



Effect of Global Economy on law and Criminal Professionalism

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Abstract

The purpose of this paper is to clarify the concept of criminal professionalism. What is the essence of this notion? How can we use it in our work of identifying criminal behaviour? It is of particular interest since law enforcement agencies are special state bodies, professional associations, and special individuals with specific powers to carry out law enforcement activities. In our view, possession by individuals of specific authority for law enforcement may act as a factor that actively determines the committing of corruption crimes. This makes it relevant to do different studies designed to develop an explanatory model that should serve as a base for the legislator and law enforcer. One of the components of this model is the theory of criminal professionalism, by which one can describe, explain, and subsequently predict criminal professionalism as a social phenomenon and the personality of the contemporary criminal.

Introduction

Over the past few years, we have seen an increasing complexity of socio-technical reality. Such challenges to sustainable development have been climate, viral threats, and the risks of externally controlled colour revolutions. The danger of nuclear proliferation has been heightened by observing the creeping hybridization of war. However, the third world war does not necessarily have to be thermonuclear. The global confrontation for world domination is conducted using grey zones, PMCs, information veil, innuendos, spin doctoring, post-truth, sanctions, diplomacy, remote support for separatists, terrorist attacks, and intelligence with seemingly benign economic interaction between partners [1]. Ordinary crime is also getting more complicated. It is becoming more technologically sophisticated and professional, using computers, big data, and crypto-operations. A well-known American legal expert, F. Hagan, devotes the chapter to

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“White Collar Crime: Occupational and Corporate”, estimating measurement and cost of occupational and corporate crime, comparing suit crime in different spheres, assessing typologies of white-collar crime, and analysing corporate crime (loan scandals, financial schemes, pirates in the Internet, industrial safety disasters, telemarketing crimes) [2].

Vocational predators cost more to society, though they are not so conspicuous as street burglars. Blue-collar offenders share their direct responsibilities with entrepreneurial pursuits and are experts in bypassing the criminal law. Media strategies, clan ties, and high-status criminal professionals may exist beyond social radars for an extensive time. What makes them so invisible? Their professionalism, status, expertise, and knowledge of many social, financial, and legal matters.

Literature Review

High-rank criminals, when organised, represent elite deviance with its corporate power of indiscrimination, abuse of law and political corruption: influence peddling, bribery, municipal business undercover, kickbacks, insider trading, sweetheart contracts, funds embezzlement, tax violations, payroll padding, voter fraud. A great variety of corporate crimes poses a difficulty to a definition.

French criminologist A. Spire emphasises the role of intermediaries of professional criminals, among whom the lawyers occupy a prominent place[3]. Obtaining a civil trial, getting out of the criminal problem, restating the facts, suggesting a reinterpretation of the law, limiting the scope of the investigation, using a sophisticated tax avoidance strategies, passing a tax audit, repatriating hidden assets – legal professionals thus form a necessary judicial framework for criminal professionals.

The relationship between crime and economics has been approached by German scholar—Techmeier, who analyses this relationship in the context of the privatisation of former GDR enterprises. However, corporate actors rarely consider criminal law in their neoclassical economics entrepreneurial time horizon [4].

Many authors studied the history of organised crime in Russia. For example, S. Cheloukhine has examined the development of criminal professionalism in Russia between the seventeenth and twentieth centuries[5]. Frisby T. has connected the rise of organised crime during market reforms with the general state of declassification and anomie of the state[6].

P. Williams has issued a joint report on the globalisation of Russian criminal gangs, which are seen as surpassing Colombian drug cartels, Chinese Triads, or the various branches of the Italian Mafia; portrayed as more ruthless, more skilful, and more successful than organisations that are better known and more deeply entrenched[7].

This paper focuses on the professional features of crimes committed by law enforcement officials. There is a lack of understanding today that “professional” does

mean not only “occupational” yet also “skilled”. Gurov defines criminal professionalism as that type of criminal activity that makes up a source of livelihood for the subject, requires necessary knowledge and skills to achieve the ultimate goal and leads to contact with an antisocial environment [8].

M. Junninen similarly summarises North European collective understanding of criminal expertise as follows: a professional criminal is an individual who 1) earns his living by committing crimes, 2) distinguish from the beginners by professional skill(s) and competence, 3) is oriented towards committing crimes as a way of life, 4) does thorough planning, 5) effectively carries out the crimes with large profits [9].

The comprehensive text of David O. Friedrichs helped us understand the problems involved in studying white-collar crime and assessing its costs. The discovery of white-collar crime in post-industrial society could not have been explained without the principal focus on the unique expertise of the perpetrators and the character of the legal and criminal justice response to the crime. The author divides corporate crime into occupational and vocational, governmental and political, crimes of globalization and finance, and entrepreneurial and techno crime. Law and the social control of white-collar crime, policing, and regulation is discussed [10].

Of particular interest was the topic of how professional crime is interconnected with the effectiveness of police agencies. For example, cases and allegations of the use of excessive force by U.S. police departments are put forward in the collection of articles “Police Use of Excessive Force: Police Crimes in the Barrio”, where the following issues are formulated: 1) the lack of training for officers dealing with mentally ill persons, 2) stark racial divisions and historical patterns of distrust in criminal persecution, 3) strategy of community policing, 4) high proliferation of guns per capita and assault rate of police officials on duty, 5) voluntary model of reporting by police departments regarding officer-involved shootings [11,31].

Our thesis is that professional criminals are not only those that do that for life. On the contrary, it often becomes a prominent feature of certain activities, especially when dealing with crimes committed by state employees.

We want to offer a renewed definition of criminal professionalism as a remarkable quality of the individual or organization that allows committing crimes reliably and effectively with specific personal skills.

Methodology

Crime in general and professional crime, in particular, require mixed methods of research strategy and are most open to both qualitative and quantitative methods. Criminology combines the mixed methods of a research project in practice, combining statistical trends and personal experiences[8]. The mixed-methods approach appears sensible, uniting data collection methods and analysis, narratives and numeric

information [9]. Mixed criminological theory is based on multiple research methods' interpretations and links to philosophy and social and political studies.

Regarding empirical methods, participant observation and case studies have ground the research problem with validity and reliability [12,29,30]. We ground our assumption by analyzing legislation, law enforcement acts, official documents, operational reports, and sociological research [31, 32]. Finally, the case study method is used to prove the result, where criminal professional traits of crimes committed by law enforcement officials are analyzed [33,34,35].

An essential approach to criminal professionalism in committing crimes allows us to reframe the felonies committed by law enforcement officers. Invariable markers for professional behaviour would be: 1) specific personal qualities, knowledge, abilities and skills; 2) reliability; 3) efficiency. These traits have methodological value for the researcher engaged in the scientific study of these phenomena and law enforcement officers for planning preventive work and its direct implementation.

The following excerpt from the sentence demonstrates how a fundamental approach to the criminal professionalism is required:

K. served as the inspector in the Department of Internal Affairs, and D. and M. were second-in-command of a special platoon (OMON). V. occupied the post of second-in-command of the operational platoon of departmental security. The organiser of the crime, E., was not a law enforcement official.

V. and E. was found guilty in the following complex method of a crime organisation. With their accomplices, V. and E. prepared for the criminal act: geared firearms, available to D., sets of license plates, many SIM cards, and radio stations. Moreover, to comply with conspiracy, the partners have developed a communication scheme ensuring ignorance of all the other participants in abduction.

E. gave no information to D. about the figures behind the crime. D. also kept quiet about the exact number of participants and other data about the persons involved in the crime. M. and K. were not aware of the other accomplices. To accomplish kidnapping, D. planned to use the gun «model 33» 7.62 mm produced in Poland, which he bought in 2006-2007 in the region of the flea market. E. played the role of the organiser and leader of the abduction. He had to implement the kidnapping of A. between late February – early March 2009, but no later than March, 5th 2009. To implement it, E. received necessary information about their appearance of A., his profile, a routine vehicle and the place of his residence. The obtained data was given to D. E. demanded D. to use for the abduction of the police car «Gazelle» so that the relatives of the kidnapped would assume that the operation was done by law enforcement officials (this case is insider information obtained from the inmates' personal files, personal data is changed).

Specific personal qualities, knowledge, abilities and skills form the first mandatory attribute identifying criminal professionalism. It is important to stress that sole knowledge and skills do not fully reflect the personal component of professionalism. A complete and objective examination of criminal professionalism is impossible without studying personal qualities.

This is to the observations of British criminologists, noting that new opportunities for crimes grew significantly in the second half of the twentieth century and embraced infinite variations, especially online anonymity[13,26,27,28].

Our position is based on the assumption that pure criminal activities in general and professional criminal activity, in particular, are essentially irrational. If one takes into account the overall quality of life (life expectancy, health status, availability of material commodities and intangible benefits, the comfort of the environment, the presence or absence of stress, social environment), the quality of life for a law-abiding citizen, we believe, is higher than the quality of life of the professional criminal. Therefore, pursuing their choice in favour of a criminal life scenario, the individual chooses irrational behavior. Criminological ethnographer D. Hobbs agrees in his book with this point that those in the bad business lead complex, messy lives with a frisson of realizations [14,23,24,25].

In our view, the problem of the meaning of criminal expertise is in the existing contradiction between the resources of the personality, expediency and the activities it performs. For example, suppose we assume that criminal activity is, on the one hand, irrational and, on the other hand, complex and leads to a system of mental and physical resources, which allows one to set intricate goals and objectives and develop a plan and subsequently implement it. In that case, the logical question ensues: why would a person spend one's resources on irrational goal-setting and activities? We believe that in these circumstances, the rational choice is to favour law-abiding, not criminal activity.

However, when we consider people with certain authorities, especially in law enforcement service, we conclude that their actions obey to certain rationality or, as P. Bourdieu puts it, exist within their microsocial habitus. As we can see in the case, conspirators have developed a communication system that ensures the ignorance of all the other participants in the abduction [15,22].

Thus, being fixed within their framework of antisocial dispositions, they came to the false conclusion about their invulnerability and the accessibility of felonious objectives. Besides the individual rationality of criminal professionalism, law enforcement officers may turn the negative sides of their job to some criminal advantages [16,21].

Findings

In order to participate in criminal activities, law enforcement officers should be included in the appropriate system of social relations. In our case, E. and D. had connections in the criminal and near-criminal environment and could get the order to commit a crime. In other words, they were going to the criminal market with an offer.

Concerning these individuals, it is true to assume that if they have some knowledge relevant to malfeasance, it can always be actualised. On the other hand, a thought may remain latent for a long time, which increases the degree of social danger of such activities. There is another risk of latency and expertise in law-enforcement misconduct if the abuser does criminal activities alone, without the risk of being unmasked. On the other hand, professional criminals have an advanced benefit in the provision of physical effects on the victim if it is carried out in the presence of the numerical superiority of perpetrators.

The next point that we would like to draw attention to is the criminal skill, which we define as follows: Criminal skill is the ability, based on acquired knowledge and habits, to carry out criminal activity in a complex way with high quality and quantitative result in the normal and modified conditions. This formula implies the following signs of skill:

1. System of knowledge and habits (habitus).
2. Sophisticated model of criminal activity.
3. High quality of achievements.
4. Significant quantitative result.
5. Performance in a usual and altered environment.

These are just the basic traits gained by analysis of professional crimes committed that are not exhaustive; there may be more, depending on the complication and conditions of the perpetration. In particular, these traits are the property of criminal professionals within law enforcement agencies. Indeed, without these characteristics, “werewolves” would be unable to carry out intricate schemes of corruption and crime.

The following symptom of criminal professionalism is reliability, which can be interpreted as an individual’s ability to successfully commit a criminal offence based on objective and trustworthy ideas in the presence of sufficient mental and physical resources relevant to the specific situation know-how.

If we compare skill and reliability, we can conclude that they complement each other. The ability in general and criminal skill, in particular, has a fundamental nature, i.e. it is a qualitative characteristic of a personality. On the other hand, to a greater extent, reliability is situational and dependent on the person’s interaction with a particular life situation. For example, a shooter that snipes from his window 500 m away

from an annoying merchandiser that uses loudspeakers for advertisement is certainly skillful, yet unreliable, since the crime can be uncovered.

One can postulate the following index of reliability:

- 1) the system of objective apprehensions;
- 2) relevant to particular situation skills;
- 3) the system of mental resources;
- 4) the system's physical resources.

Regarding the law enforcement bodies, the system of objective apprehensions must include specific and relevant knowledge, that is: 1) an introduction to the basics of criminal law, criminal procedure and other legislation; 2) knowledge of the strategy and tactics of law enforcement and security; 3) psychology and victimisation.

We may be questioned why there are three or four criteria and not ten, not twenty-five. How can one measure these criteria? What is the evidence? Critical analysis of the inmate's verdicts obtains this number of criteria. Sure enough, human behaviour is mainly evaluative, and it is problematic to measure it precisely. Quantitative measurement is carried out according to the researcher's or law enforcer's inner conviction, considering life experience. Therefore, three additional conditional degrees may be proposed: maximum, average and minimum.

Discussion

In the current political and social environment, efficiency has become quite widespread. It is often used both in professional and public life. The term and its derivatives like "efficiency, effect, effective, highly efficient, inefficient, efficiently" found their way into the language of official documents [15,20].

The definition of criminal effectiveness, designation of its place and role in the system of criminal professionalism are not possible without developing an evaluative criteria system [16,17,18,19]. In this regard, we want to suggest a system of evaluation criteria, which in our opinion, will help achieve the objectives of the study. In total, we distinguish five criteria: *the presence of the purpose, the quality of the activity; the number of resources expended; the amount of time spent; the result achieved.*

The first criterion is the presence of the purpose. Goal setting is the primary driving force of the crime, which takes place in one of the first stages of implementing a particular type of criminal activity while one is modelling the events. The purpose is the result of a person's activity or group. It is an incomplete ideal representation of the future that predetermines the choice of appropriate means and a system of specific actions to achieve it.

From the point of view of efficiency, those criminals, who have a clearly defined goal, are in a more advantageous position than other perpetrators that possess only an

intuitively definite goal, persons with an indeterminate purpose for the criminal activity. The advantage of a clearly defined goal is that it launches a different, specific algorithm of actions aimed at the successful completion of a crime.

The following criterion, expedient to evaluate the effectiveness of criminal professionalism, is the quality of the performed activity. The concept of quality is vast, yet we are interested in a specific utilitarian one, where the quality is viewed as such essential characteristic as compliance with requirements. Since criminal activity is complex, the number of requirements may differ. However, we may name the core: 1) achieving the objective of the crime and 2) avoiding criminal punishment. An accomplishment of the felony by the professional criminal to get into prison is an exceptional case.

Additional characteristics may be valued in the criminal milieu, such as maintaining superiority among «thieves in law», personal charisma, monitoring the actions of other gangs, and collecting kompromat on accomplices. As we see, requirements imposed on the quality of the criminal activity correspond to various utilitarian tasks. It is natural since utilitarian effectiveness is expected from a criminal professional. Some criminal characters may pertain to external non-utilitarian practices like tattoos, following thieves' charms and superstitions. Lawbreakers not only try to reach some model of efficiency, but they are also introspective about their activities; they also organise brain storms, listen to criticism of their fellow criminals, hire former or active law enforcement officials, and learn new methods and technologies to become more efficient in their illegal activities. Thus, quality is the levelling criterion of malfeasance.

The third criterion evaluates the effectiveness by the number of resources spent. In this regard, we distinguish three types of resources, which can be classified as follows: individual resources, material resources, and financial resources. Individual resources comprise psychophysiological (health, working capacity, endurance), qualification (skills and abilities) and personal (level of social maturity, value and social benchmarks). Therefore, listed individual resources are a prerequisite for achieving the maximum effect.

Material resources come from any objects used for criminal activity: essential or auxiliary, raw materials or energy, every day or specific ones. Usage of the material world's circle of objects in criminal activity is vast, ranging from those that facilitate the life of a professional criminal (ergonomic footwear, masking clothing, bright clothes distracting attention from the appearance of the offender) serve elements of the criminal image (notorious crimson jackets and massive gold chains). These objects of the material world are directly used to commit a crime I. However, all these objects are treated differently in the criminal sciences. According to the legal criminal doctrine, only the items of the material world used by the criminal to facilitate the execution of the misdeed are called tools and means of committing a crime. On the other hand, in

forensics, the concept of «material evidence» is used towards any object. These object can serve as a tool, equipment, or other means of committing a crime, or if it retains the traces of a crime; or to which criminal actions were directed; money, valuables and other property obtained as a result of the crime; other items and documents, that can serve as a means to detect a crime and establish the circumstances of a criminal case.

By financial resources, we mean the money available to a professional criminal, necessary to achieve the goals, accomplish the tasks, and sort out the issues he faces. Cash is mainly needed to purchase various kinds of material resources for perpetration. In addition, it should be noted that in the criminal world, money costs more since many items indispensable for unlawful activity are banned from free circulation and are available only in the black market, such as certain kinds of weapons, chemicals, and technical devices. Thus specific kinds of crimes may be costly, such as terrorism in technologically developed countries, cyber attacks on well-equipped companies, frauds, and relying on white-collar corruption. For this reason, it is advisable to allocate the availability of financial resources as the main criterion of effectiveness in modern criminal professionalism, especially in complex types of perpetration.

The fourth criterion we will use to evaluate effectiveness is the amount of time spent. We know that time can be viewed as a resource with individual, material and financial resources. However, it is also a unique resource since it is one of the forms of existence.

For the professional criminal, the speed of specific processes is also different from the perspective of the subjective perception. For example, during the period of a criminal sentence, the time stops. However, in other cases, the flow of time becomes super fast for the criminal: the time of committing a crime, beautiful life in freedom. Therefore the time value augments for the criminal when he is released from prison. Therefore, it is used with maximum effectiveness and can be analysed as planned, normative and real-time.

Planned time is the time an individual or a group of individuals schedules to commission a particular criminal act or a crime as a whole. Normative time is an indicator reflecting the amount of time necessary to perform an action or a crime as a whole for a specific individual or a group in certain conditions with the appropriate quality.

When preparing for a crime, a potential offender calculates the time that may be needed to commit a crime. In some cases, when the calculation of time is problematic, modelling future criminal activity is carried out, including by studying the time costs by fixing and measuring the duration of the actions performed. From an efficiency viewpoint, balancing the planned and normative time becomes of particular value in this situation. As we see, the planned time is calculated by the individual and, in many ways,

is subjective, and the normative time does not depend on the calculations of the individual and reflects the objective picture. Accordingly, the more accurate the relationship between the planned and normative time, the more effective and professional the offender's actions will be.

In addition, we can distinguish two types of planned time: the actual planned time and wrongly planned time. By the true planned time, we mean a time distribution that correctly reflects the technological map of the alleged crime. Accordingly, when we speak of a wrongly planned time, the allocated time is contrary to the technological map of future crime.

Even though the true planned time correctly reflects the technological map of the future crime, it may conflict with the normative time. We distinguish three varieties of such disproportions.

The first ratio exceeds the actual planned time over the normative time. This state of affairs can be observed if the planned time for each stage is unjustifiably overstated, the intensity of criminal activity is not taken into account, technological breaks are planned, stages are set, and the probability of occurrence of which is low.

In these cases, even though an individual knows the technology of committing a crime, dissonance in calculations and standards can lead to failure. In particular, this or that significant event can occur in an unplanned period. For example, a pickpocket, planning to jump out of a subway car with a stolen item, leaves the carriage long before the door closes, allowing the victim to follow and detain the criminal or call for help.

The second ratio implies the correspondence of the true planned time to the normative one. This ratio characterises the criminal activity of the professional. At the core of the contemporaneity of the true planned time with the normative is the thorough knowledge of the technological map and, in some cases, laborious preparatory work.

The third ratio is characterised by the true planned time being less than the normative one. In this case, the individual presumes that he will be able to perform the crime for a lesser amount of time. This situation shows that despite the knowledge of the technological map while planning the crime, gross miscalculations were made. For example, an attacker estimated it would take five minutes to penetrate the condominium. However, it took fifteen minutes.

Alternatively, while planning a burglary, an individual decided that he could open the door with a crowbar or a mount, but an angle grinder or a mobile hydraulic press was needed. As a result, an attacker is forced to seek another instrument of crime, which inevitably and significantly increases the amount of time spent. Conversely, the wrongly planned time does not exclude the achievement of the crime's goal, but it creates

additional difficulties, obstacles or inconveniences that must be overcome, demonstrating a certain level of amateurism or criminal inexperience.

When considering real-time, we will not consider the wrongly planned time because, from the point of view of efficiency and criminal professionalism, this is a manifestation of amateurism or criminal inexperience and should not be relied upon by law enforcement agencies. One should not underestimate the enemy. Naturally, a potential criminal wants to develop into a professional, and while searching, one cannot misjudge the potential offender's potential risk.

When discussing real-time, we are interested in the following features. First, we should pay attention to the quality of the criminal activity. In our opinion, the velocity of the crime must correspond to the required quality. In turn, quality is primarily determined by the achievement of a criminal result. Otherwise, the criminal activity becomes ineffective and, as follows – meaningless.

Secondly, it is advisable to consider the relationship between normative and real-time. Just as in the above relation of the true planned time and normative time, we distinguish three types of relations: the excess of the normative time over the real, the correspondence of the normative time to the real and the excess of the real-time over the normative time. Exceeding the normative time over the real and the correspondence of the normative time to real-time can be called a manifestation of efficiency and professionalism since the individual clearly and competently performs specific actions. And in the case of exceeding the normative time over the real one, one can say that the actions of an individual are brought to the progressive stage of criminal professionalism

On the contrary, the excess of real-time over normative time indicates various flaws that prevent a straightforward and competent implementation of a certain amount of action. These flaws include excessive emotionality or vice versa, self-confidence, temporal disability, being in a state of alcoholic or narcotic intoxication, lack of motivation, etc. Thus, we can conclude that the ideal time model as an efficiency criterion is subject to the following relationship.

$$PT = NT \geq RT$$

In the above equation, PT is an actual planned time, NT is normative time, and RT is real-time.

In our opinion, the ideal time model is an efficiency criterion that presupposes correspondence of true planned time to the normative one, as well as the correspondence of the standard time to the real-time or the excess of the standard time over the real.

The fifth and the last criterion by which we try to assess criminal effectiveness is an expression of effectiveness. It is utilitarian. From the point of view of criminal professionalism, we distinguish two forms of expressing effectiveness: the amount of income extracted and other types of fruitfulness.

Conclusions

The extracted income can be either a direct consequence of the crime committed or an indirect one. If the income is a direct one, it can come either as money, where the target of the crime is money. It can also be obtained from the sale of the stolen goods. If income is received from the stolen goods' sale, then the efficiency can be estimated by the degree of compliance of the extracted income with trends in the secondary market. For example, inexperienced criminals and drug addicts sell stolen property beyond the price, trying to get the cash at the fastest rate. In addition, income can indirectly be retrieved from criminal activities, namely, the receipt of compensation for the crime committed.

In summary, it should be noted that the effectiveness of criminal professionalism can be assessed using the system of criteria described above. It seems that the considered criteria system has a theoretical, methodological significance, contributing to the increment of criminological knowledge, and will also be helpful to the law enforcer, forming a holistic view of modern crime. Further, crimes by law enforcement bodies are characterized by complex features that demand appropriate strategies to combat them. Therefore, our analysis from criminal professionalism the point of view allows us to reveal essential traits of such crimes.

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