

Forum 5 criminology

Law



Problems associated with defining and determining the frequency of corporate crime Corporate crime is crime committed by a single or more of the employees of a corporation. Such crimes do not end up on the individuals but on the organization given the separate legal entity between the individuals. The definition and determination of frequency of corporate crimes in the past has proved quite difficult if not impossible. The difficulty in defining what a corporate crime is has been a problem because of the vast definition that it takes i. e. its definition takes diverse parameters. The following factors have since been the problem with the definition:- there is lack of a central repository for data on the actual number of corporate crimes in the state and all the federal courts of the United States. Secondly, the only source of data in the United States sentencing commission, this does not accurately reflect the problem as it only collects data on corporations that have been convicted of federal offenses (" White-Collar and Corporate Crime." *Criminology & Public Policy* 1. 1 (2008).

It leaves out the other firms who may be the actual offenders or committers of corporate crime. The other problem comes when it comes to the definition, this term is not a concisely defined term, and this leads to additional difficulty when it comes to the determination as to what types of behaviors would fall under the category of corporate criminal offenses. The problem of defining corporate law has happened over the years. This is because of the dynamic evolution that this form of crime takes. Corporate criminal laws take five forms ranging from the consideration of separate legality, followed by review of criminal cases by courts. Thirdly, we have the growth of the regulatory agencies and law to influence them, the next is the joining of forces is the corporations and the government to fight it and lastly <https://assignbuster.com/forum-5-criminology/>

a call for reform because of the rampancy of these crimes (HASNAS 2005).

2. Discuss/debate possible solutions to this problem.

To curb these problems start by the clear identification of the problems. This is because a problem normally arise with the sanctions of the corporate crimes where if the guidelines significantly increase the sanctions, the substantial reductions in fines is allowed in the case with the evidence of an organizational due diligence. Another solution for corporate crimes is derived from the “ Sarbanes-Oxley Act of 2002” which is characterized by mandated auditor independence and increased penalties for securities fraud and this makes corporate heads refrain from fraud of any form of their companies (Keane 1993). The acts has helped but with a few setbacks that is the act does not deal with the ability of corporations to avoid expensing stock options as they get a tax write off. It does not extend the responsibility of corporate fraud to professionals like the accountants, lawyers or banks, which largely make such fraud, happen.

In addition, the bill is limited in its disgorgement and therefore some relevant amendments have to be made on such loopholes to make the solution to corporate to crimes watertight. In summary, to bury the issue on corporate crimes completely; the whistle blower protection has to be deepened, the 1995 Private Securities Litigation Reform Act has to be repealed while debarring lawbreakers. In addition to this, a corporate crime database has to be created while outlawing the use of off shore tax heavens (Keane 1993).

Works Cited

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