

## THE ROLE OF STANDARDS AND VALUES IN CORPORATE CRIME PREVENTION

**Bastian Nagel**

*University of Library Studies and Information Technologies*

<https://doi.org/10.70300/AOFG7669>

**Abstract:** *The aim of the paper is to examine and answer the question of whether and to what extent economic crime can be minimised by teaching standards and values within the company. To answer the research question, a literature review was conducted. The study shows that the decline of social values can be seen as a major cause of economic crime and that the willingness to commit crimes within a company is inhibited when there is a high level of acceptance of norms and values, as well as a high level of social morality and loyalty to the company. The study also showed that, with regard to the causes and possible prevention strategies, communicating standards and values in one's own company has a high crime-preventing effect in the area of economic crime. However, a prerequisite for successful prevention is that the communication of standards and values is sustainably integrated into the company's processes. A code of conduct is essential for this, a corporate governance that puts it into practice, including 'tone at the top' (leadership commitment) and a supportive, efficient and controlling compliance management system and an integrity management system that is tailored to the corporate culture.*

**Keywords:** *Economic Crime; Code of Conduct; Corporate Governance; Compliance Management; Integrity Management*

### INTRODUCTION

In recent years, serious violations by top managers have once again brought economic crime to the international spotlight and it is becoming an ever-greater problem for both the companies affected and for society. Not only is there considerable media interest in economic crime, but it has also mobilised the judiciary and legislators. Prior to the Wirecard scandal, the strict US regulations in particular had an impact on internal company requirements (Bussmann 2010, p. 57). In response to the Wirecard scandal, the Financial Markets Integrity Strengthening Act was passed in Germany. In addition to strengthening balance sheet control and the independence of the auditor, and tightening liability, it has given the Federal Financial Supervisory Authority (Bundesanstalt für Finanzdienstleistungsaufsicht, BaFin) extended audit rights for the purpose of monitoring and enforcing the regulations. It also regulates the duties of listed companies to set up and operate an appropriate and effective internal control system and risk management system (Müller 2021). As a result, extensive requirements and obligations for prevention have been placed on companies, which also affect the design of corporate governance and existing compliance management programmes (Velte und Graewe 2021, p. 80). These programmes include a wide range of measures for crime prevention in companies. In addition to the current developments in the area of economic crime, there are many social discussions about the decline of values. The media often speak of a real loss of values that has a negative impact on a wide range of areas of life. In criminology, socialisation, in the course of which values and norms should also be imparted, is certainly attributed a significance for the development of crime (Schwind 2021, p. 236). Accordingly, socialisation through the professional environment also takes place within the framework of secondary socialisation. (Bussmann 2016, p. 320). This raises the question of the extent to which crime in the company can be countered by suitable internal preventive measures and what role the communication of standards and values, in particular through corporate guidelines (code of conduct), can play in this. The aim of this paper is therefore to investigate and answer the question of whether and to what extent economic crime can be minimised by communicating standards and values within the company.

## **RESEARCH METHODOLOGY**

The research methodology used for this paper includes a review and analysis of the existing literature. In this context, the already existing literature is not only screened, but also summarised and evaluated. In doing so, both academic literature and current studies by auditing firms are consulted in order to be able to generate a balance between economic findings, current affairs and the state of scientific research. The data collection is carried out as part of a secondary research and also includes an examination of the statistics provided by the German government. The consideration of government statistics and studies by auditing firms enables a presentation of the relevance and development of economic crime that is as up to date as possible, also taking into account the companies. By contrast, academic literature can be used to gain much more information on how the research situation has developed. In addition to an overview of scientific results in relation to the crime-preventing effect of internal corporate compliance management measures, insights into the crime-preventing effect of corporate guidelines can also be expected based on the literature analysis.

## **RESULTS**

### **Relevance of economic crime and development**

Economic crime is of particular relevance to companies as it poses significant risks to the company and can cause serious material and immaterial damage. In Germany, there is no legal definition for the term economic crime. In criminology, there are different definitions for the term economic crime. The original definition of Edwin H. Sutherland of 'white-collar crime', which assumes a highly respected person from the 'upper class' who commits crimes in the course of his or her professional activities, is now outdated, because people from lower classes can also commit economic offences (Enste und Potthoff 2024, p. 6). In its latest concepts, criminology is pushing for a definition that is no longer defined by the person. The differentiation between crimes committed in the economic interest of companies (corporate crimes) and crimes that serve the self-interest of the perpetrator but are committed in the course of their occupation (occupational crimes) is now widespread (Meier 2021, p. 328). For the purposes of orientation and to ensure that their statistics are standardised, the police authorities use the catalogue of criminal offences set out in Section 74 c (1) Nos. 1 to 6b of the German Court Constitution Act (Gerichtsverfassungsgesetz – GVG), which regulates the jurisdiction of the regional courts in matters of economic crime. For this reason, those offences that fall under the catalogue of criminal offences are generally classified as economic crime. These include, for example, fraud (including computer fraud), embezzlement, corruption, violation of accounting obligations, competition offences and insolvency offences. Companies affected by economic crime face risks from a loss of trust, reputational damage, the endangering of business relationships, negative effects on employee engagement and, possibly, the risk of repeat offences if there is a lack of strict reaction to the crimes committed (Bussmann 2004, p. 36). The damage caused by economic crime is immense. However, it is virtually impossible to provide precise information on the actual material damage caused (Schwind 2021, p. 632). The background to this is that a considerable dark field (dark figure) must be assumed. Surveys in the context of victim surveys often fail due to the motivation of the respondents to provide information. They not only represent their own interests, but also the interests of a company that may suffer a loss of prestige and financial losses after providing information about economic crime within the company. Especially as only those offences can be investigated that a company is aware of. However, the surveys of some auditing firms can be used for orientation (Meier 2021, p. 331). In a study conducted in 2020, 5,000 executives from 99 countries were surveyed. During the survey, more than 11,500 cases of economic crime were reported, resulting in a total loss of 42 billion US dollars. (PricewaterhouseCoopers GmbH Wirtschaftsprüfungsgesellschaft 2020, p. 3). In another study concerning Germany, 75 of the companies surveyed stated that they had suffered losses of around 40 million euros. In contrast, 26 per cent of all the companies surveyed were unable to put a figure on the monetary damage resulting from economic crime. However, the figures reported relate to offences that have been discovered. In this context, it must be assumed that there is a considerable dark figure in the area of economic crime. The actual number of cases must therefore be many times higher (KPMG AG Wirtschaftsprüfungsgesellschaft 2023, p. 16). It is realistic to assume, also on the basis of models that assume a loss amounting to 10 per cent of the gross

domestic product, that this will run into the billions in Germany alone. In the context of the Wirecard scandal alone, there is talk of losses amounting to 3.2 billion euros, which Wirecard borrowed for corporate financing. Not to mention the substantial losses incurred by investors. Based on the highest prices in 2019, shareholders have lost around 25 million euros (Schenker et al. 2023, p. 476).

An evaluation of the police crime statistics (German) illustrates the extent of the material damage. It should be noted here that the police crime statistics only include offences that have actually come to the attention of the police (Bundesministerium des Innern und für Heimat 2024, p. 4). According to police crime statistics, 38,925 cases of economic crime were registered in Germany in 2023, which represents only 0.66 percent of the total recorded crime (Bundeskriminalamt 2024b; Bundeskriminalamt 2024a). The damage caused by economic crime rose by 28.6 per cent and was responsible for 35.7 per cent of the total damage caused by all crimes recorded (Bundeskriminalamt 2024d, p. 8). This is particularly noteworthy because the number of cases of economic crime registered by the police has almost halved compared to the previous year (73,114). Although the number of cases in the area of economic crime generally fluctuates considerably, the large number of offences in the previous year (2022) was due to a bulk proceedings in which 33,738 cases were registered, resulting in a total loss of 17.7 million euros. (Bundesministerium des Innern und für Heimat 2024, p. 22). In addition to the monetary losses, further intangible losses can arise from economic crime. These include competitive distortions, a loss of trust in the integrity of the financial market, and a loss of reputation for companies or even entire industries (Bundeskriminalamt 2024d, p. 8). Further monetary losses for companies can also arise from the consequences for share prices on the stock exchange or from the management of criminal matters within the company (Bussmann 2010, p. 62). For example, additional communication efforts for possible clarifications in the media, internal investigations or the commissioning of external experts. The clearance rate for economic crime is very high. In 2023, 85.2% of reported offences were solved. The high rate of detection is due in particular to the fact that the majority of the offences recorded in the police crime statistics are those for which the complainant often knows the name of the suspect and can be named (Bundeskriminalamt 2024d, p. 8).

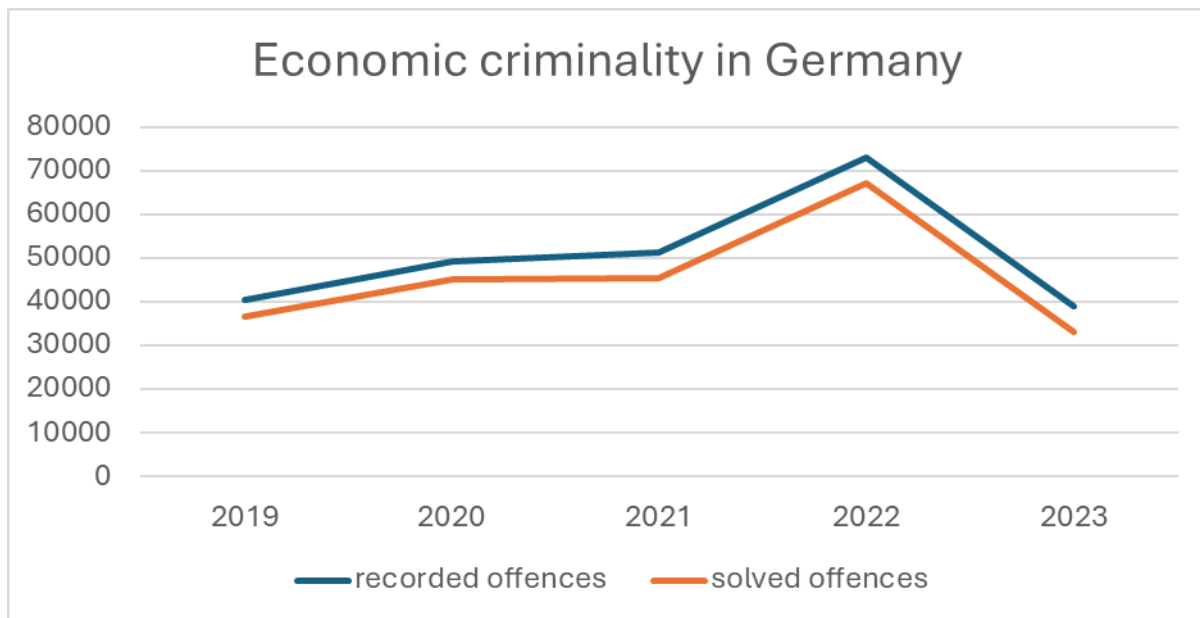


Fig. 1. Number of cases and offences recorded (Bundeskriminalamt 2024b, p. 1)

### Causes and theories of economic crime

Effective crime prevention requires an understanding of the causes of economic crime (Hlavica et al. 2017, p. 62) therefore, the causes of economic crime are to be examined below with regard to criminological and socio-economic aspects. From the author's point of view, the most important criminological aspects are the rational choice approach, the theory of differential control and the so-called fraud triangle. One of the most well-known theories of criminal behaviour, the theory of rational choice, can also be adapted to

the area of economic crime. Before committing an economic crime, the offender weighs up the costs and benefits. An economic crime is then committed if the expected benefit to the offender from committing the offence appears greater than the benefit of behaving in a compliant manner. However, the theory of rational choice has been criticised because it does not take into account the opportunity structure and the situation in which the offence is committed (Meier 2021, p. 338). The theory of differential control was published as early as 1939 by Edwin H. Sutherland and focuses on the fact that criminal techniques and skills, as well as values and attitudes, can be learned just like any other behaviour. This learned behaviour takes place in the communication process in a group and both skills and norms are adopted. The decisive factor here is whether the social norms and laws in the group are considered positive or negative. Depending on the significance that the group attaches to legal norms, crime will or will not occur (Bock 2019, p. 65). The willingness to commit economic crimes increases when criminal behaviour and breaking the law are tolerated in a team. The fraud triangle was developed by Donald Cressey. According to this, the probability that an employee of a company will come to criminal attention increases when three factors are present. On the one hand, there must be an opportunity to commit a crime, and on the other hand, the offender must have an incentive or feel compelled or under pressure. The final factor is that the offender must be able to justify the delinquent behaviour to themselves. (Cleff et al. 2011, p. 6). Fraudulent acts regularly occur when these three factors coincide in the person of the offender. The motives and triggers for fraudulent acts can be financial problems and motives (debt, greed), but also non-financial motives (seeking recognition, pressure to perform). Opportunities for economic crime are provided by ineffective internal controls and complex and unstable organisational conditions (organisational structures) (Hlavica et al. 2017, p. 66). Furthermore, the perpetrator only takes an opportunity if, on the one hand, he assumes that the probability of detection is minimal and, at the same time, he has the authorisations and abilities to actually take advantage of the opportunity (Knull 2023, p. 275). In order to justify an economic crime, the person committing it must be willing to do so in terms of their character and ethical moral values. On the other hand, the existing corporate culture is essential for the individual perception of prohibited actions or their justification. The willingness to act criminally is encouraged when employees attach little importance to ethical corporate values and guidelines (Hlavica et al. 2017, p. 66). In particular, it is easier for the perpetrator to justify the offence because some economic crimes (e.g. corruption or price fixing) only have abstract victims. The perpetrator does not have to face a victim 'face to face', which further lowers the inhibition threshold for committing the offence (Noll 2020, p. 70). In practice, it can be particularly helpful to use crime theories or the fraud triangle as a guide to analyse and structure the problem. However, the relationships between the different factors are neglected. Schneider's 'Leipzig Model of Economic Crime Behaviour' attempts to meaningfully combine the individual aspects (Schneider 2008). In order to carry out an economic crime in a company, the possibility of the commission of the offence must first be recognised and evaluated. After the evaluation, one's own action is triggered. First of all, a situation must be identified as a security gap or a favourable opportunity. The question then arises as to whether the employee regards the situation as a security risk or perceives it as a 'good opportunity'. A 'good opportunity' is only seen if personal risk factors are present, such as a poor relationship with money or frustration and resentment (Bock 2019, p. 374). According to the Leipzig Process Model, if a person experiences frustration or humiliation in their professional environment, e.g., there is a risk of fraudulent actions in order to compensate for the negative feelings resulting from the humiliation. (Cleff et al. 2011, p. 6) also see the subjective emotional world as a central condition for the emergence of economic crime. A lack of recognition and appreciation, as well as frustration, increase the probability of a crime being committed. Whereas the risk of committing a crime decreases among satisfied actors, in addition to the criminological aspects, there are also other socio-economic aspects that can be cited as causes of economic crime. One major factor in the increase of economic crime is the growing complexity of companies, which usually have a deficit in the organisational structures (Hlavica et al. 2017, p. 68). This in turn leads to an increased risk of information deficits and accounting irregularities, which in turn often provide opportunities for fraudulent activities (Hofmann 2008, p. 43). A growing corporate complexity, with the resulting increased opportunities for economic crime, is caused not only by complex corporate structures but also by internationalisation (KPMG AG Wirtschaftsprüfungsgesellschaft 2023, p. 10). Furthermore, the opportunities for fraud by technically skilled perpetrators are increasing with the ongoing development of

international networks (PricewaterhouseCoopers GmbH Wirtschaftsprüfungsgesellschaft 2022, p. 10).

### **Characteristics of economic criminals**

In addition to external groups of perpetrators, a particular risk group for economic offences are a company's own employees. Even the management itself is sometimes among the group of perpetrators, since the opportunities for circumventing controls and the expertise are greatest here (Bussmann 2004, p. 40; PricewaterhouseCoopers GmbH Wirtschaftsprüfungsgesellschaft 2020, p. 5). It is hardly surprising that economic criminals are often latecomers to crime (Schneider und John 2010, p. 160). The majority of perpetrators are around 40 years old. One reason for this could be that for some economic offences, a certain position in the company must first be reached, with knowledge of the business processes, in order to be able to commit the offence at all. A 'latecomer to crime' also implies that the offender often has no previous criminal record. Furthermore, the 'typical business criminal' is well educated, married and disproportionately often male (Neubacher 2020, p. 189). The fact that women are underrepresented in the field of crime is also confirmed by the police crime statistics. Of 26,125 suspects, only 6,646 were female. The age structure is also reflected in the police crime statistics. Most suspects can be categorised as being between 30 and 40 or between 40 and 50 years old (Bundeskriminalamt 2024c). Furthermore, economic offenders are often socially unremarkable and have very good networks (Müller 2014, p. 15). In addition to the social profile, a number of empirical studies have shown that the personality of the perpetrator is also a decisive factor in the commission of an economic offence. A large number of empirical studies come to the conclusion that economic offenders often display a strong sense of narcissism (Noll 2020, p. 94). Although a certain narcissism seems to be common in management, extreme narcissism can also develop into a narcissistic personality disorder. A narcissistic personality disorder can be characterised by a number of attributes that fit the profile of an economic criminal. In addition to a pronounced sense of self-importance and a willingness to take risks, a lack of empathy and an exaggerated desire for recognition and success, a narcissistic personality disorder is also characterised by a lack of impulse control and the ability to deceive and manipulate. Since narcissists are often found at higher levels of the hierarchy, they also have access to resources that tend to be used for personal enrichment rather than by non-narcissistic individuals (Enste und Potthoff 2024, p. 16). Further studies have also shown a lack of self-control. This refers in particular to the ability to endure the deferral of rewards. If this ability is not particularly well developed, the person tends to acquire the reward independently through an economic (criminal) offence (Noll 2020, p. 94). Although a certain type of offender can be identified, some studies also show that there are economic criminals who deviate entirely from the offender profile. In their research, Schneider and John refer to this type of offender as the "Krisentäter" (crisis offender). In this case, a private or professional event leads to the inability to maintain the previous status or lifestyle, and the commission of a crime to compensate (Schneider und John 2010, p. 165).

### **The importance of norms and values for economic crime**

It is not only personality traits and character traits that shape a person's behaviour; value orientation and beliefs also have an impact on a person's behaviour (Noll 2020, p. 95). To explain criminal behaviour, it is therefore essential to also consider the effect of norms and values, since a criminal act is defined 'by the breaking of norms and the violation of intersubjectively shared values' (Translation of: "*durch den Bruch von Normen und die Verletzung intersubjektiv geteilter Wertvorstellungen*") (Mehlkop 2011, p. 83). From criminological research, we know that a deficient sense of values has a significant impact on the commission of a property offence (Bussmann 2008, p. 123). Since all individuals are part of a value culture, crimes are not committed as a rule simply because people consider it 'wrong' and 'indecent', regardless of a possible opportunity to do so or existing security gaps. In addition to committing a crime due to a deficient sense of values, today's generation is also characterised by a different way of looking at norms. It depends on the context and situation in which a person finds themselves whether norms are accepted and applied. Actions and behaviours that are considered wrong and wrong in a private context can be approved of and legitimised in a professional context (Bussmann 2008, p. 124). These contradictions in values are also reflected in other ways. If high standards of loyalty and honesty are applied in the family environment, these standards are

far less likely to apply in dealings with banks, the state or even employers (Noll 2020, p. 97). The existing 'peer groups' in the company also have an impact on the acceptance of norms. If colleagues approve of or encourage criminal behaviour, the individual also feels confident about committing an offence (Bussmann 2008, p. 124). In addition to an environment that legitimises crime, personal experiences of victimisation as a result of property crimes can also reinforce a lack of commitment to norms (Meier 2021, p. 338). From an empirical point of view, Eckhard Burkatzki (Burkatzki 2008) in particular has used a standardised survey to examine whether a certain value orientation or value system increases the willingness to commit economic crimes. To do this, he first defined three social systems in which economic crime can be used. Community (regulated by informal control and solidarity among members), state (control is exercised through the threat of sanctions and criminal law) and market (competition between several competitors for economic success). The aim is to identify how high the acceptance of the norm-related orientations is in the three areas. Study participants who consider community-related norms to be important show a high level of community orientation. A nomo-centric (law-centred) orientation is present when a subject attaches particular importance to law-abiding behaviour and, with a strong orientation towards competition and profit maximisation in the market, an economic orientation is present. (Noll 2020, p. 95). By combining the value orientations, prototypical subgroups can be formed from the study participants. On the one hand, there is the 'norm-oriented market activist' (Translation of: "normorientierter Marktaktivist"). This subject places a strong focus on economic success, coupled with an above-average sense of community and legal norms. Economic success is important to this type of person, but it can be controlled and moderated by means of a sense of duty and a sense of community. On the other hand, there is the type of the 'radical market activist' (Translation of: "radikaler Marktaktivist"). Here, too, the focus is on economic success. However, the orientation towards the community and legal norms is far below average. In this typology, the radical market activist is the one who strongly neglects the importance of formal legal and social concerns and instead radically puts his own market interests in the foreground (Burkatzki 2008, p. 158). Although the radical market activists are the smallest subgroup in the study, at 14 per cent, they show an exorbitantly high willingness to commit crimes compared to the other subgroups (Noll 2020, p. 96). The decline in social values is also considered to be a major cause of economic crime within companies. This includes a decline in employee loyalty and a disregard for applicable codes of conduct (KPMG AG Wirtschaftsprüfungsgesellschaft 2023, p. 22). In an environment in which standards, social values and morals play no or only a subordinate role, the willingness to engage in criminal behaviour within one's own company increases. By contrast, a high level of acceptance of standards and values and a strong emotional and social bond with the company can inhibit the exploitation of criminal opportunities and offer a certain degree of protection against damage (Hlavica et al. 2017, p. 70). To answer the question of how a cause-oriented fight against economic crime in the company can be carried out and what role the communication of norms and values in the company and a corporate ethic play in this, the reactionary options and the internal company prevention concepts for avoiding economic crime must be examined in detail.

### **Combating economic crime in the company**

The most obvious reaction of the affected companies to economic crimes is to file a criminal complaint and leave further criminal prosecution to the police, public prosecutor and courts. However, in reality, only a small percentage of companies file a criminal complaint immediately, often for fear of reputational damage (Harz 2012, p. 6). The reluctance of companies to press criminal charges in cases of economic offences is based on four main reasons: Criminal charges pose unpredictable risks for companies, particularly due to unmanageable investigations; criminal prosecution is seen as inefficient; the unpredictable effect of penalties is considered to be too low; and threats of criminal charges are considered to be dysfunctional for the detection and investigation of economic offences (Bussmann 2004, p. 37). The main reason for this is the complexity of preliminary proceedings in the area of economic crime. Due to convoluted corporate structures, there are often a large number of suspects and witnesses to question and an enormous amount of documents to sift through. Due to the complexity of the issues and the expertise of the perpetrators, the authorities often also have to call in auditors and tax experts for the investigations. All these factors make criminal proceedings very lengthy (Neubacher 2020, p. 187). In order to conserve resources and to avoid

inflating the duration of commercial criminal proceedings, the commercial criminal divisions often offer 'deals' in which some charges are disregarded if confessions are made in other charges. However, this different treatment of economic criminals and other criminals inevitably leads to a dwindling reputation of the criminal proceedings in general (Burkatzki und Löhr 2008, p. 15). Furthermore, criminal proceedings can only be conducted to the extent that legal interests are also protected by criminal law. Although the first law to combat economic crime was enacted in Germany as early as 1976 (Schwind 2021, p. 646), there are still accusations today that legal norms are formulated in too vague a manner and are insufficient, and that this is accompanied by imprecise legislation (Bock 2019, p. 375). Increased asset forfeiture and the confiscation of the proceeds of crime, which a perpetrator would have to fear if they were discovered, could help here. This approach could have a particular influence on the perpetrator's cost-benefit analysis before the offence (Meier 2021, p. 340). However, this is not the responsibility of companies, but of the judiciary and politicians, who must create an effective legal framework for this. Alternatively, the company can initiate its own investigation and implement and impose internal sanctions. The company can impose civil, labour and even criminal sanctions. Such sanctions imposed by the immediate environment of the perpetrator are usually more effective than criminal penalties. (Dannecker und Bülte 2020, p. 82). Internal investigations can help to assert civil and insurance claims and prevent repeat cases. Internal investigations are independent of possible criminal proceedings but can also be conducted in a similar manner (Süße 2018, p. 350). In addition to interviewing employees, premises may also be searched, documents seized and e-mails analysed. The investigating units then prepare protocols of interviews or investigation results, which are also used by law enforcement authorities. However, German courts have not yet reached an agreement on the use of evidence in criminal proceedings (Süße 2018, p. 354). However, it must also be clear that legally trained personnel are needed for internal investigations and that investigations by compliance, internal audit or corporate security, as well as by external law firms or consulting firms, are associated with a high expenditure of time and money. In the light of the criticism of the criminal proceedings, the question inevitably arises as to what companies can do to prevent crime and thus avoid economic crime within the company itself, in addition to conducting internal investigations, which often only begin once a legal violation has already occurred. The question also arises as to what role the communication of norms and values, in particular through value-oriented corporate policy, corporate ethics and ethically based codes of conduct, plays in the company.

### **Internal corporate crime prevention programmes to avoid economic crime**

The overarching framework is derived from value-oriented management within the framework of corporate governance. There is still no standardised global definition of corporate governance. Generally speaking, corporate governance is understood to mean the legal and factual framework for managing and supervising a company. According to the German Corporate Governance Code, good and responsible management of the company in the interest of the company (continued existence of the company and its sustainable value creation) requires not only legality, but also ethically sound, responsible behaviour (Regierungskommission 2022, p. 2). The purpose of corporate governance is thus to minimise information imbalances, eliminate conflicting goals and build trust by means of appropriate regulations (Velte und Graewe 2021, p. 1). Accordingly, corporate governance involves compliance with laws and regulations as well as recognised standards and recommendations, and the development of a company's own guidelines. The prerequisite for this is the unconditional willingness of the company's leadership to personally accept the standards to which the company is committed (tone at the top), as this is the only way to ensure that governance is actually practised (Harz 2012, p. 3). Corporate governance is intended to strengthen trust in the company's management (Regierungskommission 2022, p. 2). By creating organisational arrangements and procedures that determine good corporate governance, incentives, constraints and motivation for criminal behaviour can be reduced or eliminated (Noll 2020, p. 18). Good, responsible and ethically sound corporate governance can also serve to communicate norms and values to employees in order to reduce the risk of economic crime in the company. To this end, the aim should be outlined of effectively preventing and punishing economic crimes that could be committed from within the company (Noll 2020, p. 195). Corporate social responsibility can be an important part of corporate governance. Corporate social responsibility is a voluntary

concept for corporate social responsibility that pursues the aspect of sustainability and links the three pillars of economy, ecology and social affairs with concrete entrepreneurial action. CSR thus encompasses a wide range of activities undertaken by companies in the areas of social, ethical and environmental responsibility, with which sustainable development is implemented in the company's day-to-day operations (Hlavica et al. 2017, p. 73). By taking CSR seriously and imposing social responsibility on themselves, companies can also help to prevent economic crime. This can also improve their image and maximise profits (Theile 2008, p. 417). Furthermore, good corporate governance also has a compliance management system. The focus of compliance is on adherence to laws, ordinances and regulations, as well as internally self-imposed and formulated rules and guidelines, which may substantiate and tighten laws and ordinances, but not disable or weaken them (Velte und Graewe 2021, p. 24). To ensure compliance, companies implement employees or departments that develop internal preventive and sometimes also repressive procedures to enforce internal rules, regulations and laws independently of government law enforcement agencies. This may be, on the one hand, the implementation of compliance training or the threat of criminal and labour law sanctions and, on the other hand, the operation of a whistleblower system (Meier 2021, p. 341). Furthermore, codes of conduct or codes of ethics are now par for the course, particularly in large companies. These self-imposed rules of conduct provide employees with corporate values and corporate rules and stipulate these for each employee. These codes of conduct are specified by corporate guidelines that are formulated for individual departments or tasks and contain detailed specifications (Velte und Graewe 2021, p. 28). The aim is to communicate the values and norms set out in them to employees and to serve as a guide for their decision-making and actions, particularly to avoid undesirable behaviour, especially behaviour that is criminally relevant. In this respect, company guidelines serve the purpose of internal social control and are thus an instrument of secondary crime prevention (Theile 2008, p. 411). Infringements of the Code of Conduct and behavioural guidelines must also be investigated and sanctioned by internal control mechanisms (audits, internal investigations, whistle-blower system). Only in this way can an effective prevention concept be achieved (Wachter 2012, p. 458). The purpose of the safeguards and controls provided by compliance is to ensure that the company's activities are in line with all social guidelines and values, as well as with morals and ethics. However, this requires practical implementation through appropriate training measures and monitoring of compliance with the company's internal ethics and compliance programme. Overall, the rules of conduct and ethical guidelines must be formulated, communicated and embraced in the company in a sufficiently specific manner (Hlavica et al. 2017, p. 72) Only by integrating the company's values into its business processes in a sustainable way can corporate ethics be stabilised and fraud successfully prevented (Thome 2004, p. 53) In this context, the communication of norms and values through an effective compliance management system is of great importance in terms of crime prevention. However, it should also be noted that an exaggerated compliance culture can have negative consequences. Excessive bureaucracy, in particular, can lead to demotivation and the development of a culture of mistrust (Noll 2020, p. 8). This, in turn, can have an impact on the entire corporate culture, which can influence not only the emergence of economic crime but also the success of compliance measures (Bussmann 2010, p. 70). A compliance system is therefore only effective and generates credibility among other stakeholders if it is operated seriously, without getting out of hand in bureaucracy. This is particularly not the case if compliance is used merely for reasons of delinking and for advertising purposes. Rather, a strong compliance system requires a firm conviction on the part of management and employees that compliance with laws and internal rules is part of a company's self-image (Grüninger 2016, p. 9). For this reason, values and integrity management is often implemented as a supplement to win over employees to a general value system that promotes a good reputation and suggests the integrity and fairness of a company to stakeholders by emphasising moral principles (Noll 2020, p. 211). Integrity management can be considered even more ambitious than compliance management. In the context of integrity management, companies want to use the intrinsic motivation of employees to act in a value-oriented manner and to do 'the right thing'. The employee should thus act according to the 'right' values of their own accord and out of full conviction. To this end, companies rely on targeted training to sensitise employees to the possibility of moral conflicts in their day-to-day work and to show them possible solutions (Noll 2020, p. 196). However, training for managers is far more important. This is because ensuring integrity in a company is a challenging and ongoing management task

that requires, in particular, a consideration of employees in terms of compliance and morale, but also self-reflection. To achieve this, it is essential that managers are trained in how to promote integrity in their area of responsibility and how to make the right decisions in conflict situations. This is because compliance and integrity can only succeed if executive management is aware of their role model function. (Grüniger 2016, p. 10).

## CONCLUSION/DISCUSSION

The decline of social values can be seen as a major cause of economic crime. In contrast, the willingness to commit economic crimes within the company is inhibited if there is a high level of acceptance of norms and values, as well as a strong emotional and social bond with the company. The study showed that communicating standards and values within one's own company has a high crime-preventing effect in the area of economic crimes with regard to the causes and possible prevention strategies. However, a prerequisite for successful prevention of crime is that the communication of norms and values is sustainably integrated into the corporate processes. A code of conduct is essential for this, as is corporate governance that puts it into practice, including 'tone at the top' and a supportive, efficient and controlling compliance management system and an integrity management system tailored to the corporate culture. These are prerequisites for systematically, preventively and sustainably counteracting fraudulent activities within the company. Internal corporate crime prevention concepts that are based on the communication of norms and values and implemented in the manner described are thus an appropriate instrument for crime prevention and thus for minimising corporate economic crime.

It is in the nature of things that the communication of norms and values in the company is only suitable for minimising economic crimes committed by internal perpetrators. Although there is often also a collaboration between the internal and external perpetrators, or crimes are committed entirely from the outside. The study also revealed that successful crime prevention consists of different puzzle pieces. Effectiveness is therefore not only dependent on the communication of norms and values or the introduction of measures to increase the risk of detection for perpetrators. Rather, successful crime prevention within a company can only be achieved if corporate governance, compliance management and integrity management are interwoven, and mutual functionality is guaranteed. The main focus here is on management. Compliance can only effectively counteract economic crime in a company if the workplace culture is also coherent. What is needed, therefore, is a vibrant culture of values that is characterised by the value of integrity and is supported by the company's management. It is also clear that effective and sustainable prevention of economic crime can only be achieved through a combination of state legislation and sanctioning on the one hand and corporate prevention and combating crime on the other.

## REFERENCES

- BOCK, M., 2019. *Kriminologie. Für Studium und Praxis*. 5. Aufl. München, Verlag Franz Vahlen.
- BUNDESKRIMINALAMT, 2024a. PKS 2023 - Ausgewählte Informationen Bund. Straftaten insgesamt. [viewed 24 January 2025]. Available from: [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/AusgewaehlteInformationenBund/AusgewaehlteInformationenBund\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/AusgewaehlteInformationenBund/AusgewaehlteInformationenBund_node.html)
- BUNDESKRIMINALAMT, 2024b. PKS 2023 - Ausgewählte Informationen Bund. Wirtschaftskriminalität. [viewed 24 January 2025]. Available from: [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/AusgewaehlteInformationenBund/AusgewaehlteInformationenBund\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/AusgewaehlteInformationenBund/AusgewaehlteInformationenBund_node.html)
- BUNDESKRIMINALAMT, 2024c. T20 Tatverdächtige insgesamt nach Alter und Geschlecht. Informationen zu Tatverdächtigen (Aufgliederung nach Delikten, Anzahl Tatverdächtige insgesamt, nach Geschlecht, nach Alter). [viewed 21 February 2025]. Available from: <https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/PKSTabellen/BundTV/bundTV.html?nn=226082>
- BUNDESKRIMINALAMT, 2024d. Wirtschaftskriminalität. Bundeslagebild 2023. [viewed 24 January 2025]. Available from: [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Wirtschaftskriminalitaet/wirtschaftskriminalitaet\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Wirtschaftskriminalitaet/wirtschaftskriminalitaet_node.html)
- BUNDESMINISTERIUM des Innern und für Heimat (2024). *Polizeiliche Kriminalstatistik 2023. Ausgewählte Zahlen im Überblick*. [viewed 24 January 2025]. Available from: [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/FachlicheBroschueren/fachlicheBroschueren\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2023/FachlicheBroschueren/fachlicheBroschueren_node.html)
- BURKATZKI, E., 2008. Wirtschaftskriminalität und Wertorientierung - Befunde einer empirischen Studie. In: Liebl, K., /Kühne, E. (Eds.). *Wirtschaftskriminalität und die Rolle der Strafverfolgungsorgane. Beiträge der Fachtagung im November 2007 in Rothenburg/OL*. Rothenburg, Eigenverlag der Hochschule der Sächsischen Polizei (FH) Rothenburg/Oberlausitz, 151–174.

- BURKATZKI, E., A. LÖHR, 2008. Wirtschaftskriminalität und Ethik - einführende Anmerkungen. In: Löhr, A., Burkatzki, E. (Eds.). Wirtschaftskriminalität und Ethik. Mering, Rainer Hampp Verlag, 11–24.
- BUSSMANN, K.-D., 2004. Kriminalprävention durch Business Ethics. Ursachen von Wirtschaftskriminalität und die besondere Bedeutung von Werten. Zeitschrift für Wirtschafts- und Unternehmensethik (1), 35–50.
- BUSSMANN, K.-D., 2008. Nationales Recht und Anti-Fraud-Management - US- amerikanische und deutsche Unternehmen im Vergleich. In: Löhr, A., Burkatzki, E. (Eds.). Wirtschaftskriminalität und Ethik. Mering, Rainer Hampp Verlag, 111–134.
- BUSSMANN, K.-D., 2010. Wirtschaftskriminalität und Unternehmenskultur. In: Bannenberg, B., Jehle, J.-M. (Eds.). Wirtschaftskriminalität. Mönchengladbach, Forum-Verl. Godesberg, 57–82.
- BUSSMANN, K.-D., 2016. Wirtschaftskriminologie I. München, Verlag Franz Vahlen.
- CLEFF, T., G. NADERER, J. VOLKERT, 2011. Motive der Wirtschaftskriminalität. Ergebnisse einer quantitativen und qualitativen Studie. Monatsschrift für Kriminologie und Strafrechtsreform 94 (1), 4–16.
- DANNECKER, G., J. BÜLTE, 2020. Die Entwicklung des Wirtschaftsstrafrechts in der Bundesrepublik Deutschland. In: Schmitt, L., Wabnitz, H.-B., Janovsky, T. (Eds.). Handbuch Wirtschafts- und Steuerstrafrecht. 5. Aufl. München, C.H. Beck, 5–84.
- ENSTE, D., J. POTTHOFF, 2024. Wirtschaftskriminalität. Entwicklungen, Täterprofile und Präventivmaßnahmen. [viewed 09 January 2025]. Available from: [https://www.iwkoeln.de/fileadmin/user\\_upload/Studien/Report/PDF/2024/IW-Report\\_2024-Wirtschaftskriminalit%C3%A4t.pdf](https://www.iwkoeln.de/fileadmin/user_upload/Studien/Report/PDF/2024/IW-Report_2024-Wirtschaftskriminalit%C3%A4t.pdf)
- GRÜNINGER, S. (2016). Integritätsmanagement - mehr als nur Compliance! In: Sonntag, S. (Ed.). Der Wirtschaftsführer für junge Juristen. Stuttgart/München, Richard Boorberg Verlag GmbH & Co KG.
- HARZ, M., 2012. Mit Compliance Wirtschaftskriminalität vermeiden. Risikoprävention, Früherkennung, Fallbeispiele. Freiburg, Schäffer-Poeschel Verlag für Wirtschaft Steuern Recht GmbH.
- HLAVICA, C., D. THOMANN, I. MARTENSTEIN, 2017. Grundlagen zum Phänomen Wirtschaftskriminalität. In: Hlavica, C., Hülsberg, F., Klapproth, U. (Eds.). Tax Fraud & Forensic Accounting. Umgang mit Wirtschaftskriminalität. 2. Aufl. Wiesbaden, Springer Gabler, 37–76.
- HOFMANN, S., 2008. Handbuch Anti-Fraud-Management. Bilanzbetrug erkennen, vorbeugen, bekämpfen. Zugl.: Erlangen-Nürnberg, Univ., Diss., 2007-2008. Berlin, E. Schmidt.
- KNOLL, B., 2023. Fraud Triangle als Reflexionsmodell. Strategien zur Stärkung der individuellen Unabhängigkeitskompetenz im Aufsichtsrat. Zeitschrift für Corporate Governance (6), 275–278. Available from: <https://doi.org/10.37307/j.1868-7792.2023.06.10>.
- KPMG AG Wirtschaftsprüfungsgesellschaft (2023). Gegen jede Regel. Wirtschaftskriminalität in Deutschland 2023. Studie. KPMGAG Wirtschaftsprüfungsgesellschaft. [viewed 09 January 2025]. Available from: [https://hub.kpmg.de/hubfs/LandingPages-PDF/KPMG\\_Studie\\_Wirtschaftskriminalitaet\\_2023\\_BF\\_final\\_sec.pdf?utm\\_campaign=AUDIT%20-%20Studie%20-%20Wirtschaftskriminalit%C3%A4t%20in%20Deutschland%202023%3A%20Gegen%20jede%20Regel&utm\\_medium=email&\\_hsenc=p2ANqtz-9\\_3D\\_G3FDtbWlzAHOH5S1vtCLp0Znk5kfQOyYG24iS9Vt-AKeD-LMCiYOCnlaTU\\_Jj8a2rbAwMrVbh4\\_hZmQ9rVRQCvBcVqtqJHCv3NK5MxzdFvw&\\_hsmi=251066674&utm\\_content=251066674&utm\\_source=hs\\_automation](https://hub.kpmg.de/hubfs/LandingPages-PDF/KPMG_Studie_Wirtschaftskriminalitaet_2023_BF_final_sec.pdf?utm_campaign=AUDIT%20-%20Studie%20-%20Wirtschaftskriminalit%C3%A4t%20in%20Deutschland%202023%3A%20Gegen%20jede%20Regel&utm_medium=email&_hsenc=p2ANqtz-9_3D_G3FDtbWlzAHOH5S1vtCLp0Znk5kfQOyYG24iS9Vt-AKeD-LMCiYOCnlaTU_Jj8a2rbAwMrVbh4_hZmQ9rVRQCvBcVqtqJHCv3NK5MxzdFvw&_hsmi=251066674&utm_content=251066674&utm_source=hs_automation)
- MEHLKOP, G., 2011. Kriminalität als rationale Wahlhandlung. Eine Erweiterung des Modells der subjektiven Werterwartung und dessen empirische Überprüfung. Wiesbaden, VS Verlag für Sozialwissenschaften / Springer Fachmedien Wiesbaden GmbH Wiesbaden.
- MEIER, B.-D., 2021. Kriminologie. 6. Aufl. München, C.H.Beck.
- MÜLLER, L. (2014). Persönlichkeitsprofile von Wirtschaftsstraftätern. Stuttgart/München, Richard Boorberg Verlag GmbH & Co KG.
- MÜLLER, S., 2021. Finanzmarktintegrität: Neuregelungen zum 1.7.2021. Gesetz zur Stärkung der Finanzmarktintegrität. [viewed 16 January 2025]. Available from: [https://www.haufe.de/finance/jahresabschluss-bilanzierung/gesetz-zur-staerkung-der-finanzmarktintegritaet\\_188\\_533466.html](https://www.haufe.de/finance/jahresabschluss-bilanzierung/gesetz-zur-staerkung-der-finanzmarktintegritaet_188_533466.html)
- NEUBACHER, F., 2020. Kriminologie. 4. Aufl. Baden-Baden, Nomos.
- NOLL, B. (2020). Wirtschaftskriminalität. Eine wirtschaftsethische Herausforderung. Stuttgart, Verlag W. Kohlhammer.
- PRICEWATERHOUSECOOPERS GmbH Wirtschaftsprüfungsgesellschaft (2020). Wirtschaftskriminalität - Ein niemals endender Kampf. PwC's Global Economic Crime and Fraud Survey 2020. PricewaterhouseCoopers GmbH Wirtschaftsprüfungsgesellschaft. [viewed 23 January 2025]. Available from: <https://www.pwc.de/de/consulting/forensic-services/wirtschaftskriminalitaet-ein-niemals-endender-kampf.pdf>
- PRICEWATERHOUSECOOPERS GmbH Wirtschaftsprüfungsgesellschaft (2022). Global Economic Crime and Fraud Survey 2022. [viewed 20 February 2024] Available from: <https://www.pwc.de/de/forensic-services/global-economic-crime-and-fraud-survey.html>
- REGIERUNGSKOMMISSION, 2022. Deutscher Corporate Governance Kodex. (in der Fassung vom 28. April 2022). Regierungskommission. [viewed 20 February 2025]. Available from: [https://www.dcgk.de/files/dcgk/usercontent/de/download/kodex/220517\\_Deutscher\\_Corporate\\_Governance\\_Kodex\\_2022.pdf](https://www.dcgk.de/files/dcgk/usercontent/de/download/kodex/220517_Deutscher_Corporate_Governance_Kodex_2022.pdf)
- SCHENKER, U., J. LEUDOLPH, Y. SCHNEITER, 2023. Wirecard - Finanzbetrug und Ansprüche der Aktionäre. Schweizerische Zeitschrift für Gesellschafts- und Kapitalmarktrecht sowie Umstrukturierungen (4), 473–479.

- SCHNEIDER, H., 2008. Person und Situation: Über die Bedeutung personaler und situativer Risikofaktoren bei wirtschaftskriminellem Handeln. In: Löhr, A., Burkatzki E. (Eds.). Wirtschaftskriminalität und Ethik. Mering, Rainer Hampp Verlag, 135–153.
- SCHNEIDER, H., D. JOHN, 2010. Der Wirtschaftsstraftäter in seinen sozialen Bezügen. Empirische Befunde und Konsequenzen für die Unternehmenspraxis. In: Bannenberg, B., Jehle, J.-M. (Eds.). Wirtschaftskriminalität. Mönchengladbach, Forum-Verl. Godesberg, 159–169.
- SCHWIND, H.-D., 2021. Kriminologie und Kriminalpolitik. Eine praxisorientierte Einführung mit Beispielen. 24. Aufl. Heidelberg, Kriminalistik.
- SÜSSE, S., 2018. Gesetzliche Vorgaben für interne Untersuchungen. Ein Weg zur Beseitigung von Rechtsunsicherheiten bei der Kooperation in Wirtschaftsstrafverfahren? Zeitschrift für Internationale Strafrechtsdogmatik 9.
- THEILE, H., 2008. Unternehmensrichtlinien - Ein Beitrag zur Prävention von Wirtschaftskriminalität? Zeitschrift für Internationale Strafrechtsdogmatik (9), 406–418.
- THOME, M., 2004. Normen, Werte, Orientierung. Zeitschrift für Wirtschafts- und Unternehmensethik (1), 51–54.
- VELTE, P., D. GRAEWE, 2021. Reform der Corporate Governance nach dem Wirecard-Skandal. Grundlagen - Problemfelder – Lösungsansätze. Herne, NWB.
- WACHTER, M., 2012. Präventionsmaßnahmen gegen Mitarbeiterkriminalität. In: Jackmuth, H.-W. (Ed.). Fraud Management. Der Mensch als Schlüsselfaktor gegen Wirtschaftskriminalität. Frankfurt am Main, Frankfurt School Verl., 454–468.

## УСТАНОВЯВАНЕ НА СТАНДАРТИ И ЦЕННОСТИ КАТО ИНСТРУМЕНТ ЗА ПРЕВЕНЦИЯ НА ПРЕСТЪПНОСТТА В КОМПАНИЯТА

***Резюме:** Целта на статията е да се проучи и да се отговори на въпроса дали и до каква степен икономическата престъпност може да бъде сведена до минимум чрез обучение в областта на стандартите и ценностите в компанията. За да се отговори на изследователския въпрос, е направен литературен обзор. Проучването показва, че упадъкът на социалните ценности може да се разглежда като основна причина за икономическата престъпност и че желанието за извършване на престъпления в рамките на предприятието се възпрепятства, когато е налице високо ниво на приемане на нормите и ценностите, както и високо ниво на социален морал и лоялност към предприятието. Проучването показва също така, че по отношение на причините и възможните стратегии за превенция съобщаването на нормите и ценностите в собствената компания има висок превантивен ефект в областта на икономическата престъпност. Предпоставка за успешна превенция обаче е комуникацията на стандартите и ценностите да бъде трайно интегрирана в процесите на компанията. От съществено значение за това са кодексът за поведение, корпоративното управление, което го прилага на практика, включително „тон на върха“ (ангажираност на ръководството), както и подкрепяща, ефективна и контролираща система за управление на съответствието и система за управление на интегритета, съобразена с корпоративната култура.*

***Ключови думи:** икономическа престъпност; кодекс за поведение; корпоративно управление; управление на съответствието; управление на интегритета*

**Бастиян Нагел, докторант**  
Университет по библиотекознание и информационни технологии  
E-mail: bastian.nagel2@gmx.de