

Summaries

Justitiële verkenningen (Judicial explorations) is published six times a year by the Research and Documentation Centre of the Dutch Ministry of Security and Justice in cooperation with Boom Lemma uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 3, 2014) is *Fraud*.

Capitalist banks as criminal enterprises

D.O. Friedrichs

The central thesis of this article is that the structure of the present financial system, its culture, and its collective practices and policies are fundamentally criminal and criminogenic. The harms emanating from this financial system are exponentially greater than those emanating from the disadvantaged environments that generate a disproportionate percentage of conventional crime. Accordingly, on various levels, there is much at stake in more fully and directly recognizing and identifying many core policies and practices of the financial system for what they are: crimes on a very large scale.

Three driving forces of business crime. An empirical study of fraud in small and medium sized enterprises

G.W. Brummelkamp, W. Huisman and T. Flikweert

This article gives a report of an empirical study on business crime among small and medium sized enterprises (< 250 employees). The researchers examined 37 cases of business crime by interviewing the entrepreneurs. They were asked how the offence occurred, about their personal stake and their reflections on the interests that were impaired. Although the concept of business crime covers a huge amount of unlawful actions committed with various intentions, in the end there are three main driving forces: control, opportunity and motivation. Control refers to the entrepreneurs' professionalism and ability to bring business processes – that can be rather complex – in line with regulations. Opportunity refers to the economic interest c.q. the (opportunity) costs of compliance. Motivation refers to the entre-

preneurs' perception of responsibility toward direct stakeholders and social values.

Patterns in the criminal career development of white-collar offenders

J.H.R. van Onna

Both white-collar research and law enforcement tend to focus on the circumstances surrounding the white-collar offence and pay less attention to the background of the offender. Research shows that white-collar offenders are a heterogeneous group and that different development pathways and offender profiles can be identified. For many offenders the offence appears to be an isolated occurrence in norm conform lives, for others patterns in offending can be distinguished. For some this is a diverse and long criminal career, others display a mix of norm conform and deviant behaviour. After briefly exploring if an underlying tendency for deviant and risk full behaviour may characterise white-collar offenders and how this may interact with opportunities for white-collar crime, the significance of these findings for law enforcement is discussed.

Bankruptcy fraud: a persistent phenomenon. Plea for a preventive approach

F. Kemp

In the Netherlands new criminal law measures will be introduced to prevent and combat bankruptcy fraud. In this article the author argues that the emphasis on criminal law measures is not sufficient to effectively tackle the phenomenon of bankruptcy fraud because prosecution and punishment always occur after the damage is done. What is needed is an integrated approach realising preventive measures, such as tools to detect fraud at an early stage. Fraud is, after all, characterised by typical behaviour that throws up digital red flags. After detecting those red flags subsequent action can be taken to stop the fraud. Also modernising the Trade Register would contribute considerably to the protection of creditors.

If you notice that no one notices. On science fraud

C.J.M. Schuyt

In this article the author deals with some issues concerning fraud in science. First, he wonders if this is a new phenomenon. After exploring

the definition of scientific fraud he sets the inquiry to the prevalence of this phenomenon. Various recent science fraud cases are discussed, as well as possible explanations for science fraud. Finally, the author formulates a criminological-oriented hypothetical explanation, which opposes frequently heard explanations dealing with contemporary problems in the universities, such as the publication pressure.

The causes of fraud in the health care sector

W. Groot and H. Maassen van den Brink

Health care fraud and abuse has long been ignored or downplayed in the Netherlands. Increased media attention has put the issue more on the agenda. Health care fraud can erode the willingness to pay the compulsory contributions for health care among the population. Exact figures on health care fraud are still unavailable, although examples of fraudulent behavior are manifold. The risk of health care fraud is high due to the complexity and lack of transparency of the reimbursement system, the autonomy of the health care professional, the lack of adequate control, governance and attention for compliance in health care. What is needed to combat fraud in health care is a 'zero tolerance' policy. For this more attention to compliance and a change in the culture that ignores and condones fraud in health care are necessary.

Fighting fraud with social assistance benefits: possibilities and difficulties

M. Fenger and W. Voorberg

This article focuses on the role of local municipalities in detecting and sanctioning benefit fraud, specifically fraud with social assistance benefits. Since the early 2000's, the government's attention for benefit fraud has been increased, resulting in the strengthening of the tasks and responsibilities of local municipalities in combatting and detecting fraud. There are indications that this has been successful: there is an increase in detection and the number of people that claims to offend the rules is decreasing. However, there is a significant amount of variety between municipalities in their performance with this regard. The authors argue that these differences are related to the design and implementation of local policies concerning the detection of benefit fraud. They offer several recommendations for more effective policies at the local level. These recommendations include a bet-

ter use of available data and knowledge about the background of offenders and social assistance recipients.