

# Criminological Policy in the Field of Ensuring Business Security

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**Abstract**—The development of entrepreneurial activity underlies the welfare of any social structure. The level of economic development of the state is directly interconnected with the effectiveness of the level of all criminological policies aimed at ensuring, guaranteed protection of the rights of business entities.

It is no accident that the primary role among the functions of the state is traditionally assigned to functions that protect private property, protect the rights and freedoms of entrepreneurs.

At the same time, private property, being the basis and economic expression of individual freedom, is a necessary condition for the free exercise of entrepreneurial and other economic activities not prohibited by law.

It should be taken into account that ensuring the criminological security of the business environment is inconceivable without appropriate legal regulation of all economic processes taking place in the society.

The continuing process of Russia's integration into the world market system and its transition to the digital economy presupposes the further development of criminal deprivation, associated with the uneven distribution of the profits received in society and, accordingly, the divergence of expectations with the possibility of limited satisfaction of the needs of specific entrepreneurs and social groups.

Therefore, the criminological policy, connected with the systematic obtaining of the most operatively important information about the future state of economic crime in a specific concrete historical situation, will allow most effectively ensuring criminological security of the business environment.

**Keywords**—*Criminological Policy, Criminological Management, Delict Risks, Delictual Criminology.*

## I. INTRODUCTION

Criminological policy is a scientifically based activity of specially authorized bodies of government and management, various political and public institutions, business entities and citizens aimed at ensuring the protection of the interests of the individual, society and the state from internal and external threats of a criminal nature [1].

At the same time, it is necessary to take into account that the criminological policy of the state should also take into ac-

count the social, cultural, economic, customs, financial policies that fix the criminal consequences.

E.V. Kunts outlines the main directions of criminological policy in entrepreneurial activity:

- prevention of economic crime;
- improvement of the legal and regulatory legislation;
- optimization of law enforcement activity;
- criminological management, including ensuring economic security;
- international cooperation in the field of counteracting transnational economic crime [2].

The general prevention of offenses in the business environment is realized by means of an anticriminogenic influence on its causes and conditions. In the structure of the general prevention of economic crimes the solution of specific social problems related to the coordination of the interests of the state, business and the people is of particular importance [3].

An important part of the general prevention of economic crime is overcoming the level of legal nihilism of the population, victimization prevention, forms of general prevention, which ultimately has a positive effect on the citizens' legal conscience.

The element of general warning of economic crimes is providing security that increases the security of the facility and minimizes the importance of criminal threats.

It is necessary to allocate a special warning of economic crimes aimed at studying a certain criminal mechanism with the purpose of an organized positive impact on it.

Individual prevention is aimed at implementing a set of measures to change the criminal behavior of the individual from the antisocial to the law-abiding [4].

The improvement of legislation should be implemented taking into account the imperatives of criminological security on the basis of monitoring the criminological situation in the rele-

vant economic sphere of public life in relation to which the need for legal regulation arises [5].

Accounting for these factors is associated with a prognostic assessment of the possible criminological consequences of the adoption of a specific normative legal act and its implementation.

A set of measures to improve legislation cannot be implemented without strategic planning. In this regard, it is no exaggeration to say that the most important attention is taken not only for the development of the economy, but also for ensuring a proper state of legality in the Federal Law No 172-FZ of June 28, 2014, "On Strategic Planning in the Russian Federation", which specifies the main goals, results and consequences of legal regulation in branches of the economic sphere.

Thus the more importantly that the legality in the economic sphere, its state should be viewed using an integrated approach. It needs to be analyzed not only in the process of applying laws regulating economic relations, but also in their preparation and adoption [6].

The main task of the authorities and management is to develop and subsequently adopt appropriate legal acts that ensure maximum economic freedom, implying full economic, legal and other responsibility for the results of such activities. Thus the ensuring of the legality in the entrepreneurial sphere begins and without this it is impossible to achieve positive dynamics.

Another important area that influences the state of legality in the economic sphere is the development and protection of entrepreneurship. It is important to note that the influence of entrepreneurship on the state of legality can be both negative and positive.

According to Yu.A. Tikhomirov "You cannot leave aside the institutions of entrepreneurship, because it is an active player in the economic and social field. ...Business is actively engaged in both law-making and the right to use. Some large corporations have departments of legislative work and services that analyze the operation of laws." [7]

The activities carried out are aimed at improving the business climate in the country, the region, a particular city or village, and, consequently, strengthening the legality in the economic sphere [8].

As part of the improvement of the regulatory environment in the field of entrepreneurial activity, it seems reasonable to revise the legislation regulating the activity of the criminological security service of entrepreneurship, which is currently extremely imperfect and contradictory.

In particular, Article 1 of the Law of the Russian Federation No 2487-1 of 11 March 1992 (edited of 03.07.2016) "On Private Detective and Security Activity in the Russian Federation" stipulates that citizens engaged in private detective activities are not entitled to carry out any measures, or operational search actions attributed by law to the exclusive competence of bodies to which such a right is granted. At the same time in the course of private detective activity the following are admitted [9]:

- oral interrogation of citizens and officials (with their consent);

- inquiring;
- studying of subjects and documents (with the written consent of their owners);
- monitoring to obtain the necessary information for the purpose of providing services (Article 5 of the Federal Law).

"When carrying out private detective activities, video and audio recordings, film and photographing, technical and other means that do not harm the life and health of citizens and the environment are allowed, in accordance with the legislation of the Russian Federation" (as edited by the Federal Law of 22.12.2008 No 272-FZ).

At the same time, the fact that this list of measures is determined by the Federal Law No 144-FZ of 12.08.1995 "On Operational Search Activity" (as edited of 06.07.2016) is completely ignored, and is attributed exclusively to the competence of law enforcement bodies [10].

We propose, in order to improve the legislation, to transform the semantic wording of Article 1 of the Law and state it as follows: "Citizens engaged in private detective work have the right to carry out any search activities that do not violate the constitutional rights of citizens." This will justify carrying out in the course of private detective activities and other activities that do not require the decision of the judiciary.

On the basis of the foregoing we propose to supplement Article 5 of the Federal Law "On Private Detective and Security Activity in the Russian Federation" with the following measures, namely:

- identification of the individual, consisting in the ascertainment and identification of a person on various grounds. It can be immediate and indirect. The main condition for identifying an individual is that his conduct, as a rule, is kept secretly, from the person being checked. The main goal: to exclude the employment of citizens who can cause economic damage to business;
- efficient introduction, which is a way of obtaining information by a management entity necessary to prevent economic delicts and, as a result, reduce the level of delictual background of the internal environment of the organization;
- controlled delivery, which is a way to obtain information about the signs of deviant activity, both the personnel of the organization and third parties, through the movement under the control of the management entity of goods and items belonging to the entrepreneur in order to identify or suppress economic delicts and persons involved in their commission;
- detective experiment as a way of obtaining information by the reproduction of confidentially controlled conditions and facilities for the purpose of manifesting unlawful intentions of personnel reasonably suspected of preparing or committing economic delicts that could lead to the bankruptcy of a legal entity;
- phone-tapping without access to external sources of subscriber communications, associated with confidential receipt of information transmitted by the company's personnel with vi-

olation of compliance rules developed by the management entity.

These proposals will be a logical legal justification for carrying out criminological measures that do not violate the rights and legitimate interests of citizens.

We believe that this interpretation of the Law will allow the subjects of criminological security management to expand legal opportunities to prevent criminal manifestations and, as a result, to improve the effectiveness of criminological management in the sphere of entrepreneurial activity [11].

Criminological optimization of law enforcement activities should be implemented through the ratio of the costs of the law enforcement mechanism and the benefits that the business community acquires.

In order to achieve positive trends in the state of legality in the entrepreneurial sphere, modern criminological policy should not face the dilemma of excessive restriction or, on the contrary, unreasonable strengthening of the protective function of criminal law in the economic sphere. "It should be adequate to the running socio-economic processes, take into account criminal trends in the economic sphere, help reduce criminal risks in the field of economic relations, finally be optimal in terms of protecting the physical and spiritual health of the people, equal protection of different forms of ownership, support for competition and freedom of economic activity" [12].

The success of criminological policy largely depends on the level of criminological management as an instrument of effective management in the sphere of economic crime control and ensuring criminological security in the entrepreneurial sphere.

Criminological management in the field of counteracting economic crime is an integral part of social management, since it is engendered by social negative conditions. Therefore, criminological management objectively acquires the importance of the priority direction of the state's social policy, from which the political line for managing the processes of economic crime control is singled out [13].

State criminological management began to develop in Russia in the early 1970s thanks to the scientific works of criminologists – G.A. Avanesov, Yu.D. Bluvstein, S.E. Vinnikov, M.S. Grinberg and in the future more detailed was considered in the scientific papers of M.P. Kleimenov, S.S. Ovchinsky [14].

The main goal of ensuring criminological security in entrepreneurship, first of all, is determined by the reliability of the stable development of the business entity through the prevention and suppression of criminal threats, the identification and minimization of delict risks, ensuring the safety of personnel, preventing theft of the organization's basic and circulating assets, the loss or theft of confidential information, ensuring security in production activities.

The instrument for the implementation of criminological management in entrepreneurial activities may be the criminological security service of a specific subject. Criminological security services in business mainly solve the tasks of preventive nature, prevention of criminal behavior affecting the interests of specific subjects of entrepreneurial activity.

The purpose of creating criminological security services is to provide the entrepreneur with conditions for protection from criminal competition aimed at obtaining unilateral advantages in business and based on violations of legislation, business ethics that causes economic or other damage to the entrepreneurial entity [15].

Ensuring criminological security of entrepreneurial activity from criminal encroachments should develop in accordance with the implementation of the goals of criminological management, which predetermined a more detailed approach to the study of offenses investigated by delictology [16].

This is primarily due to the fact that in the system of the general scientific direction of criminological management it is difficult to develop a scientifically grounded set of necessary preventive measures related to the effective protection of entrepreneurship both from the delict behavior of market subjects and from the deviant actions of individual delinquents.

"After all, any theoretical system of knowledge makes sense only insofar as it not only describes and explains a certain subject area, but at the same time it is an instrument for learning new knowledge." [17]

This direction, as a management system for early crime prevention, called by us as "Deliktological management" (Delict-management) is expedient to be considered as an integral part of criminological management [18].

After all, delinquency in entrepreneurial activity, as a structural component of economic crime, is a complex destructive system, the deviation of which increases in geometric progression.

The scale and diversity of delict manifestations caused by economic harm to the legitimate interests of entrepreneurial structures predetermine the need to counteract pre-existing offenses by minimizing the threshold of their criminal consequences.

At the same time, the most effective way of counteracting delinquency, connected with the prevention of economic violations, has not yet become dominant in the state policy of counteracting the deviant behavior of delinquents [19].

There is a shortage of legal and social knowledge about the causal complex of deviant behavior, without which effective prevention of pre-criminal offenses is impossible.

## II. CONCLUSION

In this connection, we consider it expedient to consider delictual management within the framework of economic criminology studying both the criminalized economy existing within or under the cover of legal entrepreneurs, as well as illegal (criminal) economy, which is a prohibited, parasitic entrepreneurial activity of criminal structures [20].

Ensuring criminological security of entrepreneurship is a complex multifunctional process that requires competent management in accordance with the economic justification of the regulatory and legal space.

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