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CRIMINOLOGICAL ASPECTS OF REDUCTION OF WHITE-COLLAR CRIMINALITY IN MOLDOVA AND ISRAEL: CRIMINAL BEHAVIOR APPROACH

Specialty - 554.02 Criminology

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THE CONCEPTUAL FRAMEWORK OF THE RESEARCH

Relevance of the researched topic. The relevance of current study stems from a need to deal with the widespread and grave phenomenon of white-collar criminality. Practically there is no occupation which is immune from white-collar crime. Such crimes can have place in a public sector, as well as in a private one. In general, these are malpractices for financial gain. *The seriousness* of the white-collar criminality can be explained by the reasons that in these offences, the victims are occasionally unaware that they have been deceived; most of people also do not possess of the financial knowledge to understand these crimes; in many cases, it is not possible to understand/identify the damage as it is divided by a large number of victims; the criminals do not consider themselves as such; they would not deny performing the action, but they would deny that it is an offence.

Description of the situation in the domain of research and identification of the research problem. In order to identify and to analyze the aspects of reduction, prevention and counteracting of the white-collar criminality phenomenon by means of criminal behavior approach in criminology, the author has submitted to a detailed analysis a great list of scientific articles, reports and other monographic studies which belongs to different authors from the Republic of Moldova and Israel. Additionally, there have been analyzed a great deal of issues from Romania; Great Britain; Australia; Canada; United States of America; Russian Federation; Germany etc. The scientific research is found on the brilliant ideas and concepts set up in the studies performed by the following famous and well-known criminologists: O. Bejan; V. Bujor; T. Ciaglic; Ig. Ciobanu; St. Copețchi; V. Cușnir; L. Gîrla; Gh. Gladchi; B. Glavan; V. Hulea; S. Ilie; V.Ionașcu; Gh.Jovmir; Iu. Larii; Al. Mariț; D. Martin; J. Rub; I.-C. Zeca *(Republic of Moldova);* M. Eded; E. Goode; B. Regev; D. Weisburd *(Israel)*; T. Amza; A.-A. Leția *(Romania);* R. Agnew, G. Geis, H.N. Pontell; L.M. Sallinger; S. Shapiro; S. Simpson; E.H. Sutherland *(United States of America)*; H. Croall *(Great Britain)*; M. Bagaric; G. Duffield; A. Freiberg *(Australia)*; F.S. Perri *(Canada)*; R. Cherkasov; A. Gharmash; Yu. Latov, S. Nudeli; *(Russian Federation)* etc. The level of analysis of the phenomenon of white-collar criminality is considered to be insufficient and lacking in the realm of its reducing by means of personality measurement and behavior prognosis in criminology [15, p. 193-206; 21, p. 156-169]. The present research is coming to complete the investigations performed in this field, being traced new tendencies and aspects of white-collar criminality reduction in modern times [9, p. 176-183; 10, p. 184-189; 11, p. 190-197; 12, p. 189-193; 13, p. 148-152; 14, p. 397-400]. The criminal behavior approach selected by the author [15, p. 193-206;

16, p. 125-128; 21, p. 156-169] in criminology comes to compensate the field of study concerning the phenomenon of white-collar criminality.

The object of the present research is appraisal and explanation of the offender's personality and his decision-making process by means of an economical Irrational Choice Theory utility as a new method of white-collar crimes' reducing Criminology.

The purpose and the objectives of the research. *The purpose* of the present research consists in reconsideration of the white-collar criminality phenomenon reducing approach, by means of an economic theory able to explain and to appraise the personality of the white-collar offender and his decision-making process, as well as in reconceptualization of a method for forecasting on the stage of the hiring process of a potential offender by means of pre-employment tests as an integral part of the process of prevention and counteracting of the white-collar criminality phenomenon in the Penal Politics of the Republic of Moldova and the State of Israel.

Objectives which are elaborated in accordance with the purpose are following: to find a relevant explanation of causes and favourable conditions of white-collar crimes perpetration on macro- and micro-level; to demonstrate the relevance of the Irrational Choice Theory in the explanation of white-collar criminality by means of identifying the intensity of intuitive decision' influence and personal characteristics of an offender over the perpetration of white-collar crime; *to demonstrate* the relevance of pre-employment methods of forecasting based on Irrational Choice Theory etc.

Methodology of the scientific research. Methods of research selected by the author are the following: logics (analysis and synthesis); systematic method; method of legal knowledge (dogmatic); sociological method; statistical method; experimental; interview; supervision, as well as the comparative method. The present scientific criminological research is based on studying of the science of Criminology as the basic approach, as well as accompanied with the most relevant conclusions from Psychology, Psychiatry, Economy, and Sociology. The legal basis of the research constitutes the penal legislation of the Republic of Moldova and the State of Israel in the matter of prevention and counteracting of white-collar criminality phenomenon. The empirical basis consists of the survey of the transparency process of tender's organizing and management in the public sector in the State of Israel; selected criminal records examined by the judicial instances in the matter of white-collar crimes; the wide-scaled sociological interviews and psychological tests of the convicted persons, as well as of the control groups for the Republic of Moldova and the State of Israel.

Scientific newness of study and originality of the results obtained. The present scientific research is dedicated to the most disputable questions

of white-collar criminality reduction by means of implementation of the newest concept of Irrational Choice Theory as the most relevant dogmatic approach in prediction and explanation of white-collar offenders behavior. *The innovative character of the findings* and *the originality of the obtained results* is expressed in the following: promoting the Irrational theory in decision-making process during a white-collar crime perpetrating; the past personality social experience constitutes the core of the future white-collar misbehavior of this person; the risk of white-collar crime is a result of both personality and environmental or situational variables; elaboration of the *"personality coefficient"* suggested to be a valid method of forecasting of a servant with a high propensity to perpetrate a white-collar crime.

The main scientific problem solved consists in demonstration of the Irrational Choice Theory utility in the mainstream criminology that is considered to be the fundamental one in explanation of the criminal misbehavior of the white-collar offender, which has induced to the creation of an innovative algorithm of pre-employment tests based on revealing of the causal relationship between specific personality traits and predisposition to risk of white-collar crime in future, in order to be used as a valid and authentic method of white-collar criminality prognosis and reduction.

The theoretical importance of the research is expressed in: systematization of the scientific approaches concerning the phenomenon of white-collar criminality; accretion of a consistent theoretical and empirical basis in order to construct and to develop an innovative criminological approach in the domain of prevention and counteracting of the white-collar criminality phenomenon; elucidation of the newest perspectives of the criminological science evolution in the sphere of prevention of white-collar criminality etc.

The basic scientific standpoints presented for the defence: 1) white-collar crime is and umbrella concept which is often used to describe a host of criminal behaviors, which involves three necessary elements: a) the special occupational status of the offender; abuse of that special occupational status; b) the causal relationship between that special occupational status and c) the fraudulent misbehavior expressed in its abuse; 2) there have been denied the standard assumption according to which individuals who commit white-collar crimes are rational decision-makers who expect gain from criminal activity, by contrast, the characteristics of white-collar criminality are compatible to an *Intuitive decision-making model* that is also based on rationality but only in some strict limits; 3) some specific psychological traits display the crucial role in differentiating a non-criminal from a criminal offender, determining the criminal misbehavior of the person, as a result, there are *"dangerous combinations"* of personality traits which determine propensity of the perpetration of a white-collar crime.

Implementation of the scientific results refers to the elaboration of the scientific publications as a guideline for the professors, students, master degree and doctorate students; contribution to the improvement of the syllabus and curriculum in the matter of criminology concerning the research of white-collar criminality phenomenon. The scientific results are already applied in some private organizations from Israel (See: *Letter of Nisko Ardan Group Recommendation Implementing Research Findings Successfully by Itzhak Nitzan*) and will be transferred to the Israeli Government for the further implementation.

Approving the results. The basic standpoints and conclusions of the thesis have been exposing in the realm of 13 scientific publications. Also, they formed the subject matter of the debates on the Criminal law Department meetings of the Moldova State University during the 2012-2016 years. At the same time, some of the ideas which constitute the scientific result of the author have been promoted during the following conferences: National Scientific Conference with International Participation *"Integration by means of research and innovation"* (Chisinau, 10-11 November, 2014, Moldova State University) and Anniversary International Scientific Conference *"The role of science and education from the Republic of Moldova in the implementation of the Association Treaty to the European Union"* (Chisinau, 05 February, 2015, University „Constantin Stere").

Publications on the topic of PhD. 13 publications.

Volume and structure of the thesis: Introduction; 4 chapters; general conclusions and recommendations; bibliography of 400 titles; 170 text pages; compliance regulation and curriculum vitae of the author.

Key-words: *white-collar criminality; white-collar crime; white-collar offender; corporate crime; fraud; intuitive decision; Irrational choice theory; Rational choice theory; psychology of fraud; personality coefficient; personality of white-collar offender; risk-taking; risk-averting.*

THE FUNDAMENTAL CONTENT OF THE RESEARCH

Introduction describes vitality, opportunity and importance of the scientific problem; the purpose and the objectives of the thesis; scientific novelty of the obtained results; the major scientific problem which was solved by the author; theoretical importance and the empirical value of the research as well as the summary of the thesis.

In the realm of **Chapter 1** ***"Scientific Background In The Research Field of White-Collar Criminality Reduction"***, there have been discussed several questions: *1.1. Scientific background in the research field of white-collar criminality reduction in the Israeli and foreign literature; 1.2. Scientific*

background in the research field of white-collar criminality reduction in the Republic of Moldova. The author has selected only the most recent scientific sources, the last being dated even by 2015 and 2016 years of edition. The newest bibliographical issues have created a substantive, necessary and sufficient scientific background of the criminological research. Even if abroad in this scientific domain the situation is a progressive one, then in the field of science of the Republic of Moldova there is detected a very modest content of the scientific background in the domain of reduction of white-collar criminality [5, p. 78-79]. As a result of a meticulous theoretical analysis there have been proved that several aspects of prevention and fight against of white-collar crimes have not been even outlined [9, p. 176-183; 10, p. 184-189; 11, p. 190-197; 12, p. 189-193; 13, p. 148-152; 14, p. 397-400; 15, p. 193-206; 16, p. 125-128].

Before the demonstration the utility of the Irrational Theory in white-collar criminality explanation, the author decided to make a detailed analysis of the whole spectrum of criminological theories which are focused on explanation of this event [17, p. 19-26; 20, p. 28-37]. So, the phenomenon of white-collar criminality in mainstream criminology was explained by *macro-* and *micro-level theories*, where the *macro-* are pertaining to organizations (Economic theory of crime; the Sociological Theory; Structural theories of white-collar crime; Robert K.Merton's Anomie Theory; Organizational Theories; Conflict Theories) [22, p. 231-232], while *micro-* are pertaining to individuals (The General Strain Theory; Social Learning Theory; Theory of Self-Control; Routine Activity Theory; Control Balance Theory; Rational Choice Theories; Irrational Decision Model has the status of Prospect Theory) [4, p. S251-S278; 6, p. 71-88; 8, p. 31-32, 46-52].

In the opinion of the author such approach will lead to a more complete understanding of white-collar crime. Indeed, the evidence presented by *a macro-level assessment* of white-collar crime provides some insights into the occurrence of these acts, but it is equally clear that not all corporations collapse under capitalist pressures and commit criminal acts, specifically white-collar offenses [22, p. 210]. Nevertheless, in order to understand why some individuals within a capitalistic culture engage in white-collar crime, while others do not, the author insists that the research of white-collar criminality must be focused on *micro-level theories* to account for these *individual-level differences*. In his opinion, examinations at the individual level can lead to a more comprehensive understanding of white-collar occurrences [17, p. 19-26; 20, p. 28-37]. As a result, the great deal of foreign sources (up to 200) which have been submitted to a profound analysis have contributed to delineate several big perspectives of his scientific background investigation: 1) evolution of the white-collar criminality concept in the criminological

literature, demonstration of criminological approach validity [7, p. 88-91; 23, p. 28-29]; 2) definitional issues of white-collar crime and fraud [5, p. 78-79; 23, p. 28; 20, p. 28-37; 17, p. 19-26]; 3) personality of the white-collar offender and its assessment in the criminology [1, p. 28-35; 3, p. 91; 18, p. 25-33]; 4) correlation between psychopathy and white-collar crime [6, p. 71-88; 18, p. 25-33]; 5) correlation between risk-taking and risk-averting behavior during perpetration of the white-collar crime [21, p. 156-169; 4, p. S251-S278]; 6) pre-employment test as a method of white-collar criminality reduction in the Penal politics of the State [14, p. 397-400; 15, p. 193-206; 16, p. 125-128; 19, p. 13-27; 21, p. 156-169].

From the standpoint of macro-theories, the author believes that together with the persons who commit white-collar crimes a tremendous contribution to the phenomenon of white-collar criminality belongs to the legislator. From the micro-theories perspective, psychological variables do discriminate between white-collar offenders and non-offenders [1, p. 28-35].

In the realm of the question 1.2. *Scientific background in the research field of white-collar criminality reduction in the Republic of Moldova* there have been detected that the core of the study such as treating white-collar criminality through criminal behavior approach in criminology in its pure form is absent, but, at the same time, there have found several general postulations and recommendations on multidimensional level that will help the author to build a new, original and viable methodology of white-collar crimes prevention [2, p. 64-72]. Unfortunately, the modern behavioral pattern of Criminology is not sufficiently developed.

This situation in the Moldavian doctrine can be explained by a single cause – *the topic proposed by the author is absolutely new for the Republic of Moldova*. Therefore, the importance of the results obtained in the limits of his scientific research consists in creation of an adequate mechanism of prognosis and prevention of white-collar criminality as an integral part of penal politics of the Republic of Moldova as well as of the State of Israel [14, p. 397-400; 15, p. 193-206].

As a result of the meticulous analysis of the foreign and national scientific background the author has obtained the following conclusions: 1) a great amount of theories identify personality characteristics that may influence white-collar offender behavior: *the rational choice approach in Economics* [4, p. S251-S278]; *the concept of individualism in Sociology* [1, p. 28-29]*; the concept of behavioral self-control in Criminology* [23, p. 4; p. 27-29]*; the concept of narcissism in Psychiatry* [6, p.71-88]*; the concept of hedonism in Psychology* [23, p. 28]; Central to these theories are concepts such as *opportunity*; *trust; core competence*; 2) owing to progressive foreign literature there have been formulated the definition of white-collar crime, as *an*

intentional, profit-driven, non-violent, illegal act (action or omission), prohibited by Criminal law, expressed in illegal financial acts, deceitful or dishonest business, deceitful practices or abuses of state power, committed by a corporate entity or an individual who is using his occupational status, special knowledge or technical competences for illegal financial gain, which has provoked harm (damages, losses, feeling of distrust etc.) or has created a real risk of harm occurrence in public or private sector [20, p. 35-37]; 3) there is a substantial literature abroad on the prediction of dishonesty, but instruments are imprecise and still generate a number of errors, people who appear to be at risk of offending but who are in fact unlikely to commit the crime [15, p. 193-197]. Abroad, quite a few studies were dedicated to the field of white-collar offences in criminological and rational aspects and form an aspect of decision-making of a white-collar criminal; 4) nowadays in the mainstream criminology the Rational Theory still dominates [8, p. 31-32, 46-52], at the same time, the core of Irrational Theory (Prospect Theory) in white-collar crime perpetrating, has proved that the author is on a right way to create a valid and authentic theory. If the critical thinking is the key standpoint of the Rational Choice Theory, then intuition is considered to be the core of irrational decisions, the author believes that decisions to perpetrate a white-collar crime are adopted especially under conditions of uncertainty, where it is difficult to foresee the consequences or outcomes of events with precision [9, p. 176-183; 21, p. 156-169]; 5) in the light of the Prospect Theory concerning the white-collar criminality explanation, *if one option is better on at least one aspect, and at least as good on all other aspects, it will be preferred to lesser options.* In order to prove the authenticity of the Irrational Theory in criminology, the author performed successfully several profound empirical surveys in Moldova and Israel [15, p. 193-206; 19, p. 13-27; 21, p. 156-169], as a result, the author believes that *decisions made in the past, impact the decision-making process in the present* – there is an assumption of stable preferences; 6) there have been formulated the basic research question is how to deal with and how to create a new, inventive and resourceful attitude to limit the potential white-collar offenders, in general, and tender crimes, in particular, in the public and private sectors of the Republic of Moldova and the State of Israel, this can be presented into two levels: *macro aspect* – to identify the potential perpetrators before the working during the pre-employment casting; *micro aspect* – to prevent the desire or the propensity to perpetrate a white-collar crime.

In the realm of **Chapter 2 "*The phenomenon of white-collar criminality in Moldova and Israel*"** there are included several questions as the following: *2.1. The concept of White-collar crime; 2.2. The portrait of the white-collar offender and his criminal motivation; 2.3. The phenomenon of*

white-collar criminality structure, dynamics and state: empirical findings for Moldova and Israel. White-collar crime and fraud are similar but not the same. Any form of white-collar crime possesses elements of fraud (dishonesty, deception, concealment) but not every fraud is white-collar. The offence-based definition of white-collar crime, which is originated on the means of crime commission, is seemed to be partially invalid because if it will be accepted in a whole, then the white-collar crime will be identical to the concept of fraud [7, p. 88-91]. But in reality, it isn't. The inherent feature of any white-collar crime besides the fraudulent method of the criminal's misbehavior, are considered to be the following three necessary elements: 1) the special occupational status of the offender [2, p. 64-72]; 2) abuse of that special occupational status [24, p. 76-82]; 3) the causal relationship between that special occupational status and the fraudulent misbehavior expressed in its abuse. Lack of those elements will transform the white-collar crime into the ordinary fraud when anyone can commit it.

The current study maintains that white-collar crimes are perpetrated through Intuitive (Irrational) decision-making by an offender, as a result the macro reason to describe the profile of a white-collar criminal and his motivation to commit a crime and to a deviant behavior, lies in the biological-psychological-social chain originated in the fact that a man is basically evil. In the opinion of the author, the behavior of a person is uncontrollable [9, p. 176-183; 18, p. 25-33; 20, p. 28-37]. *Such criminological explanations and hypothesis displayed above, must be verified and confirmed by the empirical findings.* The author has performed two surveys performed on the base of the judicial practice by means of which there have been achieved the original criminological findings concerning the phenomenon of white-collar criminality, in general, and the personality of the white-collar offender, in particular: 1) a selected survey on the base of the most recent (2013-2016 (first six months)) criminal decisions edited in the perimeter of the Supreme Court of Justice of the Republic of Moldova; 2) a double empirical survey of criminal sentences since 2005 till 2014, as well as analyzing of criminal verdicts from the judicial practice of the State of Israel since 1997 till the first half of 2016 year (5792 of 15 types of criminal sentences edited for white-collar offences).

Concerning ***the Republic of Moldova***, taking into account the peculiarities of society, and law enforcement, the author decided that much better would be to organize an empirical survey of the criminal decisions adopted in the realm of criminal records by the Supreme Court of Justice during the last years (2013-2016 (first six months)). The following survey which was performed is based on a profound *analysis of the judicial practice of the Republic of Moldova* [19, p.13-27]. In order to succeed the author has selected 47 of criminal sentences edited by the Supreme Court of Justice of

the Republic of Moldova for the period since 2013 till 2016. Such criminal sentences have been distributed as following: 2013 – 2 cases; 2014 – 15 cases; 2015 – 9 cases; 2016 (first six months) – 21 cases. More than it, in the realm of his survey the author divided all the cases (47) into two big groups in function of the sector where the white-collar crime was committed. Thus, we have emphasized two criteria: a) white-collar crimes committed in *the public sector* – 21 criminal cases; b) white-collar crimes committed in *the private sector* – 26 criminal cases.

Based on the foregoing empirical analysis the author observed that *the golden age of white-collar criminality is the age of 40.* As a result, older offenders (> 40 years old) are met in 62,96% of general number of the persons under the charge (47). While in public sector (21 of cases) the medium age is lesser (<40 years old in 66,67%). The author assumes that it is linked with the specific character of the job which is executed by the defendant. Often white-collar women offenders are more engaged in private sector, rather than in public sector. In the Republic of Moldova *in the public sector* the offender often is a young man who is selected for the job in law enforcement authorities of the State, whose salary is very little, and who commits acts of corruption in connection with his profession. Frequently, such acts of corruption are associated with abuse or excess of power. At the same time, a classic profile of a white-collar offender *in private sector* is significantly different: often it is a person older than 40 years old, with great experience in management and finances, with good material situation, who commits grievous criminal offences in the sphere of embezzlements by abuse of trust associated with forgery in official documents. Indeed, they can be called white-collar criminals. Among them acts of corruption are met rarely.

Results show categorically that all the offenders charged with and convicted for these categories of white-collar crimes are without previous conviction *(the criminal history is absent)*. Absolutely all criminal misdeeds are directly linked to the profession of the offender and committed during the period when the person has been employed. Interestingly, that in the Republic of Moldova the offender has been submitted to a cumulative punishment (imprisonment and criminal fine simultaneously) for the majority of white-collar cases perpetrated in the public sector, while the white-collar offenders from the private sector have been submitted only to one basic punishment (or imprisonment, or criminal fine). Regardless of this fact, white-collar offenders in private sector are submitted to harsher and severe punishment than the defendants from public sector; especially the term of imprisonment is increased and is applied more often. Furthermore, in the majority of white-collar cases perpetrated in the public sector the offender has been charged with and convicted for acts of corruption, while in case of white-collar

offenders from the private sector there is detected an absolute prevalence of the cases of abuse of trust (acts of dishonesty) and embezzlement.

For ***the State of Israel,*** the author has decided to represent the structure and dynamics of white-collar criminality being taken two periods: a) since 2005 till 2014, as well as analysis of several verdicts from the judicial practice of the State of Israel; b) since 1997 till the first half of 2016 year we have selected 5792 of 15 types of criminal sentences edited for white-collar offences from the official law website of the State of Israel. *In accordance with the Israeli Police Data, the phenomenon of white-collar criminality in Israel during the period since 2005 to 2014 is characterized by the following structure:* 1) fraud and extortion; 2) forgery, including currency, stamps and documents; 3) other white-collar offences. Per total, the author represented the phenomenon of white-collar criminality in the State of Israel by the following data: in 2005 – 14904; in 2006 – 14266; in 2007 – 12180; in 2008 – 13138; in 2009 – 14802; in 2010 – 13239; in 2011 – 12405; in 2012 – 11540; in 2013 – 11400; in 2014 – 10961. More than it, the whole phenomenon of white-collar criminality can be represented in percentage towards the whole criminality: in 2005 – 3,02%; in 2006 – 2,99%; in 2007 – 2,75%; in 2008 – 3,22%; in 2009 – 3,62%; in 2010 – 3,45%; in 2011 – 3,40%; in 2012 – 3,21%; in 2013 – 3,13%; in 2014 – 3,09%. Additionally, the author has selected 5792 of 15 types of criminal sentences edited for white-collar offences from the Israeli law website of the State of Israel for variances periods from 1997 till the first half of 2016 year.

As a result, the author has formulated the following basic standpoints:

I. ***Age of the person on the date when a criminal offence was perpetrated:*** Male Adults – 3403 persons (58,75%); Male Older – 1841 persons (31,79%); Female Adult – 390 persons (6,73%); Female Older – 158 persons (2,73%).

II. ***Gender of the perpetrator:*** male offenders are much more involved in all offences activities in comparison with female offenders. Especially, in 5792 all offenders, only 548 have been female, which constitute 9,46%, while 3403 male adult persons have committed the major white-collar offences, which constitute (58,75%). There are 3793 adult male and female offenders (65,48%) and only 158 older female (2,73%).

III. ***Average nominal imprisonment given in examined judgments (represented by years of incarceration):*** the period of male imprisonment is longer than female imprisonment between the range of 50%-500%, while the nominal difference is about the rate of 180% (2.3 years for male, 0.8 years for female white-collar offenders).

IV. ***Gender average nominal imprisonment according to the examined judgments:*** the period of male imprisonment is longer than female

imprisonment with the rate of 180% (3,6 years' imprisonment is the nominal rate). The nominal rate of judgment for all offenders in accordance with he maximum term of imprisonment constitutes 43%.

V. ***STD[*] deviation for imprisonment results***: the period of male imprisonment is longer than female imprisonment with the rate between 50%-100%.

VI. ***Median[**] for imprisonment results (years):*** The period of male Median imprisonment is longer than female Median imprisonment with the rate between 20%-100% except two offences which is 200%-300% difference rate).

VII. ***Average fine given in examined judgments:*** about a half of the criminal sentences, the older offenders have paid between 40%-80% more money, than the adult offenders. In taking bribes, the older female offenders have paid in 350% more than adult female; and adult male paid twice than the older male offenders.

VIII. ***STD deviation for fine results;*** in most of the offences, the adult offenders paid more money as a punishment with the rate between 20%-70%, than the older offenders. Male and female offenders (except older female offenders) paid more money with the rate of 250%.

IX. ***Median for fine results:*** in most of the offences, the older offenders' Median fine was bigger with the rate of till 100% than the adult offender. The two genders, except giving a bribe offence of older male, with fine in rate of 200% more, than the adult male offenders.

Based on the foregoing empirical analysis, the author demonstrated that the average age of white-collar criminality is the age of 40. Adult person age is between 18-40 years. Old and older persons above 40 years old till 67 years old (retirement). So the average age of white-collar offenders is about 40 years old. The prevalence of the persons engaged in the white-collar criminal activity in the state of Israel is observed in persons older than 40, while 65,48% of persons are adults (<40) and 34,62% are older persons. The specific character of the job is an important factor. White-collar female offenders are 9,46% of the total number of white-collar offenders.

Therefore, ***on the base of the original analysis of the Israeli judicial practice data the author has obtained the classic profile of a white-collar***

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[*] ***Standard deviation*** *is a statistical measure of the dispersion values describes the data set at around their average. As the data are grouped together, their standard deviation becomes smaller. It means that we can know the difference between the imprisonment judgments from the average imprisonment.*

[**] ***Median:*** *(also called the reluctance 50th or 50th percentile) is a key indicator of a group of data organized one-dimensional. The median value is set to be out of the group, with an equal number of values above and below.*

offender: *it is a person about minimum 40 years old, with experience in management, who commits crime offence in the sphere of 15 types of white collar offences by abuse of trust against the companies.*

As a result of above-mentioned theoretical explanations fortified by the original findings, the author deduced the following conclusions which are seemed to be crucial at defining portrait of white-collar offender: 1) personality traits have been found to play a key role in deviant behavior of fraud, they should not be interpreted as the cause of crime, but they may serve as a risk factor for crime to occur; the main characteristics of white-collar criminals are *hedonism* and *narcissism* as compared to other white-collar individuals – a prevalent characteristic of criminal narcissistic leaders is *their tendency to surround themselves with organizational conformists who are accomplices to the fraud crime;* 2) white-collar offenders show *a higher level of socioeconomic status* in terms of prestige, income, and education than the general public, white-collar crimes are often, but not always, crimes of the *late-middle aged*, they tend to be married and this means that there are responsibilities for family care before, during, and after conviction; 3) some of the criminal thinking patterns that offenders display include but are not limited to: *rationalizations; entitlement* (attitude of privilege to resources regardless of the harm to others); *sentimentality* (doing good deeds to make up for bad acts); *power orientation* (displays of aggression to control or manipulate persons or situations); *a disregard for rules, norms, and social boundaries*, female offenders are considered to be an exception of this rule because they are mainly motivated by *family reasons*, and there is typically *a non-financial pressure* and *a need-based justification*; 4) all over the world in different judicial systems there exists a custom to concern good character, good education or lack of economic need to mitigate rational, premeditated and profit-seeking crimes: *the absence of a record is seen as a distinctive difference between traditional criminals and white-collar criminals*, they often are *serial offenders* no differently that non-white-collar offenders who display a criminal history throughout their lives; 5) the assumption according to which *white-collar criminals are not people who are threatening the lives of others* is erroneous: the author concludes that white-collar criminals are not people who are threatening the lives of others, but there are two exceptions: a) intentional violent crimes committed in order to prevent disclosure of white-collar crime or in order to facilitate its commission; b) cases arisen from a defective management which consists in failure to consider the potential harmful consequences of workplace – criminally negligent job policies.

In the realm of the **Chapter 3** ***"Irrational Theory in explanation and reducing of white-collar criminality in Moldova and Israel"*** are included the following questions: 3.1. Weight of Irrational Theory in demonstration of

white-collar offenders' criminal thinking: theoretical explanation for Moldova and Israel; 3.2. Validity of Irrational Theory in demonstration of white-collar offenders' criminal thinking: empirical findings for Moldova and Israel. There have been solved a scientific problem, through the creation of new ways and methods for development of new results by identifying and demonstrating the connection between intuitive decision determined by the personal traits of the offender, from one side, and perpetrating of the white-collar crime, from another side. The author considers that not all crimes can be categorized as a manifestation of rational behavior and assumes that *there isn't any pure rational decision model and that the study of decision and human judgment is characterized in the tension between the Rational model that is in the basis of economy and management theory and between psychological considerations that occasionally are not compatible with the principles of rational decision*. Compatible with his point of view *consistency is only one aspect of the lay notion of rational behavior*. Therefore, the author formulated the assumption is that the characteristics of white-collar criminality are compatible to a model of Rational decision-making to a very limited degree and it would be correct to study an Intuitive (Irrational) Decision-making model.

In the realm of this scientific research the author decided to verify the viability and reliability of the Big Five Test of personality traits in order to demonstrate the reasonability of criminological findings in the process of reduction of white-collar crimes. The empirical survey was performed with participants from both of countries (the Republic of Moldova and the State of Israel). The basic purpose has been consisted form the demonstration of the significant influence of personality traits upon the phenomenon of workplace behavior expressed in the perpetrating of white-collar crime. The author decided to achieve the best scientific results for his research by means of executing of several statistical surveys both in Moldova and Israel [21, p. 156-169]. The whole population who took part in the empirical examination is presented below: the total number of offenders finally convicted for white-collar crimes in Moldova and Israel – *119 of persons*; the total number of non-offenders (the control group) in Moldova and Israel – *158 of persons*; the number of the persons convicted for embezzlement from Moldova (the control group) – *41 of persons*; the total number of persons who have taken part in the examination – *318 of persons*. The examination has been originated from the gender characteristics and the social status of the participants: ***gender characteristics*** – 63% are men; 68% are women; ***age characteristics*** – 83% are above 31 years old; ***education*** – 90% of the respondents have graduated universities (high school).

The model elaborated by the author is directed to reduction (decrease) of white-collar criminality was based on several hypothesizes: 1) there is a correlation between the criminal reason (motive) of the crime, from one side, and deterrence to perpetration of an offence, from another side; as well as between the level of rationality of the perpetrating of an offence and the capital accumulated as a consequence of the criminal thinking; 2) there is a correlation between Big-Five Personality Traits (Extroversion, Conscientiousness, Agreeableness, Openness and Neuroticism) and decision-making process in white-collar crime; 3) significant differences shall be found to prove the Irrational Decision Theory as the main criminological theory in white-collar criminality explanation, between the five research populations of Moldova and Israel, from one side, and the level of risk they are ready to take upon themselves with perpetration of a white-collar crime, from another side; 4) there is demonstrated a significant correlation between the Big-Five personality traits, from one side, and the high level of risk-taking which leads to the perpetration of the white-collar crime, from another side.

On the subject of prevalence of an impulse to perpetrate a white-collar crime over a rational decision-making during a white-collar crime perpetrating, the author obtained the following results: 1) It was found on a level of 75% that the persons who took part in the survey are unanimous concerning the idea that a manager who thinks of perpetration of a white-collar crime at his workplace, would do so as a result of his impulse to use the opportunity and to make money by perpetrating the offence. Only 25% of respondents maintain that a manager would perpetrate an offence at his workplace, after he has analyzed rationally the meaning of perpetration of the offence and considered all the implications and outcomes; 2) The absolute majority the respondents are considering that during the perpetrating an offence the manager is appreciating his criminal activity in function of the amount of assets illegally gained on his workplace. In such a manner, a manager who has accumulated assets during his life is considering that a white-collar crime wasn't perpetrated if the total amount of the illegal gain does not exceed the level of 20%. This fact was found in the highest rate amongst women (82%) and amongst men and criminals by 71% and 67% correspondingly. It was found that for a third of the offenders, the amount of accumulated assets is irrelevant (amongst men – 29%, women – only 18%); 3) 30-40% of respondents consider that the reason for perpetration of a white-collar offence stems from the satisfaction a criminal would have from the financial gain as a result of the perpetration of the offence and the *"appetite would continue to grow*"; 4) the respondents both from Moldova and Israel control groups of non-offenders believe that the decision to perpetrate a white-collar crime is an irrational one, which means that it is based on intuition rather than on rational

choice. In this case, intuition is based on the social experience accumulated during the life of a concrete person. The amount of assets that white-collar offenders have accumulated during their life was found as the crucial criterion for decision-making in the case of a white-collar crime perpetrating; 5) The differences in the research results between Moldavian and Israeli populations have two explanations: difference in culture and economical situation and differences in personality traits. Especially, the score of risk-averting in Moldavian control group of non-offenders corresponds directly depends on the higher level of *Consciousness* and score of *Openness*.

In the limits of the **Chapter 4** ***"Reducing the phenomenon of white-collar criminality in Moldova and Israel"*** there are included the following questions: 4.1. Reducing the phenomenon of white-collar criminality by means of Pentagram Model for the penal politics of the Republic of Moldova and the State of Israel; 4.2. Reducing the phenomenon white-collar criminality by means of pre-employment testing in the Penal Politics in Moldova and Israel: theoretical explanation and empirical findings.

The author's scientific contribution to the reducing of white-collar criminality can be expressed in *the Pentagram Model*. It can be recognized as the most comprehensive and wide-ranging representation of the relevant methods of white-collar criminality reducing. The model innovates, as it can create a clear and simple picture of perception and practice of a potential white-collar offender. The model includes the following components: *macro-level component* includes examination of the way a potential white-collar offender makes intuitive decision to commit a crime under risk and uncertainty conditions; *micro-level component* includes complementary actions of the organization originated in the position holders themselves in order to reduce or prevent impulses and lack of control to commit a crime. In the realm of Pentagram Model the author decided to elaborate several directions of white-collar criminality reduction, such as the following: 1) reduction of white-collar criminality by means of new concept of tender organizing and management; 2) reduction of white-collar criminality by means of a New Bill for Ethics; 3) reduction of white-collar criminality by means of a comprehensive whistleblower protection policy; 4) reduction of white-collar criminality by means of pre-employment tests of the potential candidates on positions of trust.

Advanced analytics may help companies be more predictive in identifying trends and patterns indicative of white-collar crime risk that are not otherwise easily discernible. Overall, the emphasis today is on prevention and/or early detection; leveraging technology and analytics to proactively identify issues or potential issues before they turn into front-page news. At the same time, the author considers opportunistic to perform the pre-employment

testing in order to forecast, a consequently to reduce white-collar criminality by means of the Irrational Theory.

In current study, an effort has been made to examine the effect of creative and innovative strategy that would be calculated within a balance of decisions of a potential white-collar offender even prior to the perpetration of the offence and would supply a response to issues such as: *why and how the personality traits affect the way of making decisions of a white-collar offender?* According to the author's point of view, organizations must put the accent on *the basic personal characteristics of the candidate* and *his level of social adaptation* which ought to be the principal criteria instead of verification of elementary technical skills which can be studied effortlessly [15, p. 193-206]. Author insists that ***the propensity to commit white-collar can be added to the testing criteria***. Unfortunately, it is very difficult to determine which employees will commit white-collar crimes.

However, personality tests could flag certain characteristics and alert hiring personnel as to areas to monitor with increased supervision. The author decided to take some real steps for reduction of white-collar crimes by means of their prognosis, especially by elaboration of *a new form of a pre-employment test.* He has elaborated a Scale of Personality Traits of the person who applies for positions of trust. In such a manner, the best way to prevent white-collar crime inside the workplace is to prevent infiltrating of the potential white-collar criminals inside the organization. The Scale was built in the base of *the formula of probability of white-collar perpetration which is conditioned by the personal characteristic features of the offender*. This test has been verified empirically and its results are capable to be valid and authentic. That's why it can be scientifically implemented too. In the realm of this research there was found a very optimal and strong solution for efficient deterring strategy in fight with white-collar criminality [15, p. 193-206].

Being verified by the numerous empirical methods, concerning the trait of *Neuroticism* the author has found that 24% of the women (non-offenders) have passed the test, and after them the offenders (20%) and men (non-offenders) – 15%). In general, only 18% of those two sectored populations (offenders and non-offenders) have passed the test while their score was less than 40%. Their level of *Neuroticism* is relatively low. The level of *Extro-version* is about 75% have met the minimal score of 60. The trait of *Openness* in all sectors is about 67%, the majority have passed the test with a minimal score of 70. Only 54% of women have passed the test in comparison with the score of 70% in men and offenders. The trait of *Conscientiousness:* in all the sectors 100% respondents have passed the test with a minimal score of 60 points. Concerning the trait of *Agreeableness* about 87% of the populations have passed the test with a minimal score of 60 points. To such an

extent, the author concluded that in the process of model-designing there shall be given a great significance to the traits of *Conscientiousness* and *Neuroticism*. In addition to his age and gender, an employee who applies for a position of trust will accomplish the *"Big Five"* questionnaire, based on the famous psychological test of Big-Five recognized and successfully applied all over the world.

This theory is viable and can be implemented only in the case if the following formula is respected: ***P(t) = 0.25Co+0.20Ex+0.25Ne+0.20Ag+0.1Op.***

This formula must be interpreted taking into account the following standpoints:

1. **P(t)** is the probability to commit a white-collar offence corroborated to the values detected in the personality traits evaluated by the Big-Five Personality Traits Test;
2. **Big-Five elements** are the following: a) Co – Consciousness; b) Ex – Extraversion; c) Ne – Neuroticism; d) Ag – Agreeableness; e) Op – Openness;
3. **A relative weight of each personality trait** (a conditional value in author's concept), will include: for Conscientiousness – 25%; for Extroversion – 20%; for Neuroticism – 25%; for Agreeableness – 20% and for Openness – 10%.

The absolutely original technique to reduce white-collar crimes during the hiring process can be entitled as the method of *"personality coefficient"* as an exceptional model of pre-employment test based on the last achievements of criminology and psychology, as well as confirmed by the innovative investigations, as the valid method of white-collar criminality reduction in the Penal politics of the Republic of Moldova and the State of Israel.

As a consequence, the author has formulated two basic findings: 1) A score pointed from 60% and upper (higher) means the failure to pass the examination. It means that personality traits of the candidate will be classified as *risk-averting.* Thus, there have been demonstrated that 4 answers from 6 placed in the questionnaire will be concerned to risk-aversion property of the personality; 2) A score pointed 40% and lesser (lower) means also the failure to pass the examination. It means that there is a great likelihood that the person would display improper deviant behaviour and, as a result, it will be classified conditionally as a *risk-averting* personality (in case of equity of answers or the proportion of 4 instead of 6, which point out the state of risk-averting). The total score of the psychological evaluation scale will be no lesser than 60% (minimum score) in case if the person who has applied to a position of trust has passed all those criteria. As a result, there can be formulated two conclusions:

1) When the result obtained by means of this formula (the total score) exceeds the parameter of **Pt > 0.6** – there is strongly recommended to hire a certain person as a potential employee for the organization;

2) When the result obtained by means of this formula (the total score) is under (is lesser) the parameter **Pt < 0.6** – there is strongly recommended not to hire a certain person as a potential employee for the organization.

In the realm of this portion of research we have demonstrated empirically the following standpoints: a) convicted white-collar criminals showed a greater tendency for irresponsibility, a disregard for rules, high risk-taking, and unreliability than non-convicted individuals; b) those with positive extrovert personalities and neurotic tendencies are more susceptible to engaging in white-collar offending; c) individuals with high levels of *Neuroticism* had a greater tendency to commit white-collar offenses than those with low levels of *Neuroticism*; d) white-collar criminals are highly persistent and goal-oriented, thus, the *High Conscientiousness* scores of the white-collar criminals actually fits in well with the picture of a rationally calculating business person pursuing both private interests and the interests of the corporation, therefore, white-collar criminals need above average conscientiousness to enter executive positions; e) it was found that the higher is the level a white-collar crime risk-averting the lower would be the *Extroversion* in his behavior, and vice versa; f) white-collar offenders were found to be more outgoing, calculating, and controlling in social interactions, they tend to be low in *Agreeableness* and high in *Narcissism*; g) the opportunity to offend, coupled with low self-control (also labelled as the propensity to commit a crime) is the root cause of all criminal offending; h) no significant difference was found between women and men and white-collar offenders in terms of the way of taking risk, it can be said that incidentally and to the point, offenders tend more to take risk than men and women; i) individuals with hedonism, narcissism, or self-control have a greater tendency to be white-collar offenders; they were unable to establish a combination of personality traits that would predict and identify individuals likely to commit a white-collar crime with the variables selected.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The obtained scientific results are materialized in the following:

Our findings can be expressed in the following postulations:

1. *Revelation* that white-collar crime is and umbrella concept, including but not limited to, illegal financial acts, deceitful or dishonest business practices, or abuses of state power [17, p.19-20; 18, p. 25-33; 20, p. 28-37].

2. *Proving* that white-collar crime involves three necessary elements: the special occupational status of the offender; abuse of that special occupational status; the causal relationship between that status and the fraudulent misbehavior [12, p. 189-193; 13, p. 148-152; 17, p. 20-22; 20, p. 28-37].

3. *Proving* that persons convicted of white-collar crimes are often *serial offenders,* while the affirmation that they do not display criminal history is imposed to be an erroneous belief – they simply are not caught at relevant time [18, p. 25-33; 19, p. 13-27].
4. *Explanation* of the phenomenon of white-collar criminality in last decade (2005-2015) taking into account the judicial practice and experience of law enforcement in the Republic of Moldova and the State of Israel [19, p. 13-27].
5. *Validating* that the decision to perpetrate a white-collar crime is an irrational one, it is based on intuition rather than on rational choice – offenders perform an analytical decision when a decision is simple and conscious and they have examined it; however, they make an intuitive decision when the decision is complex and unconscious [12, p. 189-193; 13, p. 148-152; 9, p. 181-182; 10, p. 187-188; 21, p. 156-169].
6. *Proving* that the risk of white-collar crime is a product of both personality and environmental or situational variables: as individuals move from one environment to another, the probability of white-collar crime behavior also changes, situational conditions could discourage people from committing fraud and vice-versa [15, p. 193-206; 21, p. 156-169].
7. *Explanation* that personality traits may serve a risk factor for crime to occur, the greater the degree of hedonism presents in a business person, the greater the tendency to commit economic offenses, especially white-collar crimes [11, p. 196; 14, p. 397-400; 15, p. 193-206; 21, p. 156-169].
8. *Proving* that the best method to explain white-collar deviant behavior must be based on Big Five Personality Traits, *"dangerous combinations"* of personality traits will determine the perpetration of a white-collar crime [15, p. 193-206; 21, p. 156-169].
9. *Demonstrating* that the past personality social experience (including job experience) constitutes the core of the future white-collar misbehavior of this person – *decisions made in the past, impact the decision-making process in the present* [15, p. 193-206; 21, p. 156-169].
10. *Recommending* of the methodology for the earlier reducing of white-collar criminality at workplace of *"personality coefficient"* of the potential offender in the realm of the scale of pre-employment test, where the likelihood of success in perpetrating a white-collar crime will be calculated in the base of the Irrational Choice Theory, confirmed by our own investigations, as the method of white-collar criminality reduction in the Penal politics of the Republic of Moldova and the State of Israel [15, p. 193-206; 16, p. 125-128; 21, p. 156-169].

The main scientific problem solved consists in demonstration of the Irrational Choice Theory utility in the mainstream criminology that is considered to be the fundamental one in explanation of the criminal misbehavior of the white-collar offender, which has induced to the creation of an innovative algorithm of pre-employment tests based on revealing of the causal relationship between specific personality traits and predisposition to risk of white-collar crime in future, in order to be used as a valid and authentic method of white-collar criminality prognosis and reduction.

I. General conclusions:

1. There have been formulated the definition of white-collar crime, as *an intentional, profit-driven, non-violent, illegal act (action or omission), prohibited by Criminal law, expressed in illegal financial acts, deceitful or dishonest business, deceitful practices or abuses of state power, committed by a corporate entity or an individual who is using his occupational status, special knowledge or technical competences for illegal financial gain, which has provoked harm (damages, losses, feeling of distrust etc.) or has created a real risk of harm occurrence in public or private sector* [12, p. 189-193; 13, p. 148-152; 17, p. 19-22; 18, p. 25-33; 20, p. 28-37].
2. The Irrational Decision-making Theory perspective in reducing white-collar criminality at workplace is characterized by the following features: a) white-collar criminals showed a greater tendency for irresponsibility, a disregard for rules, high risk-taking, and unreliability; b) individuals with hedonism, narcissism, or low self-control have a greater tendency to be white-collar offenders; c) those with positive extrovert personalities and neurotic tendencies are more susceptible to engaging in white-collar offending; d) they are highly persistent and goal-oriented, outgoing, calculating, and controlling in social interactions; e) the opportunity to offend, coupled with low self-control (also labelled as the propensity to commit a crime) is the root cause of all criminal offending; f) they are unable to establish a combination of personality traits that would predict and identify individuals likely to commit a white-collar crime with the variables selected [12, p. 189-193; 13, p. 148-152; 17, p. 20-22; 18, p. 25-33; 19, p.13-27; 20, p.28-37].
3. The author denied the standard assumption according to which individuals who commit white-collar crimes are rational decision-makers. The decision to perpetrate a white-collar crime is an irrational one, which means that it is based on intuition rather than on rational choice. Intuition is considered to be the core of irrational decisions in white-collar crimes perpetrating, and it is based on the social experience accumulated during

the life of a concrete person. Therefore, decisions to perpetrate a white-collar crime are made especially challenging under conditions of uncertainty, where it is difficult to foresee the consequences or outcomes of events with clarity [12, p. 189-193; 13, p. 148-152; 9, p. 181-182; 10, p. 187-188; 21, p. 156-169].

4. The author proved the prevalence of Irrational Theory in explanation of white-collar offender's behavior by obtaining the following answers to the question of which option a white-collar offender thinks prior to the perpetration of an offence: a manager who thinks of perpetration of a white-collar crime at his workplace, would do so as a result of his impulse to use the opportunity and to make money by perpetrating the offence; a manager would perpetrate an offence at his workplace, after he has analysed rationally the meaning of perpetration of the offence and considered all the implications and outcomes [19, p. 13-27; 15, p. 193-206; 21, p. 156-169].
5. During the perpetrating an offence the manager is appreciating his criminal activity in function of the amount of assets illegally gained on his workplace (the absolute majority). The amount of assets that white-collar offenders have accumulated during their life was found as the crucial criterion for decision-making in the case of a white-collar crime perpetrating. In such a manner, a manager who has accumulated assets during his life is considering that a white-collar crime wasn't perpetrated if the total amount of the illegal gain does not exceed the level of 20%. The reason for perpetration of a white-collar offence stems from the satisfaction a criminal would have from the financial gain as a result of the perpetration of the offence and the *"appetite would continue to grow"* [11, p. 196; 14, p. 397-400; 15, p. 193-206; 19, p. 13-27; 21, p. 156-169].
6. The social-cultural dependency is considered to be the crucial one during the formation of the intellectual potentiality of the white-collar offender. A cultural reliance between a potential white-collar offender who commits a criminal act and his propensity to a deviant misbehavior has been demonstrated in the realm of the organizational environment, by means of identification of his personality traits and his decision-making within same defined culture [15, p.193-206; 21, p.156-169].

II. General recommendations:

1. ***Scientific proposal:*** *to recognize the achievements of criminology as the core in analysis, prediction and prevention of the phenomenon of white-collar criminality. Science concerning the criminal behavior* in criminology (science about how to understand, explain and predict human behavior in criminal activity) comes to compensate the field of study concerning

the phenomenon of white-collar criminality. This domain of criminology deals with how clearly and precisely an offender formulates his concepts and makes own decisions during committing of a crime, how carefully he makes his choice to perpetrate a crime [16, p. 125-128; 17, p. 19-26].

2. ***Scientific proposal:*** *to accept our criminological definition of white-collar crime* as an intentional, profit-driven, non-violent, illegal act (action or omission), prohibited by Criminal law, expressed in illegal financial acts, deceitful or dishonest business, deceitful practices or abuses of state power, committed by a corporate entity or an individual who is using his occupational status, special knowledge or technical competences for illegal financial gain, which has provoked harm (damages, losses, feeling of distrust etc.) or has created a real risk of harm occurrence in public or private sector [14, p. 397-400; 17, p. 19-26; 19, p. 13-27].
3. ***Scientific proposal:*** *to recognize the past personality social experience (including job experience) the core of the future white-collar misbehavior of this person.* The same rule will be applied in the case when a decision concerning the perpetration of a criminal act is taken. Such decisions are performed under the influence of past experience as well as the specific personality traits which determine his behavior. There is an assumption of stable preferences: *decisions made in the past, impact the decision-making process in the present* [14, p. 397-400; 15, p. 193-206; 18, p. 25-33].
4. ***Empirical proposal:*** *The Pentagram Model.* The scientific contribution of the author strongly recommended for the process of reducing of white-collar criminality can be expressed in *the Pentagram Model*, which represents an integrative model to for a decrease and/or prevention of white-collar crimes and includes a conceptualization of several directions of white-collar criminality reduction by means of creation of a new concept of tender organizing and management; by means of a New Bill for Ethics (for the State of Israel); by means of a comprehensive whistle-blower protection policy; as well as by means of pre-employment tests of the potential candidates on positions of trust [10, p. 184-189; 11, p. 190-197].
5. ***Empirical proposal:*** *Proposal to recognize the pre-employment tests as a valid method of white-collar criminality reduction in the Penal politics of the Republic of Moldova and the State of Israel.* Reducing white-collar criminality on the base of Irrational Theory postulations can be obtained only by elaboration of a new form of a pre-employment test, as the most efficient way of avoiding white-collar crimes in a company is to not have any white-collar offenders in the organization. Discovering patterns that reflect a predisposition to engage in white-collar crimes can be useful in the hiring process. The personality characteristics of the offender, especially, the problem of his decision-making process (risk-taking and

risk-averting decisions), must be submitted to a full survey in order to prevent infiltration of potential criminals to the occupation of public trust jobs in organizations. Advanced analytics proposed by the criminal behavior approach may help companies to be more predictive in identifying trends and patterns indicative of white-collar crime risk that are not otherwise easily discernible [15, p.193-206].

6. ***Empirical proposal:*** *Calculation of „personality coefficient"* in the base of the existing behavioral parameters that would assist the Irrational model in decision making, presented as an innovative and leading model in the field of white-collar criminality forecasting and reducing. Such original technique (Scale) to reduce white-collar crimes during the hiring process can be entitled as the method of *"personality coefficient"*. This scale is built in the base of *the formula of probability of white-collar perpetration which is conditioned by the personal characteristic features of the offender*. As a result, there can be formulated two conclusions: 1) when the result obtained by means of this formula (the total score) exceeds the parameter of **Pt > 0.6** – there is strongly recommended to hire a certain person as a potential employee for the organization; 2) when the result obtained by means of this formula (the total score) is under (is lesser) the parameter **Pt < 0.6** – there is strongly recommended not to hire a certain person as a potential employee for the organization [15, p. 193-206].

Tendencies in the future scientific research. Regarding this study, two directions of further study are strongly recommended, that relate to neglected fields of research:

– *The phenomenon of white-collar criminality in women* it is recommended to perform multiple future studies on the subject of white-collar criminality perpetrated by female offenders, due to an increase in amount of female offences in the last two decades and due to a fact that this field in a criminological aspect is relatively neglected. Especially, as it is confirmed by the judicial practice and scientific studies, 59% of embezzlements in the world are perpetrated by men and 41% by women.

– *The phenomenon of white-collar criminality under the aspects of psychopathy* it is necessary to invest in studies to examine this criminal aspect in male and female white-collar offenders under the perspective of psychopathological personality traits. Psychopathic personality traits are related to white-collar offending. Unfortunately, but *it is easy to mistake psychopathic traits for specific leadership traits.* Psychopathic white-collar offenders' *high in conscientiousness* prefer planned rather than spontaneous behavior and are able to effectively control and regulate their impulses by keeping their behavior in check, controlling their destructive impulses, and preventing detection.

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ADNOTARE

RUB Jacob, „Aspecte criminologice privind reducerea criminalității gulerelor albe în Moldova și în Israel: abordarea comportamentului criminal”, teză de doctor în drept la Specialitatea 554.02 – Criminologie, Chișinău, 2017.

Teza cuprinde: Introducere, 4 capitole, concluzii generale și recomandări, bibliografia din 400 titluri, 170 pagini text de bază. Rezultate obținute sunt publicate în 13 lucrări științifice.

Cuvintele-cheie: criminalitatea gulerelor albe; crima gulerelor albe; criminalul din categoria gulerelor albe; crimă corporativă; fraudă; decizie intuitivă; Teoria alegerii irațională; Teoria alegerii raționale; psihologia fraudei; coeficientul personalității; personalitatea criminalului din categoria gulerelor albe; asumarea riscului; evitarea riscului.

Domeniul de studiu îl constituie evaluarea și examinarea personalității infractorului și a procesului de luare de către acesta a deciziilor prin intermediul Teoriei economice privind utilitatea Alegerii Iraționale, privită ca o metodă criminologică nouă de reducere a criminalității gulerelor albe.

Scopul tezei de doctorat constă în reconsiderarea conceptului de reducere a fenomenului criminalității gulerelor albe prin prisma teoriei economice apte să explice și să evalueze personalitatea infractorului din categoria gulerelor albe și procesul de luare a deciziilor de către acesta, precum și în reconceptualizarea metodei de prognozare la etapa efectuării testelor de preangajare în câmpul muncii, ca parte integrantă a procesului de prevenire și combatere a fenomenului criminalității gulerelor albe în politica penală a Republicii Moldova și a statului Israel.

Obiectivele: a demonstra importanța Teoriei alegerii iraționale în explicarea criminalității gulerelor albe prin identificarea impactului deciziei intuitive și a caracteristicilor personale ale infractorului asupra săvârșirii crimei gulerelor albe, privite ca teorie fundamentală în explicarea comportamentului criminal etc.

Noutatea științifică și originalitatea rezultatelor obținute. Această cercetare științifică este una dintre primele studii sistemice în domeniul științei criminologice din Republica Moldova și a statului Israel consacrată celor mai discutabile aspecte ale reducerii criminalității gulerelor albe prin implementarea unui concept novator al Teoriei alegerii iraționale impusă ca cea mai consistentă abordare în prognozarea și explicarea comportamentului deviant al unor reprzentanți ai gulerelor albe.

Problema științifică de importanță majoră rezolvată constă în demonstrarea utilității Teoriei alegerii iraționale în criminologia modernă, care se impune a fi una fundamentală în explicarea comportamentului deviant al gulerelor albe, ceea ce a condus la elaborarea unui algoritm novator al testelor de pre-selecție bazate pe evidențierea legăturii cauzale dintre trăsăturile specifice ale personalității și propensiunea spre riscul de comitere pe viitor a crimelor gulerelor albe, în vederea utilizării ulterioare în calitate de metodă validă și autentică de prognozare și reducere a criminalității gulerelor albe.

Importanța teoretică și valoarea aplicativă a lucrării își găsesc exprimare în sistematizarea abordărilor științifice referitoare la fenomenul criminalității gulerelor albe; în acumularea unei baze teoretice și empirice consistente în scopul de a elabora o abordare criminologică inovațională în domeniul de prevenire și combatere a fenomenului criminalității gulerelor albe, precum și în elucidarea celor mai novatoare perspective în evoluția științei criminologice în domeniul prevenirii criminalității gulerelor albe.

Implementarea rezultatelor științifice. Acestea sunt de o utilitate incontestabilă în procesul de elaborare a unor publicații științifice și ghiduri pentru profesori, studenți, masteranzi și doctoranzi; ele își vor găsi aplicare la îmbunătățirea planului de studii și a curriculumului în materia criminologiei, în special în ce privește studierea fenomenului criminalității gulerelor albe. Rezultatele științifice sunt deja implementate în unele organizații din sectorul privat al Israelului (a se vedea: *Scrisoarea privind confirmarea implementării cu succes a rezultatelor obținute și recomandarea Dlui Itzhak Nitzan*), iar pentru implementarea lor în sectorul public acestea vor fi vor transmise Guvernului statului Israel.

ANNOTATION

RUB Jacob, "Criminological Aspects of Reduction of White-Collar Criminality in Moldova and Israel: Criminal Behavior Approach", Ph.D. Thesis, Criminal Law Department, Moldova State University, Kishinev, 2017

Structure of the thesis: Introduction; 4 chapters; general conclusions and recommendations; bibliography of 400 titles; 170 text pages. The obtained results are published in the 13 scientific papers.

Key-words: *white-collar criminality; white-collar crime; white-collar offender; corporate crime; fraud; intuitive decision; Irrational choice theory; Rational choice theory; psychology of fraud; personality coefficient; personality of white-collar offender; risk-taking; risk-averting.*

The domain of study*:* of the present research is appraisal and explanation of the offender's personality and his decision-making process by means of an economical Irrational Choice Theory utility as a new method of white-collar crimes' reducing Criminology.

The purpose of Ph.D. consists in reconsideration of the white-collar criminality phenomenon reducing approach, by means of an economic theory able to explain and to appraise the personality of the white-collar offender and his decision-making process, as well as in reconceptualization of a method for forecasting on the stage of the hiring process of a potential offender by means of pre-employment tests as an integral part of the process of prevention and counteracting of the white-collar criminality phenomenon in the Penal Politics of the Republic of Moldova and the State of Israel.

The objectives: to demonstrate the relevance of the Irrational Choice Theory in the explanation of white-collar criminality by means of identifying the intensity of intuitive decision' influence and personal characteristics of an offender over the perpetration of white-collar crime, as the basic explanatory theory of the criminal misbehavior etc.

The scientific novelty of research and originality of the obtained results. The present scientific research constitutes one of the first systematic studies in the field of criminological science of the Republic of Moldova and the State of Israel, which is dedicated to the most disputable questions of white-collar criminality reduction by means of implementation of the newest concept of Irrational Choice Theory as the most relevant dogmatic approach in prediction and explanation of white-collar offenders behavior.

The main scientific problem solved consists in demonstration of the Irrational Choice Theory utility in the mainstream criminology that is considered to be the fundamental one in explanation of the criminal misbehavior of the white-collar offender, which has induced to the creation of an innovative algorithm of pre-employment tests based on revealing of the causal relationship between specific personality traits and predisposition to risk of white-collar crime in future, in order to be used as a valid and authentic method of white-collar criminality prognosis and reduction.

The theoretical importance and practical value of the research is expressed in: systematization of the scientific approaches concerning the phenomenon of white-collar criminality; accretion of a consistent theoretical and empirical basis in order to construct and to develop an innovative criminological approach in the domain of prevention and counteracting of the white-collar criminality phenomenon; elucidation of the newest perspectives of the criminological science evolution in the sphere of prevention of white-collar criminality etc.

The implementation of the scientific results refers to the elaboration of the scientific publications as a guideline for the professors, students, master degree and doctorate students; contribution to the improvement of the syllabus and curriculum in the matter of criminology concerning the research of white-collar criminality phenomenon. The scientific results are already applied in some private organizations from Israel (See: *Letter of Nisko Ardan Group Recommendation Implementing Research Findings Successfully by Itzhak Nitzan*) and will be transferred to the Israeli Government for the further implementation.

АННОТАЦИЯ

РУБ Яков, «Криминологические аспекты снижения беловоротничковой преступности в Молдове и в Израиле: изучение криминального поведения», Диссертация на соискание ученой степени доктора права, Специальность 554.02 - Криминология, Кишинев, 2017

Диссертация содержит: Введение, 4 главы, общие выводы и рекомендации, библиография из 400 наименований, 170 страницы основного текста. Полученные результаты опубликованы в 13 научных работах.

Ключевые слова: беловоротничковая преступность; беловоротничковое преступление; беловоротничковый преступник; корпоративное преступление; мошенничество; интуитивное решение; Теория иррационального выбора; Теория рационального выбора; психология мошенничества; коэффициент личности; личность беловоротничкового преступника; принятие риска; предотвращение риска.

Область исследования состоит в оценке и рассмотрении личности преступника посредством экономической Теории иррационального выбора в процессе принятия им решений, будучи новым научным направлением в рамках снижения беловоротничковой преступности.

Цель исследования состоит в пересмотре научного подхода по снижению феномена беловоротничковой преступности посредством экономической теории, способной объяснить и оценить процесс принятия преступником решений, а также в реконцептуализации методики криминологического прогнозирования на этапе проведения тестов по пре-селекции сотрудников во время трудоустройства, являющихся частью процесса предупреждения и борьбы с феноменом беловоротничковой преступности в уголовной политике Республики Молдова и государства Израиль.

Задачи исследования: доказать значимость Теории иррационального выбора в генезисе беловоротничковой преступности посредством идентификации влияния, оказываемого интуитивным решением и личностных характеристик лица, совершающего беловоротничковое преступление, как фундаментальной теории в объяснении преступного поведения и т.д.

Научная новизна и оригинальность полученных результатов. Настоящее научное исследование являет собой одно из первых системных учений в криминологической науке Республики Молдова и государства Израиль, посвященных наиболее спорным вопросам снижения беловоротничковой преступности посредством внедрения инновационной концепции Теории иррационального выбора, являющейся самой последовательной в прогнозировании и объяснении поведения беловоротничковых преступников.

Значимая научная проблема, решенная в рамках диссертации, состоит в доказывании полезности Теории иррационального выбора в современной криминологии, претендующей на основную в объяснении девиантного поведения беловоротничкового преступника, вследствие чего был разработан инновационный алгоритм тестирования потенциальных сотрудников при трудоустройстве, состоящий в выявлении причинной связи между специфическими чертами личности и склонностью к риску совершения им беловоротничковых преступлений в будущем, призванный служить методом прогнозирования беловоротничковой преступности и ее снижения.

Теоретическая значимость и практическая применяемость результатов исследования выражается в систематизации научных подходов применительно к феномену беловоротничковой преступности; создание значимой теоретической и эмпирической базы в целях разработки инновационного криминологического подхода в области предупреждения и борьбы с беловоротничковой преступностью, а также выявление новых перспектив развития криминологической науки в области предупреждения беловоротничковой преступности.

Апробация результатов диссертационного исследования. Они могут быть использованы при разработке научных публикаций. Также могут способствовать улучшению учебного плана и программы курса криминологии, в частности в рамках изучения феномена беловоротничковой преступности. Научные результаты уже внедрены в некоторые организации частного сектора государства *Израиль (См.: Подтверждающее письмо об успешном внедрении результатов и рекомендация Господина Ицхака Ницана),* а для имплементации указанных результатов в публичном секторе материалы исследования будут переданы Правительству Израиля.

RUB JACOB

CRIMINOLOGICAL ASPECTS OF REDUCTION OF WHITE-COLLAR CRIMINALITY IN MOLDOVA AND ISRAEL: CRIMINAL BEHAVIOR APPROACH

Specialty - 554.02 Criminology

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