

# Economic Crimes in Jordanian Legislation

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**Abstract:** A major concern for most nations in the world has been the increasing level of crime and violence. Jordan is no exception to this trend, with the amount and types of crime having been on a steady increase since the 1980s. Interestingly, in Jordan there is no official study for the rate of crime, however the crime and victimization survey conducted in 2000 found that about 40.3% of households had experienced some form of crime. This shows a sharp increase from the previous survey conducted in 1993 showing an experience level of 30.6%. Whilst there is a big difference in the figures themselves due to an inability to define what crime is, the increase in victimization rate for households is an indication of increasing criminal activity. This increase has led to a greater interest in understanding criminal activity in order to prevent it. Economic crimes have become one of the most prevalent and damaging forms of crime in the world. Due to the increase in globalization, economic crimes are especially difficult to prevent as they may affect a nation without directly occurring within it. Economic crime has damaged the economic system of Jordan on both a micro and macro level, destroying businesses, increasing unemployment rates and damaging the government and public infrastructure. The understanding of this damaging effect has led to an increased interest in the study of economic crimes in Jordan. This essay will aim to provide a thorough explanation of the types and rates of economic crime in Jordan, the laws and regulations preventing these crimes and a thorough analysis of these laws and their effectiveness. This topic is especially important for Jordan as an understanding of the laws and their effectiveness can provide insight as to how economic crimes may be prevented, providing a method to repair the damage already caused.

**Keywords:** globalization, economic crimes, destroying businesses.

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## 1. INTRODUCTION

### 1.1 Definition of Economic Crimes

Different nations and different international sources, bodies, and agencies have their own definitions. As a result, there is a vast divergence in what is considered an 'economic crime'. The UN Convention against Transnational Organized Crime is concerned with 'serious crime' defined in Article 2i to include activities punishable by a minimum of four years imprisonment. In contrast, the USA Internal Revenue Code 6050i (2) A requires private individuals and businesses to file a report on anyone who receives more than ten thousand dollars in the course of a trade or business. These contrasting definitions would capture considerably different activity.

Economic crimes are usually defined by the type of activity rather than the type of offense. These are non-violent, illegal activities which principally involve the use of force, fraud, or guile in an attempt to gain money or to avoid paying it. It is a broad-based definition which has been used by Shapiro and Maxfield to enable them to include a wide range of offenses that are not officially labeled 'crime' but are of a criminal nature. Typically, four types of offenses are included under this heading: white-collar crime, organized crime, state crime, and corruption. These types of economic crime are often interlinked as they usually involve offenders who are well placed in positions of power and who abuse this power for personal gain. Thus, the distinction between 'white collar' and 'political' corruption can often be blurred.

## 1.2 Importance of Studying Economic Crimes in Jordan

Finally, the paper will compare Jordan's legislation with the United Nations Convention against Corruption, to which Jordan is a signatory. This will achieve an overall goal of showing the compatibility and incompatibility between both the civil and common law/world legal systems in the context of economic crime legislation. This is an important issue for countries in a similar position to Jordan who are part of the global market economy but still maintain a legal system based on Islamic law.

In order to ascertain the importance of studying economic crime legislation in Jordan, this paper discusses the detrimental effects of economic crime on its society and its ability to attract foreign investment. It will be argued that to a large degree Jordan is itself a victim of economic crime and that this has led it to create legislation that is a hybrid of both developed and developing world legal systems, combining aspects of the English Criminal law with Islamic Shari'a law. This has led to some confusion in the terminology and definitions, this paper will address this and assess the effectiveness of the current legislation.

Economic crime is no longer seen as the criminal activity of a few deviant individuals within society. Rather, it is now definable as an abuse of trust within the market and economic systems. No country, developed or developing, can claim immunity from the debilitating effects of economic crime. The developing world in particular appears to suffer most, largely due to the fact that global investment is typically directed to (or through) developed countries. Consequently, much of the negative impact of cross-border economic crime is felt in those developing countries that are often least able to afford it. Jordan is a somewhat unique example of a developing country which has a large percentage of its population living below the poverty line, yet it has a level of economic crime more akin to the developed world. This, as will be discussed, can be attributed to its liberal market policies and close association with western countries and their multinational corporations.

## 2. HISTORICAL BACKGROUND

This period was soon followed by the nationalization of many large industries during the 1960s and 70s. The government's acquisition of major economic interests resulted in a decline of private sector profitability and investment. This led to frustration among many factions of the Jordanian political and business community, and a number of coup attempts and internal conflicts occurred. Economic crime was prevalent during these events with the siphoning of public funds and corruption of government officials being common practice.

Jordan is a developing country, and like many other countries in its situation, has seen economic crime proliferate due to rapid modernization and the globalization of its economy. Economic crime has occurred in many forms throughout the history of the Jordanian state. During the 1950s and 60s, a lack of regulation of the Amman Stock Exchange saw many instances of speculation and fraudulent activities, which eventually led to many companies being delisted and a decline in public participation in the stock market.

Economic crime has a long history in Jordan. Over the last few decades, many regulatory and economic changes have taken place, and the number of economic crime cases has grown year after year even though the level of crime in Jordan is relatively low compared to many other countries. This is mainly due to the fact that while the crime rate has increased, the population of the country has increased at an even greater rate, thus giving the impression that the level of crime in Jordan is much higher than it actually is.

### 2.1 Evolution of Economic Crimes in Jordan

The closest that Jordan has come to codifying economic crimes came in the form of the Economic Crimes Draft Law (ECDL). Duration uncertain, the ECDL was initially an undated 106-article law. This draft underwent several amendments; the most recent, in March 2002, reducing articles to 97. The Draft was purportedly made for the purpose of modernizing the economic system in Jordan and establishing an "economic court" particularly for the trial of economic crime. The contents of the draft included various provisions on measures to combat corruption and abuse of power, public sector fraud, embezzlement, fraud and deceptive practices, counterfeiting, and bankruptcy and insolvency. Unfortunately, any chance of the ECDL coming into force was shattered in June 2002, at the hands of some unknown political agenda. Insisting on the draft's importance, its advocates repeatedly attempted to revive it during and after the life of its existence. However, in June 2008, the Prime Ministry published in the Official Gazette that it had made a decision to cancel the draft, reasoning that it had been in a state of suspension for a long time and had been considered ineffective. This decision was detrimental for future scholars of Jordanian economic crimes, as the draft had gone unpublished.

Though hard to believe, researching the historical background of a particular crime is a very challenging task. This is so because there is no clear definition as to what constitutes economic crimes. Complicating matters further, until recently, no comprehensive code of economic crime existed in Jordan. In its Criminal Code, in the Law on Administration and Judiciary, in scattered provisions in other legislation and in codes and laws which are no longer in effect, Jordan has many provisions which bear upon economic crimes. But these laws do not define economic crimes in the terms of modern criminology and do not codify the range of behaviors today understood as economic crime.

## **2.2 Major Economic Crime Cases in Jordan**

Given the magnitude of this case and the degree of international interest, the documentation of the investigation and proceedings involving Petra Bank can serve as a case study for students of law and business for years to come.

In response to the Petra Bank failure, the Central Bank of Jordan (CBJ) contracted the services of two reputable international audit firms in an effort to diagnose the cause of the bank's insolvency. An investigation by a government-appointed provisional trustee led to charges being filed against bank executives in both criminal and civil court. Extradition attempts for the bank's principal shareholder were at first unsuccessful, but ultimately through an Interpol warrant, the suspect was detained in London in 2001. The overlapping civil and enforcement actions and the cooperation between the public and private sectors in pursuing the principal suspects in this case are an unconventional but educational example of the process of economic crime resolution in Jordan.

The most well-known case of an economic crime in Jordan is the Petra Bank case. This is primarily due to the drastic impact of the bank's collapse, the unprecedented nature of this event in Jordan's modern history, the subsequent international manhunt, and the large financial losses suffered by depositors. The investigative process employed in resolving the Petra Bank scandal, though perhaps not as successful as a prosecution and conviction would have been, is an excellent example of Jordan's ability to investigate an economic crime through cooperation between regulatory and enforcement agencies.

For the last two decades, economic crimes and their investigative process have come to occupy a significant and growing role in the overall criminal justice system in Jordan. Cases such as Petra Bank, the Jordan Phosphate Mines Company (JPMC), and the recent Global Arab Network (GAN) scandal have left an indelible mark on the Jordanian collective social consciousness regarding the commission of economic crimes. This section will present these cases and examine the investigation and procedural tools used by the Jordanian criminal justice system to resolve them.

## **3. LEGAL FRAMEWORK**

In the year 2002, Jordan finally laws specific to the controlling of money laundering. This is called the Law for the Prevention of Money Laundering. The Act is extensive and contains many articles relevant to the controlling of money laundering, and also has an entire chapter dedicating to International Cooperation. Due to the large number of articles, only a few of the main money laundering provisions will be cited. This law has been amended and subsequently known as the Anti Money Laundering and Terrorism Financing Act of 2007.

The Penal Code is the basic law dealing with economic crime, mostly in part four titled 'Felony of Fraud'. Provided that, it is to be noted that the wordings of each article differ. Some laws are direct while others are indirect, and therefore articles have been interpreted by inference in some cases, punishable by imprisonment or with a fine. In line with other Jordanian legislation, Article 19 states that any foreigner who commits an economic crime outside of Jordan which affects the interests of the state or its citizens may be subject to double penalty. This clause is applicable only if the offense committed abroad is also punishable under the law of that country. This is one example of Jordan broadening its jurisdiction in the area of economic crime.

Jordan has worked hard to create a fit and suitable legal environment controlling economic crime. Various laws and regulations have been put in place to ensure the proper controlling of economic crime investigated.

### **3.1 Laws and Regulations Addressing Economic Crimes**

For the purposes of this paper, the most important law to be discussed is the Jordan Customs Law No. 20 of the Year 1987. This law was enacted to enable a comprehensive change in the structure and management of the Department of Customs and Excise as well as the administration of customs and excise duties. This law has 272 articles. At this juncture, we are only concentrating on the offenses and penalties. This is because the law itself is comprehensive and is capable of dealing

with current offenses that have become more complex and sophisticated, such as smuggling and also tax evasion. The concept that we are trying to produce here is only some articles of a statutory law that are capable of being offenses are criminalized. The penalty for those offenses will be mentioned in this paper.

Laws that are related to economic crimes in Jordan are comprehensive and wide-ranging. Several laws that had been enacted by the government are capable of dealing with any offenses. In chapter three of the preliminary part of the Penal Code, the code emphasized all offenses against public order and the national economy. Consequently, Jordan has enacted temporary laws and regulations to deal with the offenses which have become rampant, especially the black market and customs offenses. Temporary laws namely the Jordan Temporary Laws No. 1 of the Year 1946 and No. 2 of the Year 1946 are addressed towards offenses involving foreign exchange and also the trafficking of goods and foreign currency.

### **3.2 Penalties for Economic Crimes in Jordan**

Article 27 identifies the penalties for those abetting or participating in a crime and states, "The persons participating in the conduct of any of the crimes defined in this law or involved in the preparation of its commission shall be punished by imprisonment for a period of not less than the period prescribed for the crime itself." This language implies that the punishment should be double that of the original crime, with no upper limit on the maximum punishment. This is problematic for those who engage in several different kinds of corruption, who would in theory receive consecutive sentences for multiple offenses, effectively trying the person for the last crime up the first crime is finished. This has serious implications on the time spent in jail for the defendant, who would be subject to increased time in jail as a repeat offender, with the extra time spent being disproportionate to the additional crime.

For example, the Act identifies bribery and foreign bribery similarly, even though the former is often used to influence certain actions by public officials, and the latter is used to obtain an illegitimate competitive advantage in the bidding process.

The offenses mentioned in the Jordanian Economic Crimes Act of 1993 and its revisions in 2002, as well as in the Jordanian Penal Code, do not identify penalties for the commission of a crime. They also do not address sentencing guidelines. In compliance with the UN Convention on Corruption, they should provide different levels of penalties for the different economic crimes, though this has not been done.

## **4. TYPES OF ECONOMIC CRIMES**

The second part of the 2001 Jordan Economic and Social Commission for Western Asia (ESCWA) report provided an overview and analysis of the Jordanian income tax evasion. The report states that tax evasion is the result of a variety of issues and, unless these issues are addressed, an attempt to capture and try tax evaders will be an exercise in futility. Tax evasion is most prevalent when there is a high tax rates, a complex and confusing tax code or when the tax system in place is new and unfamiliar to the tax payer. These characteristics create a high perceived tax rate, meaning that the true rate of taxes paid is higher than the official rates set by the government. The difference between the actual tax rate and the perceived tax rate is the degree of non-compliance. The higher this value, the higher the rate of tax evasion. These are all problems prevalent in the Jordanian tax system and it is estimated that millions of dollars in tax revenue is lost each year due to tax evasion. Corruption, particularly in public sector organisations, has a large impact on the Revenue Department's ability to enforce tax laws in Jordan. Low salaries for government employees drive many to look for additional sources of income and often they will use a public position to generate private or additional income. This extra revenue is usually taken in the form of bribes for certain services and jobs performed or through illegal allocation and sale of government goods and property. The ESCWA report states that an income tax data analysis showed that high level tax compliance is concentrated in areas with low to negligible level public sector corruption. This evidence suggests that taxation enforcement can only be achieved by reducing corruption within the public sector and demonstrates a need for more severe consequences and prevention of corrupt activities. The report then provides a series of recommendations to reform the tax system and reduce tax evasion in Jordan.

### **4.1 Fraud and Embezzlement**

Fraud is stipulated in the Jordanian penal code under various articles relating to specific forms of fraud such as credit card fraud, banking fraud, and electronic funds transfer. Article 11 states that the penalties for fraud are equivalent to the penalties for theft of the same amount. This is reinforced in Article 20, hence it is fair to say that the punishment for fraud in Jordan

is equivalent to the punishment for theft. This is also reflected in Article 316 under the section related to employee fraud or theft of an employer's property. Although this article is not specifically related to general fraud it is similar in nature and hence penalties for employee fraud may be equivalent to that of theft.

The distinction between public and private sector crime is unclear however, with recent amendments to the Penal Code indicating that crimes by public officials should carry heavier penalties, hence blurring the line between embezzlement and fraud.

Article 2 of the Jordanian Anti-Corruption Law defines embezzlement as a public sector crime whereby a public official unlawfully takes public funds or public property entrusted to him for personal gain. Penalties for embezzlement are more severe than those for fraud, with a punishment of temporary hard labour if it involved taking money, and immediate imprisonment if the crime involved taking public property to which he had a duty to maintain or was holding in special trust. This is stipulated in Article 8 of the Jordanian Penal Code which states that the punishment should be more severe if the criminal is a public official.

Fraud and embezzlement are considered the most common forms of economic crimes. Although both terms are used interchangeably, they differ in their legal status and implementation. Embezzlement is distinct from fraud because it entails breach of trust and abuse of an official position, and is committed in relative secrecy.

#### **4.2 Money Laundering**

In Jordan's previous Penal Law, there was no specific legislation combating money laundering. However, money laundering is an old crime in Jordan with the concealment of money itself being a criminal act. Simulation of employment or business is another old offence and one of Jordan's leading money launderers was once successfully prosecuted under this charge. The typification of money laundering in Jordan Law No. 11 of 2007 is thus a case of *lex ferenda* following *l'experience*.

Money laundering is the process to conceal or disguise the identity of funds obtained illegally so that they can be used without hindrance. The minimum punishment for this crime is 2 years imprisonment, with the absence of a general maximum punishment. The theory of this offence is also an appropriation one building on the concept that the defendant appropriates the criminals' money to his own use. It is also a crime spanning over several jurisdictions, and in most cases it is linked to drug trafficking, though the money laundering legislation is not confined to this type of criminal activity.

"4.2 Money Laundering"

#### **4.3 Tax Evasion**

The tax system in Jordan requires all citizens and residents to pay taxes on income earned both inside and outside the country, and companies or businesses who are based in Jordan are subject to tax on their worldwide income. Non-residents are taxed only on income earned in Jordan. The tax rate for individuals ranges from 5-20%, and a standard corporate tax rate of 35%. There are several tax exemptions and special rates, and the abuse or misinterpretation of any of these laws that results in lesser payment of tax due will be considered tax evasion. The law punishes offenses concerning sales tax and income tax with fines in addition to imprisonment for a term not exceeding 2 years. Offenses concerning customs duties and excise taxes are punishable by imprisonment for a term not exceeding 7 years, and in some cases life imprisonment.

Tax evasion is defined as the effort to avoid or escape paying taxes to local or national taxing authorities, which can result in serious consequences. Tax evasion consequences include the opening of a tax investigation or audit, which can open the door for more serious charges such as tax fraud and falsification of documents. Tax evasion penalties also include heavy fines, or in the case of criminal tax evasion, the taxpayer and tax advisor can face prison sentences.

#### **4.4 Corruption and Bribery**

Corruption is the act of abusing office or power for private gain. Thomson and Tonsing state that it includes the making of an "offer or promise to give something of value to improperly influence an action of a public official" (NAC). Articles 18-25 of the 1999 law park the offence of bribery into 2 categories: bribery and influencing a public official, which also cover the act of bribery in the private sector. Under the COJB 2002, the previous offences were amalgamated into one general offence of bribery (Punja, 2008), which brings the giving and taking of a bribe under the same section. It is important to note that not all acts of bribery will be considered a violation of Jordan's treaties and conventions due to jurisprudence limitations. Thus, the onus is on the prosecution to prove that an act of bribery is a violation of domestic law or an international

instrument such as the UNCAC (Punja, 2008). Penalties for bribery are outlined in article 12 of the Jordanian penal code. The main penalty is imprisonment between 2 and 7 years and a fine of 20,000 dinars. The other act of giving and taking a bribe is subject to imprisonment for 3 years along with a small fine. These penalties are relatively light and are not a true representation of the serious nature and consequences of bribery in public office. In this regard, there has been some criticism of Jordan's legislators for not taking the crime more seriously.

## 5. INVESTIGATION AND PROSECUTION

The powers of Jordanian security agencies are balanced by a number of restrictions and safeguards. Persons suspected or accused of committing crimes have a number of due process rights that limit the discretionary powers of law enforcement agencies. With regard to the police, the Law of Criminal Procedure (Articles 103-106) guarantees suspects and accused persons the right to remain silent, the right to consult with a lawyer of their choice, the right to notify a relative or employer of their detention, and the right to receive medical treatment if they are held in police custody. These rights help to ensure that the investigation process is fair and transparent, and that law enforcement agencies remain accountable for their actions. The limitation of police remand to ten days (can be extended to 15 days in specific circumstances) ensures that persons accused of crimes are not subject to indefinite detention without charge. Security agencies are subject to similar restrictions regarding detention and interrogation, and all agencies are prohibited from using any form of coercion to force a confession (Article 234, Penal Code). An amendment to the Penal Code in 2013 further strengthened the protection of due process rights for suspects and accused persons by criminalizing the act of holding any person in secret detention; this is defined as detention at a place where the detainee's relatives and lawyer are not aware of their location, or where the detainee's location is not disclosed to the authorities within whose jurisdiction the place of detention is situated (Article 168/2, Penal Code). Due process rights and the limitations on the powers of law enforcement agencies are essential in preventing abuse of power and protecting the rights of accused persons. However, in practice, the effectiveness of these safeguards may be limited by the prevailing culture and attitudes within Jordanian society.

Law enforcement agencies in Jordan hold a number of powers that enable them to investigate economic crimes. The Jordanian Public Security Directorate (the police) has primary responsibility for the prevention, investigation, and detection of all forms of crimes in the state. For the purposes of investigating any crime, including economic crimes, the police have the power to interrogate any person or summon them for the purpose of interrogation, create files, and search any premises. The police may summon an investigator for the purpose of questioning, and the police may accompany the investigator to any place that is deemed pertinent to the investigation. The police coordinate with the prosecutors in respect of summoning accused persons for questioning, prosecution, or arraignment, and all decisions to press charges or drop the matter are made in conjunction with prosecutors. Security agencies such as the General Intelligence Directorate and the Gendarmerie are also authorized, subject to certain restrictions, to investigate economic crimes and to share information with the police and prosecutors.

### 5.1 Role of Law Enforcement Agencies

The most significant part of the process is undoubtedly the investigation itself. In Jordan, a specialized Anti-Economic Crime Unit (hereafter AECU) has been set up within the Ministry of the Interior. Established on 20th March 2003, it signifies Jordan's commitment to effectively combating economic crimes. The AECU operates under the Jordanian Penal Code, laws of criminal procedure, and international cooperation to investigate crimes that affect national and public interests, economic and financial systems, working to uncover evidence and bring those responsible to justice. This unit has the power to arrest and detain suspects: Article 12, Law 7 of 2004 gives AECU officers the authority of Public Prosecutors to make arrests and issue search and arrest warrants. This is significant as other law enforcement officials require permission from public prosecutors or judges to conduct the same activities. At this current time, it is difficult to gauge an idea of AECU effectiveness or success due to a lack of available information. However, the existence of a specialized unit and powers granted indicate the government's proactive approach to combating economic crimes. This is further backed up by the fact Jordan has signed international agreements and conventions/protocols designed to promote cooperation and combat transnational economic crimes such as bribery, embezzlement, money laundering, and terrorism financing. This implies Jordan may be involved more frequently in international investigations with foreign law enforcement agencies in the future. The AECU will be hard-pressed in meeting such obligations due to its limited resources and the Iraq war's effect on diverting attention away from economic and onto more serious criminal offenses. However, this higher level of commitment towards

more sophisticated investigation is encouraging and can be viewed as evidence of improvement over the previous traditional inaction.

### 5.2 Challenges in Investigating Economic Crimes

Lack of resources and inadequate expertise in economic crime investigation make it a low priority area for law enforcement agencies. They often fail to recognize the serious implications that economic crime has on social, political, and economic institutions. For example, the Central Bank of Jordan estimated in June 2000 that \$200 million from public money had been lost to public sector graft over the previous decade. 86 Prevention of economic crimes through tightened security and screening measures has the potential to save public and private sector resources that can be reallocated to more socially productive areas. Successful investigation and prosecution of economic crimes can result in the recovery of lost assets. This is a particularly important consideration in a country like Jordan where economic crimes are often committed by public officials. Legal provisions that enable the freezing and confiscation of assets that have been shown to be derived from or used in furtherance of an economic crime are an effective weapon. The recovery of stolen assets, absent in most countries in the Arab world, can deal a blow to the culture of impunity and provide a strong deterrent against future economic criminal activity. Although there are exceptions, at present Jordanian law does not contain effective provisions for asset recovery.

### 5.3 Prosecution Strategies and Procedures

Formal and evidentiary rules of Jordanian criminal procedure, as well as the requirement of criminal intent, often pose obstacles that impede the prosecution of economic crimes. Cases generally are prosecuted by the public prosecutor rather than the victim and in the criminal courts. A significant decision of the Court of Cassation on 31 January 2005 has confirmed that the Criminal Court is the only forum for economic crimes. The criminal justice process begins with the public prosecutor's filing of a bill of indictment which commences the trial process. At the conclusion of the trial, the court will issue a reasoned decision and in the event of convictions, the court will specify the sentence or other punishment. This is also significant as the courts have often in the past found accused persons guilty but refrained from specifying any punishment. The judgment, assuming there is a conviction, will also assist any civil action the victim may have against the offender. Appeal lies to the Criminal Court of Appeal and from there to the Court of Cassation. However, in economic crimes, criminal procedures are now often the final hurdle for justice. Economic crimes are often complex and lengthy, and criminals are increasingly using technical knowledge to avoid leaving evidence that will lead to an undesired court decision. Economic crimes now often culminate in trial for the prosecutor has been too overwhelmed by the complex nature of the investigation and evidence.

## 6. PREVENTION AND DETERRENCE

An important factor in preventing economic crimes is through international channels. Usually, economic crimes have cross-border implications, whether it be the laundering of money or more direct crimes such as bribery. The global economy has allowed for increased movement of finances and, as a result, increased the rate of economic crimes. In order to effectively combat economic crimes, Jordan will need to seek cooperation and information sharing between countries. This can be achieved through mutual legal assistance where there can be cooperation in obtaining evidence, seizing and confiscating property, etc. Extradition is an important tool as it allows for criminals to be tried in the jurisdiction where the crime had the most effect, and many economic crimes involve fleeing to other countries. An extremely effective method of preventing international economic crimes is through the implementation of international treaties. These treaties can set standards for laws and regulations and provide a framework for economic crimes. An example would be the United Nations Convention against Corruption; Jordan has ratified this convention. This is one of the most effective methods in preventing economic crimes as essentially it creates a convergence of regulatory methods that increase the effort and risks of committing a crime while reducing the potential benefits.

The government has to take measures to effectively prevent economic crimes from taking place. This requires comprehensive and effective strategies. Traditional police methods will not suffice for economic crimes. There must be a strategic shift away from traditional repressive methods of investigation and detection to more proactive preventive strategies. One of the more effective modern methods to prevent economic crimes is by situational crime prevention. This can involve the introduction of regulatory measures designed to increase the effort and risks involved in committing a crime, thus reducing the potential benefits. An example of this in Jordan would be increasing the regulation of business transactions. Simulation and modelling can also help to identify possible problem areas where preventive strategies may be

deployed. The government can use a variety of agencies and private companies to run scenarios of possible economic crimes and determine the best methods to prevent them. Another approach for prevention is to increase the general awareness of people who may be in a position to commit an economic crime, that they are being supervised or that checks and audits will inevitably uncover any malpractice. This is referred to as increasing the perceived certainty of apprehension. This can be achieved by increased supervision or by swift and sure disciplinary action following the discovery of an economic crime. Measures to prevent economic crimes will need to be monitored and the more effective strategies will change dynamically with the nature and type of economic crimes.

### **6.1 Measures to Prevent Economic Crimes**

To prevent government and public sector corruption, it is recommended that the employment of financially attractive measures be used to convince potential offenders not to offend. This occurs through increasing the expected value of legal behavior and decreasing the relative value of the illegal behavior. Measures with this effect may include the monitoring of public officials, audits, and accurate and timely disclosure of financial information. For the private sector, effective crime prevention occurs where companies have mechanisms for self-regulation and control. This involves measures to increase the risk of offenders being caught, such as the strict enforcement of internal rules and regulations, including the employment of disciplinary measures for offenders, and improved security to prevent occupational crimes. Where such measures are costly, legislation offering incentives or immunity from penalties for companies that self-report and cooperate with authorities may be enacted to an effective net benefit.

Under the legal theory of deterrence, the prevention of criminal activity is accomplished through the use of punishment that is severe enough to deter individuals from committing crimes. In consideration of the type of persons who commit economic crimes, and the environmental conditions that foster these offenses, it has been suggested that the most effective deterrents to economic crime are the probability of prosecution and potential profits from the illegal activity. Severe sentencing, which increases the opportunity cost of the criminal activity, serves as an effective general deterrent and prevents offenders from repeating the offense once they have been punished. Under Jordan's criminal law system, an attempt to commit a crime is punishable under the law, but the punishment may be less severe than for the actual crime, particularly if the attempt failed. In such cases, where there are no losses suffered by the victim or a third party, it is suggested that the perpetrator be ordered to pay restitution and damages, with a failure to do so resulting in a more severe punishment.

### **6.2 International Cooperation in Combating Economic Crimes**

The aspect of "international liaison in the fight against economic crime" is important for Jordan and other similar countries as globalization has made the world a much smaller place. Economic crime, as it affects the public sector, is an obstacle to economic, social, and political development and affects all countries. For this reason, Jordan was enthusiastic in ratifying the United Nations Convention Against Corruption as it covers a wide range of preventing corruption, the development of policies, and promoting the implementation. The convention also includes an entire chapter on the means of cooperation including articles on issues such as "Preventive anti-corruption policy, Law enforcement, Asset recovery, Technical assistance, and Information exchange and training." An agreement of this type with treaties and possible joint investigations into corrupt practices of public officials could be likened to the situation with Jordan and the United States and its Treaty concerning extradition and mutual assistance in the case of a possible 1991 ratification (Anon., 2016).

The participation of Jordan in the international community in the fight to combat economic crime seems to be somewhat questionable. In the Deloitte Research paper, it is stated that "There is little evidence of a systematic approach to international liaison in the fight against economic crime, nor any comprehensive strategy for the collection and analysis of intelligence." One would question such a comment considering that Jordan became a signatory to the United Nations Convention Against Corruption in 2005 and ratified this convention in 2006. If one were to go by the information stated in the Research paper, then one would struggle to see how Jordan could have been so efficient in completing this, as such a process would require a systematic approach to international liaison considering that a convention developed by the United Nations would involve other participating countries.

### **6.3 Public Awareness and Education**

This is achieved by seeking the improvement in the public's knowledge and awareness of the nature of economic crimes and its consequent social, political, and economic ramifications. The effort here is to create intelligent and perceptive



citizens who are unlikely to become victims of economic and white-collar crime and will not condone it in society. They will be less tolerant of economic crimes, especially corruption and abuse of official positions, when they realize the severe implications of these offenses. This will involve educational initiatives and the involvement of the mass media. Programs can be created ranging from school level right up to adult education, and these can be incorporated into the curricula of relevant studies. Such education can also be incorporated into communities at a grassroots level and will involve education officers and public talks. The message here is to also outline the punitive consequences of such acts and to promote intolerance of these acts in society. An intelligent and well-informed public will readily support all other measures implemented to combat economic crimes. The media's role is also critical in this aspect because it has a pervasive influence on public opinion. It can be used as a tool to inform the public of their rights in consumer protection and instruct how to avoid becoming victims. When the public are caught, the media can also be used as a proven tool of shaming by naming and will act as a deterrent for further offending by them and others.

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