of this article.

Results

E.E. Demytyeva notices that in the beginning of XX century the economic was understood as the criminality of poor levels of population including thefts and other encroachments on the property, beggary, vagrancy. And only in the middle of the century other essential approach starts to be formed according to which economic crimes began to be

considered like so-called «white collars» crimes, and further a wide range of the criminal actions connected with abuse of the economic authority began to include in number economic crimes (Demytyeva 1992: 12).

For the first time the public has learnt about a phenomenon of «white-collar crime» from works of American criminologist E. Sutherland. So, in 1940 Edwin Sutherland has put forward the concept of a respectable «white collar criminal» possessing the high social status. According to it many so-called «white collars» – the well-off – businessmen, politicians, officials who make the wrongful acts causing immeasurably a bigger damage to a society than usual criminals from the lower class (“criminals”). Besides, crimes of this part of society rarely judged often remain unpunished (Sutherland 1949: 43).

E. Sutherland has urged to include them in a subject of researches of criminologists and to lead an intensive struggle with them than against criminal offences (Sutherland, 1949: 46).

In 1940 the criminologist G. Kaizer has defined economic criminality as a complex of the offences made by respected persons with the high social status within the limits of their professional duties and with infringement of credence rendered (Kaizer 1979: 243).

In days of the Second World War of a problem of the black market in the USA studied Marshall Kleinard who during the period from 1942 to 1945 worked in US Federal prices supervision agency in Washington. M. Kleinard saw the reasons of high managerial criminality in the following:

1) three years has passed before the Government of the USA has decided to find out whether laws of military economy are broken and in what forms; thousand new methods of infringement of provisions of appropriate laws have been invented and used in this time;

2) less than 25% of infringers of the regulations which became known, have been subjected to the penalty; all other infringers got off with reproofs or preventions of closing of the enterprises;

3) the control over observance of regulations was inefficient as for this purpose there were no personnel in general, and well prepared – especially as well, besides they performed this work with the big reluctance. During the period from 1942 to 1947 in the USA less than three thousand officials worked on the average which should supervise observance of the established regulations, however it was spent too little control measures, and what were carried out, were not consecutive enough and effective;

4) the public, members of parliament and judges showed a duality in the approach to observance of regulations and establishment of the prices. The public persistently supported these norms. Possibly, only very insignificant part of simple consumers used the “black” market. However businessmen and entrepreneurs did it each time as soon as possibility was presented. Members of parliament though putting up an united front for rationing of the scarce goods and for nonadmission of raising of the prices, but they did not accept too strict control as they did not want that their familiar “businessmen” appeared at court for infringement of appropriate rules. Judges during proceedings marked the unwillingness to «do criminals of dear people».

Drawing the conclusion of research, Marshall Kleinard estimated essence of the “black” market as follows: in his opinion, it is a symptom of the social disorganization shown that the society starts to perceive the basic values differently. Human relations are depersonificated, the vital purposes and aspirations are reduced only to financial benefit. «Businessmen of the black market» are justified, and their actions do not consider as criminal (Burlakov 2000: 253).

On the basis of acts and reports of 25 federal departments of the USA which are carrying out the control over economic activities, Marshall Kleinard and Peter Jiger have analysed in 1980 managerial criminality at 582 large enterprises. There were 447 large industrial enterprises and 105 – wholesale and retail trade enterprises and the enterprises of services. Many of them were monopolists in manufacture of a certain kind of production; they established the prices in the absence of a competition. Victims of criminal activity of such organisations frequently did not suspect that they were those at all. Unjustified financial losses, threat of a mutilation and a damage to health, environmental contaminations – here are consequences. As a result of conducted research M. Kleinard and P. Jiger have established that for the period since 1975 to 1976 criminal acts of owners of the enterprises was lost more people than from crimes against a life made by separate criminals. The corporate criminality does not cause the big fear for people (Burlakov 2000: 251).

In Sweden a known criminologist B. Svensson has offered definition of an economic crime as lasting, regular, punishable act of the mercenary character which is carried out within the limits of managerial activities constituting a basis of this act (Svensson, 1987: 25).

Known academic lawyers spent basic researches of the nature of economic criminality of the period of

USSR socialism – V.A. Obratsov, V.G. Tanasevich (Obratsov 1976), B.E. Bogdanov (Bogdanov 1963), A.N. Larkov (Larkov 1969), A.M. Yakovlev (Yakovlev 1988).

The economic criminality in 80th and 90th has undergone considerable changes, qualitative and quantitative. Creation of new forms of ownership, functioning of economy in the conditions of the market relations, insufficient legal regulatedness, integration into world economic are accompanied by complication of criminal conditions in it. The economic criminality increasingly acted as direct display and consequence of economic criminalisation and in some cases political spheres of a society life.

V.N. Burlakov notices that the central problem consists in a choice of criteria of qualification of crimes as economic and accordingly in delimitation of the social phenomenon like «economic criminality». Here is a question of consideration of the given phenomenon from criminological or more exactly from socio-criminological positions. In the light of the criminally-legal approach borders of a primary concept like «economic crime» according to a number of domestic experts in general is to be designated hardly (Burlakov 2000: 254).

It is possible to find in the special literature attempts to classify existing approaches to definition of a circle of crimes covered by concept «economic crimes». For example, G.K. Mishin distinguishes three groups of the discrimination (positions). Supporters of the first position designate as economic all crimes made for the purpose of reception of economic profit (enrichment), and include in their number without any limitations crimes against property (property). Supporters of the second – exclude the crimes against property which have been not connected with managerial activities from the number of economic crimes. Representatives of the third – recognize only those crimes committed by legal entities (business units) (Mishin 1994: 38).

Secondly, it is possible to consider as economic the crimes committed only in the field of economy. Respectively, both criminal actions in the course of direct execution of economic activity, and not connected, but made in limits of the functioning managerial system will refer to the economic category. In the latter case we will be forced to name economic, for example, such crimes as the pilferages made by hired employees.

At last, thirdly, such crimes can be referred to economic category which are committed only in the key segment of economy (system of management) connected with generation of profit, i.e. in the field of economic activity = the sphere

of entrepreneurship, business. At such approach it is reasonable to take into account only criminal actions of subjects of this entrepreneurship (business) made in the course of direct execution of economic activity by them.

For the purpose of explanation of the intrinsic characteristic of economic crime as social phenomenon and as criminological concept it is necessary to provide a short analysis of the main approaches existing in scientific literature.

A.M. Yakovlev considered that “the contents of this concept covers various types of damnification to the economic interests of the socialist state protected by the law and citizens” and that “their connection with specific features of economic, managerial mechanism” forms the basis for inclusion of crimes in category of economy.

The economic crime according to A.M. Yakovlev “is expressed in total mercenary infringement to socialist property, the order of management of the national economy from the persons which are carrying out certain functions in system of the economic relations” (Yakovlev 1988: 57).

This last determination is most often quoted in criminological literature or it is represented as the certain cliché, the commonly accepted approach. Confirmation to that is the position of authors of a series of the textbooks on criminology published recently.

So, A.I. Dolgova gives the following determination: “...The economic crime is the set of mercenary infringement to the property used in managerial activities, the established order of management of economic processes and the economic rights of citizens from the persons which are carrying out certain functions in system of the economic relations” (Dolgova 1997: 268).

V.N. Kudryavtsev and V.E. Eminov completely do not use all algorithm of determination given by A.M. Yakovlev, but they especially highlight the distinctive feature of economic crimes being marked out by him, consisting that “they are made by a special person, but not third persons unauthorized to object management included in system of the economic relations on which they encroach” (Kudryavtsev 1997: 214).

I.I. Rogov specifies that only “the managerial activities punishable in the criminal order are covered by concept of economic crime” (Rogov 1991: 91). In other words, the author, first, limits the sphere of economic crimes to those acts which are connected only with managerial activities. Secondly, he devotes own research only legal and criminal concept of economic crime.

Apparently from I.I. Rogov’s determination, the author included in the circle of economic crimes those acts which are first provided in the criminal code, secondly, are performed only by officials of the state or public organizations and thirdly are connected with infringement to economic system of the country.

Let’s note some important results which are of interest to the criminological analysis of the studied problem.

First, despite the illegibility in determination of criteria and small persuasiveness of arguments taking place in the author’s position, the attempt is made to limit concept of economic crime only to the sphere of managerial activities (punishable in the criminal order), and also to isolate actually criminological concept of economic crime from the criminal and legal.

Secondly, differentiation of the concept “economic crime” and “shadow economy” is carried out. The latter is understood by the author as “uncontrollable by the state production, distribution, exchange and consumption of commodities and materials and services”, and also “all the unaccounted, not regulated by the relevant standardized documents and rules of management types of economic activity”. The economic crime is called the most dangerous kind of the “shadow economy” possessing, as well as any criminal and legal phenomenon, the certain independence.

The category “economic crime” gained further development in the program article on this subject published in 1992 by A.M. Medvedev. Economic crimes were defined by this author “in the most general view” as “socially dangerous acts encroaching on economy as on set of production (economic) relations and causing it material damage”. Thus A.M. Medvedev fairly notices that at traditional approach to determination of object of the crime (including also the economic crime) as public relation, participants of the latter are not taken into account. “Meanwhile, – the author continues, – participants of the economic relations are the specific people acting as manufacturers and product consumers, owners, proprietors having certain economic rights and freedoms, needs and interests on which economic crimes encroach”. “Thus, – the conclusion in article is drawn, – it is possible to tell that economic crimes encroach on economy, rights, freedoms, needs and interests of participants of the economic relations, break normal functioning of the economic (managerial) mechanism, cause material damage to these social values and the benefits” (Medvedev 1992: 81).

The above determination would win considerably both in theoretical and in the applied relation if the author specified on what rights, freedoms, needs and interests economic crimes encroach. Otherwise it turns out that such crimes which have no relation to economy: for example, attempts to the freedom of speech, meetings, religion or, let us assume, to spiritual needs and interests of citizens is possible to refer to economic category.

E.I. Petrov, R.N. Marchenko, L.V. Barinova regard economic crime as “set of the crimes for profit committed in the field of economy by persons in the course of their professional activity, in connection with this activity and encroaching on property and other interests of consumers, partners, competitors and the state, and also on order of economy management in the different industries of economy” (Petrov 1995: 12).

T.V. Pinkevich understands economic crime as “the difficult, system and structural, many-sided social, criminal and legal phenomenon, interdependent by features of the social environment, characterized by availability of the stable criminal relations arising in the course of economic activity between subjects of the economic relations having mercenary or other personal interest in receipt of the illegal economic benefit” (Pinkevich 2001: 42).

V.V. Luneev considers economic crime as a part of mercenary crime noting that its concept is even more vague than mercenary crime. The essence of economic crime, in his opinion, – that there are the crimes committed by corporations against the state economy, against other corporations, employees of corporations against the corporation itself, corporations against consumers (Luneev 2011: 432).

V.M. Egorshin and V.V. Kolesnikov write about three options of approach to concept of economic crime:

1) according to the first, it is formed by “all crimes which concern any kinds of the economic relations developing both in the field of management (in economy), and out of its limits”. Authors call these crimes quasieconomic;

2) according to the second, the economic crime is formed only by the crimes committed in the field of economy (both in the course of direct execution of economic activity, and not related, but made in limits of the functioning economic system);

3) according to the third, the economic crime consists of the crimes committed “only in the key segment of economy (system of management) connected with generation of profit”. The specified authors give preference to the last, narrowest understanding of economic crime; though emphasize

availability of the bases for other approaches (Egorshin, Kolesnikov, 2000: 35).

Along with concepts of economic crime and economic crimes in post-Soviet legal literature the concept “managerial crimes” not very long ago was rather widely applied. In determination of the content of specified concept there were many different interpretations. Some authors proceeding from ideology of the Soviet penal legislation containing the separate chapter “Managerial crimes” considered this type of crimes independent.

Others, on the contrary, believed that managerial crimes are the kind of economic crimes. The position of this group of authors was shared, for example, by B.V. Volzhenkin (Volzhenkin, 1999). N.F. Kuznetsova considered that the economic crime develops of infringement of property and entrepreneurial crimes (meaning all economic crimes committed both in state and in the private sector of economy) (Kuznetsova 1993: 12).

L.D. Gaukhman and S.V. Maximov considered as crimes in the field of economy economic crimes along with two more categories – “other crimes against the state encroaching on economic interests of the nation” and “ offenses against property” (Gaukhman 1996: 12).

The last two researchers in general in the field of economy referred to crimes the penal acts which are directly encroaching on fundamentals of national economy, the relation on ownership, use and order of property and also on the relations concerning production, distribution and consumption of goods and services. They attached those acts which encroached on the public relations providing interests of management to the number of so-called managerial crimes.

Due to the basic changes in the economical political system and system of the social and economic relations which happened in our country in the 90th years certain transformations were undergone in the system of legal regulation of economic activity. The criminal code of the Republic of Kazakhstan of 1997 radically reformed system of crimes in the field of economy having allocated crimes in the field of economic activity in the separate chapter.

These changes put end in dispute of specialists in the occasion of designation of crimes as economic or managerial having transferred the first category (“managerial”) to the category of definitions with which historians of criminological science will mainly operate.

The fifth UN Congress on prevention of crime and the treatment of offenders (1975) put crime of

the “white collars” in number of the most dangerous representing peculiar “a business form”. Its main lines were formulated: implementation of criminal activity for an economic benefit; connection with certain forms of the organization; use of professional or official activity; high social status of persons of this criminality; possession of the political power.

Absence of uniform criteria in establishment of crimes qualification as the white-collar or economic conducts to rather optional treatment with these concepts of various authors including in structure of such crime often incomparable types of offenses classified by various patrimonial signs and concerning the managerial sphere, the sphere of economic activity direct or indirect, and sometimes in general the extremely remote.

Attempts to specify and expand concept of white-collar crime were caused according to some criminologists by defaults of traditional treatments – they did not cover and did not consider the crimes committed out of the sphere of permanent activity of offenders and connected, for example, with tax avoidance by falsification of the declaration on the income, fraud at purchase and sale of the land plots, real estate etc. As a result the American criminologist G. Edelherz offered the following specified determination of the white-collar crimes referred to category of the economic: “Illegal action or the number of the illegal actions made without application of physical factors by concealment or cunning, for the purpose of receipt of money or property for business or personal benefits”.

It is extremely difficult to agree with opinion of the American specialists that the determination formulated by Edelherz is most complete and precisely reflects the being of economic crime. This treatment, on the contrary, does limits of the studied phenomenon very uncertain. Being guided by the similar definition, it is possible to include the offenses which do not have relations to economy and economic activity in structure of economic crime. For example, the household fraud connected with deception of one citizens by others when both parties do not represent other interests, except their own, i.e. interests of individuals.

The representative list of elements (signs) of white-collar crime allowing from the point of view of the American specialists, with the big reasons to refer it to category of economic crimes, was formulated at special hearings in legal committee of the House of Representatives of the USA (1979): these are the nonviolent crimes connected with deception, corruption or violation of confidence; made in the field of economy; made by professionals among

those who resorts to shrewd tricks for the purpose of masking their actions as legal.

To the middle of the 80th years in criminological literature in the West as G.I. Schneider notes, instead of the concept “white-collar crime” the terms “office crimes” and “corporate crime” are even more often used. It is indicative that the part of specialists inclines to understanding of economic crime generally as crime of corporations (Schneider 1994: 42).

Let’s notice that the fact of allocation a part of economic crime as a group of so-called office crimes, with inclusion in it of petty and insignificant offenses, is represented an attempt to take away researches of the criminal phenomena in economy towards the analysis of the least socially significant types of deviant behavior of ordinary employees.

A little allocation and leaving a part of economic crime like so-called “corporate crime” or, in other transcription, crime of corporations discharges the situation.

E.E. Dementyeva generalizing results of own research of the corporate crimes making the basis of economic crime in the countries with the developed market economy gives a bit different classification of their types:

- 1) the crimes consisting in abuse of capital investments and causing damage to partners, shareholders, etc.;
- 2) the crimes consisting in abuses of the deposit capital and causing damage to creditors, guarantors (false bankruptcies causing damage to creditors, frauds in the insurance field);
- 3) the crimes connected with abuse of regulations of free competition (industrial espionage, artificial overpricing or underpricing);
- 4) the crimes consisting in violation of the rights of consumers (the release of poor-quality products involving the physical abuse to consumers);
- 5) the crimes encroaching on the financial system of the state (concealment of profit, tax avoidance);
- 6) the crimes connected with illegal exploitation of the nature and causing environmental damage (environmental pollution);
- 7) the crimes consisting in frauds in the field of social insurance and provision of pensions, and also the crimes connected with conscious abuse of regulations of safety measures, causing material and physical damage to workers and employees;
- 8) the commercial graft;
- 9) the computer crimes (Dementyeva 1992: 43).

In the western criminology along with the considered categories the concept “managerial crime” is also widely used. The latter, in turn, often

is represented as the component of white-collar crime or as the form of its manifestation.

It should be noted that in the German criminological literature the attention is paid to existence in the field of economic crimes of the special phenomenon (we will call it victimo-paradox) – “some victims actually are potential criminals to whom prevented from committing the crime”.

Conclusion

The definitions considered in this article of economic (understood by different authors in own way) crime containing certain sets of lineaments, the list of components and signs, suffer from one main default – they do not allow to establish accurate, clear and comprehensive criteria of reference of these or those offenses to category of economic and, so complicate determination of the clear limits of this phenomenon.

So insignificant achievements in the field of legal regulation of fight against this phenomenon are explained by availability of the multiple range of treatments of concept of economic crime, complexity and multiple layers of the object of research and other reasons. The harmonious concept of criminal law concerning the solution of issues of regulation and legitimization of the sphere of economic activity, the sphere of entrepreneurship was not developed.

In this respect application of narrow treatment of concept of economic crime as crime in the field of business, the sphere of entrepreneurship can appear the most productive. Such disaggregated and restrictive approach is represented more preferable and is more perspective in sense of establishment of effective social control.

Summing up the results, it is possible to distinguish the following signs of economic crime

defining specifics of the phenomenon of delinquent behavior mainly in the field of entrepreneurship, the sphere of business:

1) execution in the field of entrepreneurship, in the field of business under cover of legal economic activity.

2) execution directly in the course of economic (entrepreneurial) activity, in its borders and limits of competence.

3) execution by subjects of entrepreneurship (business).

4) use of criminal methods of embezzlement of the economic benefits in the course of execution of legal economic activity, parasitizing on the economic and legal conditions produced by the official (permitted) market economic environment.

5) the high social status of the stratum of entrepreneurs and high credibility to it from society which become prostituted by businessmen tortfeasors, serve them as a cover for implementation of the criminal activity.

6) anonymity, absence of personification of the victims.

7) lack of direct contact with the victim.

8) specificity and plurality of objects of encroachment.

9) specificity of subjects of economic crime.

10) mass character and typicalness of crimes.

11) secrecy of crimes.

12) mercenary character of crimes.

13) concern towards category of nonviolent crimes.

14) availability of the phenomenon of indifferent relation of society to economic crime.

Thus, in this scientific article the complex analysis of essence of economic crime, different approaches to its determination in scientific community is carried out, and also own conclusions on the considered type of crime are drawn, and also about main characteristics which are inherent in it.

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