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Protecting the Economy from Criminal Activity

Ochrana ekonomiky pred kriminálnym konaním

Abstract

In the presented knowledge, the authors stress that the reality of the most effective organisation for protecting the economy from crime is that it must constantly evolve. They respect this fact when elaborating on the characteristics of the threats and risks associated with economic crime, especially when elaborating on the concepts useful in ensuring the protection of the economy from crimes committed and completed.

Keywords: Economy, economic protection, economic crime, white collar crime, financial crime, security, risk, risk analysis, concept.

Abstrakt

Autori v predkladanom poznaní zdôrazňujú, že realita najefektívnejšej organizácie ochrany ekonomiky pred kriminalitou je taká, že sa stále musí nachádzať vo vývoji. Túto skutočnosť rešpektujú pri vypracovaní charakteristík hrozieb a rizík, ktoré sú spájané s kriminalitou v ekonomike, osobitne pri spracovaní koncepcií, ktoré sú využiteľné pri zabezpečovaní ochrany ekonomiky pred páchanými a spáchanými trestnými činmi.

Kľúčové slová: Ekonomika, ochrana ekonomiky, kriminalita v ekonomike, kriminalita bielych golierov, finančná kriminalita, bezpečnosť, riziko, analýza rizík, koncepcia.

Introduction

“The good of the people should be the supreme law.”¹

We decided to use this idea by Cicero, one of the most famous Roman philosophers, orators, and statesmen, to justify the need for our presentation. This is because one of the primary goals of human existence is purposefully addressed and concisely formulated in its content. It metaphorically defines tasks in the performance of which we, members of the police in practice and theory, are also obliged to participate.

We intend to actively enter the discussion, which addresses social problems related to security, especially the penetration of crime into the economy. In accordance with the requirements of practice (*society*), it can be stated that the contradictions between the dynamically changing security situation in the field of economic protection and relatively stable (*sometimes outdated*) police and security approaches to its solution (*e.g. the apparent continued dominance of the retrospective approach in the process of identifying crimes in the economy*) need to be identified and addressed in real time. In addition to the above, it is appropriate to add that the existence of this need is also triggered by entities that respect the agreed rules *in business (in the economic environment)* and, last but not least, by a citizen who is unable to explain why criminal liability is not exercised in relation to the (*suspected*) entities concerned based on suspicions of crime presented in the media.

Respecting the principles of constructiveness, pragmatism, systematics, and scientific objectivity in processing this knowledge, we worked with the hypothesis, which we formulated based on the recommendations of police practice experts. They stated in unison (*during guided interviews*) that they permanently noted unacceptable and ill-considered experiments in the organisation and management of the police (*not only in the Police Force*), which significantly negatively affected the effectiveness and efficiency of protecting the economy from criminals (*especially when delegating competences related to the implementation of intelligence activities, operative-investigative activities, and investigations*).² Among other things, in verifying these statements, they stated:

¹ Marcus Tullius Cicero (106-43 BC) was a Roman statesman, orator, and philosopher, author of numerous political-theoretical, philosophical, and rhetorical works. Cicero is considered one of the most significant Roman orators and prose writers and one of the most important ancient Romans ever.

² LISOŇ, Miroslav, et al. 2012. *Odhaľovanie a dokazovanie trestných činov v ekonomike : Projekt vedecko-výskumnej úlohy*. 1st ed. Bratislava: Akadémia PZ v Bratislave, 2012. 33 l. VÝSK. 177.

The controlled interview with the members of the Police Force was conducted in the months of March - April 2019. The research sample consisted of 48 respondents, namely 15 students of external studies at the Police Academy in Bratislava, 8 members of the Regional Directorate of the Police in Košice (hereinafter referred to as “*KR PZ KE*”), 10 members of the Regional Directorate of the Police in Prešov (hereinafter referred to as “*KR PZ PO*”), 10 members of the Military Intelligence, 5 members of the Criminal Financial Administration Office. All respondents met the condition of a minimum professional experience of 10 years - note by the authors.

- Members of the Police Force - *each personnel change, especially in the position of the President of the Police Force, is accompanied by a reorganisation of the Police Force, which is not consulted with the police practice and is purposefully carried out when dealing with personnel exchanges, etc.*
- Members of the Military Intelligence - *the process of recodification of the laws on intelligence services is not completed, plus they register personnel instability after replacing the director of military intelligence, etc.*
- Members of the Criminal Financial Administration Office - *they register personnel instability after director exchanges and mistrust between superiors and subordinates, especially in the performance of operative-investigative activities, etc.*

By analogous interpretation of these facts (*we also note based on verified experience of practice and recommendations of theories*), it can be stated that one of the basic principles of police and security activities carried out to protect the economy from criminal activity is the delegated specialisation of material jurisdiction. This is associated with assuming the responsibility for protecting a specific sector of the economy and rigorously respecting the legal regulation of competencies in achieving the set goal.

Since we want to be sufficiently convincing in our argumentation, we consider it our duty to state that for reasons of various supplementation and specification of the information from the controlled interview, we have also used domestic and foreign expert literature. Its content addresses the issue of crime, especially its manifestations in the economy and the detection of crimes. Based on this knowledge and the knowledge we have acquired in police practice in detecting and investigating crimes, we state at the outset that the information published in the foreign literature on these issues is more comprehensive, systematic, and purposeful than in our country. Despite this condition (*situation*), when preparing this presentation, we use only the knowledge that is in accordance with our legal regulation, verified by practice, which is evident from the results of the comparison of individual sets of information.

In addition to these sources of knowledge, we used the conclusions and recommendations from national and international documents adopted at various levels aimed at ensuring crime control in the economy, as well as knowledge from multiple conferences and seminars. We analysed the information obtained from these sources, subjected it to comparison, analogy, generalisation, deduction, induction, and applied other methods and logical operations necessary to fulfil our ambition. Of course, we are fully aware that we may be wrong, or constructive comments will be made on our presentation, which we certainly should be able to use in our further research work. In these intentions, we focus special attention on the knowledge of:

- ✓ Protection of the economy against crime - *“What is the protection of the economy against crime?”*, *“What is economic crime?”*
- ✓ Coherence of the protection of the economy against crime, which also ensures the compactness of the system - *“Is it a compact system?”*, *“How can the genesis of its existence be characterised?”*, *“What are the links between its elements?”*
- ✓ Approaches of state administration bodies that participate in the performance of tasks related to ensuring the protection of the economy - *“What is the position and role of the competent authorities?”*, *“How do the competent authorities accept*

competencies in ensuring the protection of the economy from crime?”, “What is the internal, external reliability of the competent authorities and links that ensure the implementation of the protection of the economy?”

- ✓ Dynamic stability and adaptation of the authorities ensuring the protection of the economy, their response and ability to respond to the reality that exists or may arise in a specific criminal situation - *“What factors act at the time and place of their activities?”*
- ✓ Changes related to the developmental protection of the economy against crime - *“What is the disposition of experience and skills of authorities ensuring the protection of the economy?”, “...capacity?”, “.. financial availability?”, “...compatibility in national or international communication?”*
- ✓ Organisation of work and management of economic protection - *“What is the ability to select and enforce such processes in implementation that lead to meeting the goals in time?”, “How is this activity designed?”, “What is its tactic?”*
- ✓ Effectiveness and effects of protecting the economy against crime - *“What criteria can be used to evaluate the protection of the economy?”*

We think that by seeking answers to these questions, it is possible to process relevant knowledge for the needs of developing a concept for the development of economic protection against crime. As stated before, in this paper, we decided to present our opinions on the characteristics of protecting the economy against crime to the professional public.

Criminality in the sphere of economics

Based on the results of the research, we conclude that there is currently a legitimate interest in crime committed in the sphere of economics across society, especially in scientific circles. This fact may evoke the conclusion that this category of crime is new, typical of the 20th or 21st century. In our opinion, this impression is determined primarily by the visible dependence of the observed manifestations of this group of criminal acts with the modern technology that is used in the production process, the organisation of economic activity and, in particular, the observed seriousness that crimes in economy represent for society.

In this context, we would like to state that crimes in the economy, as well as other crimes, have been, are, and will be committed as long as the state and the law exist. There is no dispute that each socio-economic formation is also characterised by specific criminal activity, which is typical for that formation. This applies, in particular, to economic crime. Among other things, this crime is a signal (*symptom, indicator*) that there is a social discrepancy in the relations between productive forces and means, etc. If we simplify it, its manifestations can also be described as a determinant of social development.³

³ The legitimacy of this statement can be objectified by finding answers to the following questions: “Which factors determine social development?”, or “Which factors influenced the disappearance and transformation of socio-economic formations (slave, feudal, capitalist, socialist, neo-capitalist?”, etc. In the systematic search for answers to these questions, we came to the conclusion that the phenomena associated with economic crime have a position and role to play among these factors. In this respect, we recommend studying the work of

In accordance with our knowledge, one of the first indications of a more comprehensive examination of crime in the field of economics can be found in the speech of Edwin C. Hill at the International Congress on the Prevention and Repression of Crime, held in London in 1872. E. C. Hill focused on the so-called “*criminal capitalists and their increasing share in the rise of crime*”.⁴ In 1935, another expert, Albert Morris, explained his view on the issue of economic crime through the action of the criminal ‘underworld’, committing mostly ordinary crime, and the criminal ‘upperworld’, engaged mostly in ‘economic crime’.⁵

Continuing in this historical context, an important milestone in the investigation, evaluation, and explanation of economic crime was made by the American professor of sociology (*criminology*) E. H. Sutherland in 1939,⁶ who described this phenomenon as a ‘*white collar*’ crime. This scholar was the author of the prominent text “*Criminology*”, published in 1924. In its third edition, he introduced the principle of differential association under the title “*Principles of Criminology*” (1939). According to this principle, the development of the usual patterns of crime stems from the association with those who commit crime rather than with those who do not commit crime. In addition to the above, his theory also had a structural element that assumes that conflicts and social disorganisation are the underlying causes of crime because these are the patterns of the people with whom it is associated. This last element was

Gilbert Geis: GEIS, Gilbert. The Trajectory of White-Collar Crime Following the Great Economic Meltdown. In: *Journal of Contemporary Criminal Justice*. vol. 1, 2013, No. 30, pp. 70-82), in which he presents knowledge from research on criminal activity regarding the causes and consequences of the economic collapse in 2008. The absence of serious criminal prosecutions, new legislation designed to prevent similar debacles, and post-disintegration case studies are discussed to clarify the culture and business practices of large companies that were responded to.

⁴ In the 19th century, when large police forces, judicial systems, and prisons began to appear in large cities, some experts focused studies on the causes of crime in the field of criminology. A series of conferences in Europe, of which the most notable (*in our opinion*) was the “*First International Congress on the Prevention and Repression of Crime*” (London, 1872), brought together experts from various countries. The main issues under consideration included the proper administration of prisons, possible alternatives to imprisonment, methods of rehabilitating convicts, treatment of juvenile offenders, extradition treaties, and the ‘*means of repressing criminal capitalists*’. At the close of the London conference, the International Prison Commission (IPC) was formed with the mandate to collect penitentiary statistics, encourage penal reform, and convene further international conferences. Later, it was affiliated with the League of Nations and held three conferences in the capitals of Europe between 1925-1935. At the last of these it was renamed the “*International Penal and Penitentiary Commission*” (IPPC). The General Assembly dissolved the IPPC on 1 December 1950, incorporating its functions and archives into the new organisation’s own operations. In: UNODC. International Penal and Penitentiary Commission (IPPC). [online]. [2023-02-28]. Available from: <https://www.unodc.org/congress/en/previous/previous-ippc.html>

⁵ ZAPLETAL, Josef et al. 1999. *Kriminologie. Díl II. zvláštní část*. p. 100.

⁶ SUTHERLAND, E. H. 1961. *White Collar Crime*. 2nd edition. New York: Holt, Rinehart & Winston, 1961. 272 pages. ISBN 9780030106453; GEIS, Gilbert. White-collar crime seriousness: Assessments by police chiefs and regulatory agency investigators. In: *American Journal of Police*, vol. 1, 1983, no. 3, pp. 1-16. Gilbert Geis noted the following: “*Sutherland’s concept of white collar crime has changed the study of crime around the world in fundamental ways.*”

dropped when the fourth edition came out in 1947. However, Sutherland continued to believe that class was a relevant factor, officially using the term 'white collar' in a speech to the American Sociological Association on 27 December 1939. In the monograph "*The White-Collar Crime*", he defined a crime committed by a person of high social status in the course of employment. He defined the 'white collar' as the use of a respectable position of power for illicit gain that leads to harm to victims, as measured by financial losses, physical damage, and damage to the community's moral climate.

The above confirms that this American scientist chose the perpetrator (*the subject of the crime*) as the basic criterion for defining this phenomenon. In assessing this approach, using constructive criticism, we state that he defined white collar crime in a specific time (*before World War II*) and space (*U.S.*). The criminal activity he investigated, evaluated, and explained manifested itself in various forms of unlawful practices, especially those that were registered in securing supplies for the army or in the pre-war and war economy.⁷

Currently, some experts agree that the economic impact of 'white collar crime' is much more costly than ordinary crime. 'White collar crime' can endanger employees due to unsafe working conditions, injure consumers due to unsafe products, and cause pollution problems to the community. Criminologists emphasise that white collar crimes are particularly harmful to society because they are committed by those in power, i.e. those who are expected to serve as moral examples and behave responsibly. Recently, these facts are respected (*quite extensively*) by representatives of police and security practice, who, when characterising economic crime, use a subject of crime that has specific opportunities to develop activities in the economy (*out of 48 respondents addressed in a guided interview conducted in 2019, almost 67 % of them - i.e. 30 individuals - pointed to this fact*). In our opinion, this is logical because the views on the definition of economic crime develop in a relatively close relationship with the economy and the rules that are binding in this summary of production relations.

From what we have said, it is clear that in theory and practice, there is no unity in the terminological designation of a phenomenon that is registered in the economy. There are even evident discrepancies in opinions on its characteristics. Therefore, we think that in addressing these situations, it is possible to paraphrase the opinion presented by Czech authors, according to which: "... *individual types of crime should be defined as precisely as possible - define boundaries, describe relationships with other areas of crime, determine individual degrees of development. Divergence and inaccurate designation may cause problems, both in mutual communication with those who deal with this issue and in the formulation and application of laws. A precise definition is also necessary to be able to classify any partial knowledge into a precisely defined whole.*"⁸

⁷ The historical significance of E. H. Sutherland's work is that he introduced the concept of white collar crime, a concept that violates existing prejudices according to which aristocrats can do nothing wrong (which was famously expressed in the ancient legal view that the king could do nothing wrong).

⁸ BRABCOVÁ, Irena; CEJP, Martin and Miroslav SCHEINOST. 1994. *Pravděpodobné modely organizované kriminality – současný stav v ČR. Závěrečná zpráva z výzkumu*, p. 20.

Compared to Sutherland's idea of a 'defined' perpetrator (*a perpetrator from the ranks of 'white collars'*), due to the registered process of development of production relations corresponding to a given stage of development of production forces and means in society, the share of perpetrators from the ranks of the 'top ten thousand' is decreasing (*results of the analysis of recorded crime by the Presidium of the Police Force*). Not only in our country but also abroad (*analysis of recorded committed and perpetrated crimes*), it can be concluded that the share of perpetrators from the middle and lower social strata of the population is increasing.⁹ This reality is one of the reasons why criminologists (*and police practice*) currently use classification criteria to characterise this type of crime, defining the identity of the typical features of the ways of committing crimes that form its structure.

When characterising economic crime (*kriminalita v ekonomike, wirtschaftskriminalität, экономическое преступление, przestępczość gospodarcza, gazdasági bűnözés, економічна злочинність - ekonomichna zlochyinnist'*) the following features are the most frequent:

- ✓ Damage or threat to supra-individual interests in relation to the existing economic system by abusing the trust that creates the prerequisites for its functionality.¹⁰
- ✓ Relationship defined by the legal norm between the harmed party and the subject of the crime.¹¹

Regarding the used term 'economic crime', we would like to state that the theory and practice in the Slovak Republic before 1989 characterised this phenomenon in the economy as a category of crime with the adjective '*hospodárska*' (*criminal activity endangering and damaging the centrally planned national economy*). After the revolutionary changes, especially responding to the change in socio-economic formation, this extra-legal category was re-termed '*ekonomická*' by experts from the police practice (both terms are synonymous, meaning *economic*).¹² Ultimately, this means that the terminology of *status quo ante* has not changed. In addition to the above, this *status quo* has a negative effect on the adoption and implementation of

⁹ For the purposes of research, criminal statistics were provided to us by members of the Presidium of the Police Force, the Office of International Police Cooperation - police attachés (RF, PR, HR, Ukraine, etc.), who subsequently commented on them - note by the authors.

¹⁰ GORNIOK, Okatawia. 1994. *Przestępczość gospodarcza i jej zwalczanie*, pp. 57–58.

¹¹ LIŠOŇ, Miroslav. 2001. *Odhaľovanie kriminality páchanej v ekonomike*, p. 23.

¹² On 25 January 1991, the Presidium of the Slovak National Council decided on the legal measure No. 57, which established the Police Force of the Slovak Republic replacing the 'Public Security' body of the 'National Security Corps' in the territory of the Slovak Republic. The title '*Verejná bezpečnosť*' (Public Security), or '*Zbor národnej bezpečnosti*' (National Security Corps), respectively, used under the Communist Party of Czechoslovakia, ceased to be used along with the title '*member of the National Security Corps*', with the First Republic terminology '*police*' and '*policeman*' being restored. Within the framework of the Police Force, a criminal police service, a riot police service, a traffic police service, and a facility protection service were established. The Service for the Protection of Economic Interests and the Service for the Protection of Constitutional Officials came into being as special services of the Police Force. Investigation offices continued to be an independent organisational part of the Police Force. The tasks, organisation and management of the Police Force of the Slovak Republic were established by the Act of the National Council of the Slovak Republic No. 204/1991 Coll. on the Police Force of the Slovak Republic of 29 April 1991.

measures related to the participation of specific entities in ensuring the protection of the economy from criminal activity.

When verifying the above, we present knowledge from the applied research. This confirms that at present (*in the Slovak Republic*), the basic criterion used by the Police Force in the classification of economic crime (*in our opinion, an inaccurately used term in practice*) includes the specific facts of the criminal offence (*fraud, defalcation, theft, etc.*).¹³ This approach does not correspond to actual needs. In this context, the basic argument that can be used to justify disagreement with this classification is the methods of committing these crimes. Regardless of completeness, these actions are dynamically developed, changed, and adapted by the perpetrators to the conditions and circumstances in which economic activities are carried out. Society and, within its structure, members of the police are obliged to respond to this reality with an adequate defence of the economy. Its effectiveness and effects are determined by the knowledge, the relevance of which to the purposeful identification of the features of the facts of the committed and perpetrated crimes (*detection and clarification*) is conditioned by access to information, the possibilities of their processing, sharing, and many other factors. In particular, criminal relevance is primarily reflected in the very act in which a particular crime is seen or presumed. The exhaustive possibilities of knowing the actual state of affairs in the process of fulfilling this purpose form the essential prerequisite for success in performing tasks in the field of crime control. Incomplete or somewhat distorted knowledge in this context leads to severe or undesirable social consequences because on the one hand, crime may remain undetected or unexplained, on the other hand, an innocent person may be convicted. In this context, it is possible to point out the need for the availability of possibilities of breaking state, commercial, banking, tax secrecy, coordination, etc.¹⁴

In accordance with our knowledge, this classification system does not allow for the strategic, systematic, purposeful implementation of legislative, organisational-managing, and methodological-tactical measures (*current material jurisdiction, specialisation, and others*) in the field of control of this specific crime group and effective and efficient participation in the protection of the economy. This is because 'economics' is an area of social reality that is focused on purposeful economic activity aimed at the production, exchange, distribution, and consumption of tangible and

¹³ Prezídium PZ, Evidenčno-štatistický systém kriminality.

¹⁴ "The amendment to the Commercial Code No. 264/2017 Coll. introduces new concepts as the owner of a trade secret (hitherto an entrepreneur), a violator of a trade secret. It specifies what is considered to be a breach of a trade secret and what is not. Other legal options are also introduced by which an entrepreneur can protect their trade secret." Act No. 483/2001 Coll., on Banks, as amended, regulates the area of banking secrecy and the special area of personal data handling. The subject of banking secrecy is all information and documents on matters related to the client of the bank or the client of a branch of a foreign bank that is not publicly available, in particular information on transactions, account balances, and deposit balances. Act No. 563/2009 Coll. on Tax Administration (Tax Code) and on Amendments and Supplements to Certain Acts defines tax secrecy as information about the tax entity that is obtained during tax administration. Information that has been or is publicly accessible and information on whether a tax audit or tax execution proceedings are or have been in progress shall not be considered tax secrecy." In: BARTKO, T. *Ochrana obchodného tajomstva od 1. 1. 2018*. [online]. [cit. 2023-02-28]. Available from: <https://www.podnikajte.sk/obchodne-pravo/ochrana-obchodneho-tajomstva-1-1-2018>

intangible goods. The ultimate goal of any economy is to meet human needs.¹⁵ In accordance with the Constitution of the Slovak Republic: “*The economy of the Slovak Republic is based on the principles of a socially and ecologically oriented market economy.*”¹⁶ This legal sentence is highly versatile, complete, transparent, and laconic at the same time. For this reason, its regulation is defined by the legal order (*a summary of all valid sources of law*), which must be observed by citizens and foreigners in the territory of the Slovak Republic to act in such a way as to ensure the functionality of this economy (*participate in providing the control of economic crime*).

In the context of the above, it is appropriate to state that the new structures of economic relations in the Slovak Republic are also threatened and damaged by new forms of crime in the sectors of the economy. Responding to this situation, experts characterise the category of crimes as ‘*financial crime*’ (*intentional illegal activity against property committed in connection with and against the financial investment business*). For instance, they define financial crime as the crime that attacks the financial system or the institutions that make up this system. In the economy, ‘*financial institutions*’ are institutions dealing in money and credit transactions. They concentrate temporarily free funds, provide them in the form of loans to various entities, and offer a range of services (*payment transactions, securities operations, depot operations, insurance, leasing, etc.*).¹⁷ In general, finance in the broader sense is then defined as the creation, distribution, and use of monetary funds, in the narrower sense, these funds themselves. In a market economy, money funds are private (*especially corporate funds, household funds*) or public (*budget*). In the broadest sense, then, finance refers to financial assets, usually money and other (alternative) financial assets, especially securities.¹⁸

¹⁵ In the course of historical development, there are 4 types of economies (*predominantly assessed - existence of imperfect competition, state intervention in the economy to ensure economic stability and growth*):

1. *Economy based on customs, instincts, traditions* - predominated by decisions based on customs and traditions. It is an underdeveloped and today already outdated economy (*existed in primitive and slave-owning societies*).
2. *Planned economy* - management system, where all economic activity is based on orders and administrative regulations from the centre. It is also described as centrally managed. There is only state ownership of the means of production. There is no competition. The three principal questions are addressed by the centre (*typical centrally planned national economy in a socialist society*).
3. *Market economy* - economy based on a system of free business and free competition. Typical for the market economy - *division of labour, existence of independent producers*. The market can be characterised *spatially = as a place where sellers and buyers meet and functionally = the market is focused on a specific type of goods (labour market, cereals, raw materials, etc.)*. There are three principal market entities on the market: *households, companies (producers), the state*.
4. *Mixed economy* - it is the most common type of economy. Characteristics: existence of different forms of ownership.

¹⁶ Act No. 460/1992 Coll. Constitution of the Slovak Republic, Section 55. (Zákon č. 460/1992 Zb. Ústava Slovenskej republiky, zmenený a doplnený ústavnými zákonmi, čl. 55.)

¹⁷ SCHEINOST, Miroslav et al. 2004. *Výzkum ekonomické kriminality*, p. 169.

¹⁸ PORADA, Viktor et al. 2001. *Kriminalistika*, p. 602. “*Experts include the following crimes in the group of financial crime: fraud (cheque fraud, credit card fraud, mortgage fraud,*

Respecting the above, it is possible to agree with the opinions of experts who define *'financial crime'* as crime aimed against the functioning of the banking system, capital market, and financial institutions, which play a vital role in the market economy, because they largely determine the dynamics of economic development.¹⁹ This confirms that specific areas of the economy are threatened or damaged by committing financial crimes. The structure of financial crime consists mainly of crimes that are associated with financial investments. In addition to the above, it is also necessary to agree with the recommendation that pragmatically assigns to this subgroup of crime also that part of actual investments that are traded on organised markets, which also form a basis for financial derivatives. This applies in particular to precious metals and products made of them. The same applies to the issue of *'money laundering'*, which is inextricably linked to financial investments.²⁰

In the context of this consent, in relation to the characteristics of financial crime, we consider a certain reserve, in particular, the fact that experts do not respect the systemic approach when examining, evaluating, and explaining it.²¹ For example, they do not answer a legitimate question: *"What subgroup of crime are other crimes in the economy that cannot be included in the subgroup of financial crime?"*

We recommend that the professional public, when examining, evaluating, and explaining antisocial phenomena in the economy, accept the categories - *crime in the economy, economic crime and financial crime*. This is because these phenomena exist (ontology) and can be known (gnoseology), and therefore, respecting the methodology of a specific scientific discipline, characterised. The acceptance of these categories is evident in ensuring the protection of the market economy system.²²

"Crime in the economy is committed across the entire economic system. Economic crime and financial crime are the components that threaten or damage the

medical fraud, corporate fraud, securities fraud (including insider trading), bank fraud, insurance fraud, market manipulation, payment fraud (at point of sale), health care fraud); theft; confidence frauds or tricks; tax evasion; bribery; sedition; embezzlement; identity theft; money laundering; counterfeiting, including the production of counterfeit money and consumer goods. Financial crimes can include other crimes such as cybercrime and elder abuse, or even violent crimes such as robbery, armed robbery, or murder. Financial crimes can be committed by individuals, companies, or organised crime groups. Victims can include individuals, companies, governments, and entire economies." Examples of criminal offences:

- ✓ committed in banking and financial institutions;
- ✓ committed on the capital market;
- ✓ loss of income from social security and health insurance;
- ✓ loss of state revenues in taxes and other compulsory payments;
- ✓ counterfeiting of money, checks, and other securities - associated with bills of exchange;
- ✓ money laundering in terms of offences otherwise meeting the definition of economic crime.

¹⁹ ŠÁMAL, Pavel; PŮRY, František; SOKOLÁŘ, Alexander and Ivana ŠTENGLOVÁ. 2001. *Podnikání a ekonomická kriminalita v České republice*, p. 338.

²⁰ KYLAR, M. *Předmět finanční kriminality*, p. 303.

²¹ BALOUN, Vladimír. *Ekonomická kriminalita: hospodářská a finanční kriminalita*, p. 132.

²² In some foreign periodicals, we have registered the use of the term *"criminality in economic sectors"* (*przestępczość w sektorach gospodarki*) - note by the authors.

economic order in the processes of implementing specific sectors of the market economy.

Crimes that are integrated into economic crime by their manifestation damage or threaten the consumer goods and services sectors, the labour market and other actual investments.”²³

If we conduct comprehensive analyses of individual types of crime and subject their results to comparison, we will conclude that economic crime shows some features that are identical to other kinds of crimes or significantly different.²⁴ We also noticed the same consensus when identifying the factors that most intensively determine the delegation of material jurisdiction to police officers, in relation to the performance of tasks within the framework of participation in ensuring the protection of supra-individual economic interests. In the process of guided interviews, the approached respondents²⁵ stated that each crime structure was comprised of criminal offences. These proceedings can be characterised in terms of law, criminology, criminal science, police sciences, and other scientific disciplines. Economic crime differs significantly from other types of crime by its nature and manifestations. Its features (*traits*) result primarily from the very nature and manifestations (*forms*) of committed and perpetrated crimes. These statements are justified by the following arguments:

1. The material feature of crimes in the economy consists in the consequences, especially the damage caused. Crimes that are included in this group of criminality differ from the point of view of criminal law by individual facts, in particular by the object and objective side of the crime. In other words, they undermine the trust of

²³ LISOŇ, Miroslav; FURMAN, Ladislav et al. *Kriminalita páchaná v ekonomike*, p. 41. *“Criminality in the economy is a set of crimes in which the offender and the harmed party are in a legal relationship based on commercial, civil, labour, and other law, and in their conduct, by abusing trust, which is a prerequisite for the proper functioning of the economy, there is a violation of economic relations (production relations corresponding to a given stage of development of the company’s production forces) regulated by generally binding legal regulations and unjustified provision of benefit to the offender or other entity.”*

²⁴ LISOŇ, Miroslav. *Odhaľovanie a objasňovanie trestných činov všeobecnej kriminality*, p. 15. *“By detecting crimes, we mean the procedural activity carried out by responsible state administration bodies in order to identify hitherto unknown signs of their facts and other relevant circumstances that will be the subject of evidence (find out - who? - subject, victim, witnesses; what? - facts). Basically, the purpose of the implementation of the detection processes is to prepare the basis for the legal qualification of a precisely defined episode of criminal behaviour and actions of a specific entity (especially one with legal responsibility). The term clarification refers to a process the structure of which consists of a system of elements whose common feature is an active (intentional) activity aimed at finding out unknown information that can be used in determining the relationship of the identified entity to the detected crime. (why? - purpose, motivation, goal; where?; when? under what circumstances?, etc.).”*

²⁵ The guided interviews were conducted in the months of October and November of 2018. The research sample consisted of 18 members of the Police Force - professionally assigned to the Criminal Police Departments of KR PZ PO and KR PZ KE - 9 members of the Investigation Department, 9 members of the Operational Department; with respective responsibilities - economic crime; the respondents have completed their master’s or engineering university education - note by the authors.

citizens and threaten the socio-economic relations of the community, the state, and natural and legal persons.

2. A specific feature of crime committed in the economy is its significant conditionality (dependence) on the socio-economic formation or economic system in which its individual crimes are committed. Each economic system has its own structure, which consists of subjects and objects between which mutual interaction relations exist, arise, and develop while respecting the agreed rules. Violation of the agreed rules in a specific socio-economic formation may lead to realising the facts of the crimes, which are legally defined in the provisions of criminal law.
3. Crime committed in the economy shows a high level of latency, which is conditioned primarily by the significant dynamics of its development, manifested in the constant occurrence of new ways of committing and forms of crime. It is generally estimated that only a very small part of economic crime is reported or otherwise detected (*12 respondents in a guided interview conducted in 2018 estimated that there were 10 undetected crimes per one detected crime, and 6 respondents reported a ratio of 1 to 6 undetected crimes*).²⁶ The ways of committing crimes in the economy are highly variable. The perpetrators constantly change them, adapting to the new conditions of the market mechanism, using the existing reserves in the legislation, the organisation of control, distribution, and the movement of values between individual economic entities. The perpetrators use the so-called “*weak points in the economy*” to gain personal benefit. The similarity of the conditions of individual economic sectors is also determined by the similarity of the manner of committing and, to a large extent, also the manners and methods of their detection.
4. It is typical that crimes are committed with significant criminal energy and professionalism. The generalisation of the respondents’ answers has shown that the most significant share in committing crimes in the economy are people who are educated (*legal and economic education*) and professionally experienced in the economic field in which they are active, etc. The results of the causal analysis of 143 criminal cases has shown that in 112 cases (*i.e. more than 78 %*) the perpetrators are persons who meet these characteristics.²⁷ In addition to the above, it is clear that the subjects of crimes committed in the economy have quite significant financial capital, with which they are able to cover up their illegal activities in a rather deliberate and purposeful manner.
5. A special fact related to the detection of crime in the economy is the public attitude to this category of crimes. In the case of crimes of the so-called *general criminality (violent, moral, property)*, the requirements of legality are linked to the requirements of morality. The crimes of this group of criminals are perceived by the public not only in terms of law but also morality. In this case, the compliance of legal norms with moral norms is of paramount importance for the implementation of the law because it lends legal norms a sanction that is typical primarily for morality, which consists in the pressure of public opinion. In various contexts, the pressure of public

²⁶ Guided interviews conducted in October and November 2018 - note by the authors.

²⁷ The study and causal analyses of investigation files were carried out in the months of May to September 2019 at KR PZ PO and KR PZ KE. The conditions for the inclusion of investigation files in the research sample were substantive relevance (*crimes in the economy*) and the stage of criminal proceedings (*cases terminated by a motion for indictment*) - note by the authors.

opinion may turn out to be much stronger than the threat of legal measures of state coercion. On the other hand, the pressure of public opinion may sometimes be inconsistent with the legal assessment of the actions of individuals, which may jeopardise the requirement to maintain the right. This is the case with economic crime, where the link to the rules of morality is more distant, looser, and less immediate.²⁸

By synthesising the above-mentioned opinions, it can be stated that the statements of the respondents have a logical basis. This can be verified by the following conclusions:

- ✓ The crime (*part of the whole - crime*) is always committed in other situations (*security, criminal-police, criminal, operational, investigative, and other*), which are characterised by specific elements. These are distinctive in their details, especially in terms of space (*place, time*). In this case, too, the axiom applies that there are no two forms in the world made up of entirely identical properties. This fully applies to crimes in the economy.
- ✓ Criminal offences in the economy are resistant to police and judicial interventions. The above statement is confirmed by the fact that their specific manifestations are latent, while their consequences are diffuse. The time interval that elapses from the time of commencement of committing to the time when they manifest themselves is usually over one year (*research results - causal analyses of successfully completed cases with a proposal for prosecution point to this fact in more than 87 % of cases - 129 criminal cases*).
- ✓ The set of features that form the criminal characteristics of crimes in the economy is predominantly influenced by the socio-economic formation and the entity that creates them. For the above reasons, new ways and forms of committing crimes are constantly being recorded. Even though other forms of conduct significantly harm or threaten society (*e.g. they disadvantage other entities in pursuing their economic activities, etc.*), they are not punished in the sense of criminal law because society has not yet responded to them in an adequate (legislative) manner, e.g. by creating a new criminal offence in the Criminal Code.
- ✓ The liberalisation of the economy has expanded the number of potential perpetrators. By generalising the results of their classification (*criminological profile*), it is possible to conclude that these are individuals with the necessary knowledge that they are able to use to commit and cover up crimes. No less critical circumstance that creates defensive mechanisms against the effective and efficient operation of legal means in ensuring the control of this type of crime is the economic strength made exactly from the profits that result from the implementation of these anti-social activities. Part of these financial resources is used by them (*at the time of committing or after committing*) to hire professional services (*legal, economic*), to influence witnesses, as well as for corruption, etc. These are all factors that significantly hinder (*in many cases make impossible*) detection.

The increase in criminal activities around the world is very noticeable, and this growth is logically reflected in our country, as well as in other countries, in specific areas of society. In the field of economics, as a result of the activities of criminal

²⁸ BOGDANOV, B. E.; NESNÍDAL, Jiří et al. 1982. *Ochrana majetku v socialistickém vlastnictví*, p. 72.

entities, the economy is constantly being harmed, and significant material damage is caused. Forms of crime are adapted to market economy conditions. In these intentions, it is possible to agree with *B. Rider*, who says that “...most criminal activities have an economic motive, while organised crime is not the same as economic crime, but the activities of organised crime in the field of economics are only a logical consequence of its nature and objectives, which is to achieve profit. Organised crime is focusing on the area of economic crime for the possibility of high profits associated with a relatively small risk.”²⁹

A similar opinion is also presented by *J. Musil*, who states: “Organised crime shows a high degree of adaptability to external conditions and can integrate well into the economic mechanism. In earlier years, organised crime was mainly used on the so-called black market - it traded in ‘dirty’ commodities such as drugs, counterfeit money, prostitution, prohibited weapons, etc., or goods of illegal origin (stolen motor vehicles, etc.). In recent years, the range of goods and services provided by criminal organisations has become increasingly broad - including, for example, real estate trade, waste disposal, hotel services, currency exchange, import of technology, software production, etc. Criminal organisations are often involved in several disciplines, in addition to illegal activities, they also run ‘honest’ shops and production, and normal companies often participate in their activities.

This blending of the black and normal markets is very dangerous - on the one hand, it provides criminal organisations with good covering and alibis and strengthens their economic stability, on the other hand, it infects the economic environment and introduces into it unacceptable practices common in the underworld (violence, corruption, physical liquidation).

*As economic activities are very complex today, it is becoming increasingly difficult for the police and judicial authorities to recognise and prove indicators of illegal activity.”*³⁰

This state of affairs is “aided” by the different approaches of individual states to the assessment of criminal liability for committed crimes in organised crime, used by perpetrators to escape punishment, as well as the still relatively large benevolence of the international community towards the phenomenon of this crime, both on a practical and theoretical level.

Protecting the economy from crime

In the most general sense, citizens use the term protection to refer to “care for averting the danger alias harmful influences”. In relation to specific objects, *protection* is perceived by the level of achieving the state of security - a social, natural, technical, technological, or another system that enables the fulfilment of specified functions and their development in the interest of man and society in specific internal and external conditions.

²⁹ RIDER, B. Jesus College, Cambridge: Druhá mezinárodní konference o organizovaném zločinu v Bramshillu, p. 235.

³⁰ MUSIL, Jan. *Organizovaná kriminalita v Evropě v druhé polovině devadesátých let – nové jevy*, p. 182.

Without an adequate, effective security solution, real economic prosperity and cultural development of citizens, raising, and improving their standard of living, the pursuit of free activities in all social spheres and in the sphere of protection of human dignity are not possible. At the same time, security has a significant emotional, socio-psychological, but also socio-political dimension. It is part of human feelings (*sense of security*). It expresses not only a certain state of society, but it is also a global existential problem of human civilisation. This confirms that security is part of basic human needs, it becomes a social goal, ideal, and value.

Security is an integral ontological and epistemological category. In the methodology, it combines all attributes of individual forms of security (*e.g. external, internal, nuclear, health, ecological, cyber, economic, etc.*).

The existence of its external and internal dimensions is a generally accepted fact within the multidimensional approach to defining the need for security. External and internal security are generally understood as two relatively separate '*sides*' of one coin. While external security is perceived from the point of view of any entity in relation to external threats and protection against them, internal security characterises crisis situations and conflicts arising within a given system. In other words, if external security expresses a situation where external threats to a given entity (*usually the nation state or international organisations*) and its interests are eliminated, internal security, on the contrary, expresses a situation where threats threatening this entity from within are eliminated.³¹

External security is ensured primarily by diplomatic and military means. Various protective institutions are involved in internal security, including the police, prosecutor's office, judiciary, fire protection, emergency medical service, etc. It follows from the above that the police act here as one of the elements of the state and social security system.³²

Internal security is traditionally perceived at the level of the social-police dimension. From this point of view, the basic areas of internal security include state power, public power and social order, environmental threats, health and veterinary care, state borders and migration, protection of communication and information systems, economy, economics, and finance. Empirical evidence shows that these areas are quite often - directly or indirectly - confronted with various criminal activities, crimes, and criminality (*in terms of this presentation, economic crime*).

In the synthesis, these facts confirm that in the saturation of security, intentional activity is carried out, which is defined by practice and theory as '*security*', namely in relation to its implementers and the protected object.

Security activities can be understood as activities aimed at ensuring protection against dangers of various kinds (*threatening, for example, the life, health and property of citizens, the environment, human rights, the unity and integrity of the state, etc.*).³³

³¹ ERNEKER, Jaroslav; PORADA, Viktor et al. *Poznávání potřeb a transfer vědeckých poznatků do policejní praxe*. 2006, p. 53.

³² HOLOMEK, Jaroslav and Tatjana ŠIMANOVSKÁ. 2002. *Úvod do metodologie praktických vied: Policajné vedy ako vedy praktické*, p. 119.

³³ PAWERA, René. 1997. Bezpečnostno-vedná rovina konštituovania policajnej vedy. In: ŠIMOVICEK, Ivan et al. 1997. *Policajná veda*. pp. 121-139.

It can be characterised as a set of measures to protect and develop the socio-economic system, to protect and develop the protected interests. It is a human factor associated with human activity in the system of social, economic, organisational-managing, and other relationships. It is everything that applies to an individual as a subject of activity in various spheres of social life.

For these reasons, when addressing tasks associated with protection, the aim of which is to achieve safety, it is appropriate to accept in particular:

- ✓ the identity of the object to be protected;
- ✓ threats against which the object should be protected;
- ✓ distribution of competencies (*legally regulated activities and responsibilities*);
- ✓ the objectives pursued.

The relevant entities participating in the performance of these tasks are members of the police and security authorities. In accordance with and within the scope of the law, they carry out police and security activities. This term refers to, *as a rule, a system of measures and actions of police and security authorities (criminal security, administrative security, and organisational management), based on constitutional acts, law, and other legal regulations, international treaties, ethical principles, and scientific knowledge, the main mission of which is to control criminal and other anti-social activities, protect public order, life, health, and property.*³⁴

From this characteristic, it can be concluded that when identifying the object to be protected, it is appropriate to approach it systemically (*in an open system*). In particular, its functions to be protected should be respected. This means that their meaning should be defined, i.e. what is the subject of the protection itself. Simply put, the goal is to identify or predict the risks and threats for a given object and prevent the occurrence of the resulting consequences (*probability of their occurrence*), or create prerequisites for their prevention, respectively.

By analogous interpretation of the above statements, it can be concluded that in the process of identifying security, risks, and threats, there are attributes (*they exist, they are recognisable*) by which it is possible to define the breach of security of certain objects.

Risk expresses the possibility of being threatened by the consequences of various activities (*events and crisis phenomena*). In a specific sense, it represents the expected damage and losses (*to life, health, property, economy, morality, etc.*) caused by the situation, i.e. a change in external and internal conditions caused by activities in a specific environment - space and time (*an event and its consequences*).³⁵ Risk is a quantitative and qualitative expression of a threat, level, or degree of threat. It is a prerequisite for the occurrence of an event and its consequences (*it is associated with the frequency and extent of the event*), which are eminent (*obligatory*) elements of a social situation. In this context, the situation represents a set of factors that affect the existence and manifestations of the existence of risk phenomena. For the above reasons, the police and security authorities take into account the time, space, causes,

³⁴ FILÁK, Antonín. 2003. *Policejné bezpečnostní činnost a její hlavní organizačně taktické formy*. 2003, p. 75.

³⁵ BUZALKA, Ján. 2012. *Teória bezpečnostných rizík*, p. 10.

conditions and circumstances of their occurrence, and other facts, respecting the powers delegated by law, when researching, evaluating, and explaining them. Especially for the needs of this specific cognitive activity, the following resources are used:

- ✓ legal regulation of social relations;
- ✓ opinions of the citizen, society on the risk (*emergence, existence*);
- ✓ approaches of risk specialists and experts from a given social field, profession, stakeholders;
- ✓ outputs from the acceptance of competencies (*assertion of responsibility*) for the identification (*or control*) of the risk by the authorities engaged in ensuring protection;
- ✓ personal and local knowledge associated with immediate or a priori knowledge of the risks (*negatives, positives*) for achieving safety;
- ✓ knowledge presented in the media;
- ✓ officially published outputs from analyses of economic activity and others.³⁶

In practice, police and security authorities (*who participate in achieving security*) are expected to be able to determine when, where, and why risks occur. Regardless of completeness, in performing this task, they pragmatically respect the following:

- ✓ the risk is tied to time, space, conditions, and protected object;
- ✓ every protected object (*phenomenon*) develops in time, has a cause for its existence (*origin and extinction*), and does not arise accidentally and without reason;
- ✓ the reason for the risk is reflected not only in the manifestation of the object but also in its essence which it is related to;
- ✓ each object is associated with certain types of risks.³⁷

The risk analysis aims to identify activities and determine their importance for the smooth functioning of the object (*asset valuation*), to find possible sources of their endangerment (*threat*), to evaluate the current method of protection and existing weaknesses of such protective measures (*vulnerabilities*), and to determine (*predict*) the resulting effectiveness of risks and their effects that endanger or may endanger the activities.³⁸

³⁶ BUZALKA, Ján. *Teória bezpečnostných rizík*, p. 25.

³⁷ BUZALKA, Ján. *Teória bezpečnostných rizík*, p. 15.

³⁸ It is generally known that in the implementation of each process (*work activity*) it is necessary to know what it is intended for, why it is being done, what it should achieve, etc. Correctly defined, purposeful, and creative definition of tasks in the implemented process activities sets criteria by which it is possible to contribute to objectifying the assessment of their purposefulness, necessity, and effectiveness. It follows from the above that the dominant measure in their evaluation is, above all, the functionality of their systemic existence. *Functionality (function) of this system is expressed in the fulfilment of common goals and performance of delegated tasks.* Based on the knowledge of practice, it is appropriate to state that the police-security authorities, when assessing the functionality of the object from the point of view of its protection, approach it systematically, accepting the criteria that result from:

Based on the knowledge of police and security practice, it turns out to be appropriate if in this cognitive activity they (*its implementers*) respect the following:

- ✓ risks may arise in all spheres of human activities (*in economics, management, politics, in public and private matters, etc.*);
- ✓ the identity of the risk in relation to a specific phenomenon (*object, subject*) displays its specifics;
- ✓ risk consequences of the action may be permanent, occur permanently and constantly, may arise suddenly, unexpectedly, cause undesirable consequences, may arise only at a certain time, in a certain space, and are usually tied to a certain event;
- ✓ risks arise as a result of human action or as a result of natural forces;
- ✓ risks can usually be predicted according to certain symptoms;
- ✓ risks can be internal and can then be controlled;
- ✓ risks may have an external nature and then be beyond the reach of people, beyond the possibility of influencing it;
- ✓ each risk is, as a rule, comparable to other types of risks or even to risks that have arisen in the past;
- ✓ risk also depends on the attitude of stakeholders to its assessment;
- ✓ in most cases, risks do not arise by accident and without a cause, they are to some extent influenced by human actions, etc.

This confirms that the risks can be identified and investigated separately or as part of the examined object (*system*). When analysing the risk, we assess the nature of the individual risk and its impact on security (*individual, or overall*), and it can be added that this also applies to future states of the protected objects, i.e. to the projected or planned action, including hypotheses and forecasts of ensuring their protection.

Respecting the current social reality, the economy has the necessary resources, forces, and means for the safe functioning of the economic system to eliminate risks and threats. The security of the economy significantly affects the functionality of the state. The basic prerequisite for strengthening economic and, consequently, overall

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- identified needs for protection that are compatible with the performance of its tasks (*functions*);
 - disposition logistics, which constitutes the input - organisational securing (*for example, coordination system, personnel, economic, information prerequisites, etc.*);
 - Organisation, management, and control of the entire system (*its operability, creativity, communication, economy, efficiency and effectiveness, etc.*);
 - rationality, by which it is necessary to evaluate the necessary existence of individual elements in the *system* (*justify the effectiveness of individual operations in this system*);
 - efficiency and effectiveness of the entire system;
 - communication between its subjects;
 - the results achieved, in particular by their acceptance by society (*also by criminal subjects*);
 - prognostic assumptions characterising emerging requirements, etc.

By analysing the above, it can be concluded that the functionality of the object (*system*) is one of the categories that can highlight its other specific properties.

security, including defence against crime, are implemented through legislative, organisational-managing, and strategic-tactical measures to:

- ✓ ensuring economic growth, which is measured, for example, by the growth of gross domestic product (*GDP*) or the share of *GDP* per capita;
- ✓ creating appropriate conditions for the legal implementation of economic activities (*free enterprise and free competition*);
- ✓ preventing and avoiding disproportions that may arise in the pursuit of economic activities (*early identification of risks and threats*);
- ✓ protection and promotion of free competition and defence of the market;
- ✓ detecting activities that handicap the implementation of the economic activities of those entities that accept the agreed rules;
- ✓ creating prerequisites for ensuring the inevitability of criminal punishment for the committed or perpetrated crime, and thus eliminating the occurrence of consequential damage, etc.

It follows from the above that the level of security of the economy is determined by many factors of economic, political, legal, ecological, or other nature. Some have a positive effect, others have a negative impact. Some threaten this security directly, others indirectly, at the international or national level, etc.

The essence of the security of the economy, regardless of its various concepts, can be briefly expressed as the state of development of the national economic system guaranteeing the effectiveness of its functioning, including the ability to overcome the existing and emerging risks for the functioning of the economy. By analogy, it can be concluded that the object of protection is an *economy* that:

- ✓ currently ensures that the basic needs of the population are met, at the level of defined standards in society;
- ✓ creates conditions for entrepreneurship;
- ✓ ensures free competition, competitiveness;
- ✓ creates conditions for the overall development of society, etc.

Accepting the above, the security of the economy is related to social security *in terms of job security, healthcare, property security, value of money, status, etc.*

Safety of the economy is a condition characterised by the level of protection of production activity in the economy (state, group of states, international organisations, companies, individuals, etc.). It is protection against threats that significantly reduce or may reduce the functionality of the economy required to ensure:

- ✓ *social peace and competitiveness in individual components of the economy, not least in individual business entities - in internal and external markets;*
- ✓ *defence and other security capabilities of the state or communities.*

The security of the economy, due to the growing interdependence of business (*in the era of globalisation, technological development, etc.*), is not limited only to internal or external protection but is promoted in both of these dimensions.³⁹

³⁹ ZEMAN, Petr. 2002. *Česká bezpečnostní terminologie*, p. 49.

EICHLER, Jan. 2006. *Mezinárodní bezpečnost na počátku 21. století*, p. 69.

Criminal activities that threaten or damage the functionality of its components (especially markets) are a particular threat and risk to the security of the economy. Protection of the economy from crime is one of the essential components of population protection.

Economic crime in many forms creates a number of threats, which can be generally characterised as:

1. Threat to the independence and sovereignty of individual states - National borders, as a basic symbol of state sovereignty, are not an obstacle for most perpetrators of crimes in the economy (*primarily criminal groups*). By carrying out criminal activities in the international space, they can realise profits that threaten the basic symbols of state sovereignty. Without major problems, criminal entities penetrate the territories of other states, whose functions they get under their control. These are unable to ensure control over the activities of criminal groups and, in fact, lose their sovereignty. Without a doubt, this confirms that profit is the driving force of crime, its part and purpose. Compared to traditional forms of crime, several new phenomena can be observed here in terms of the realisation of profit from economic crime:
 - ✓ It is, above all, a vast range of profits that is incomparable to *'traditional'* crimes.
 - ✓ There is a necessity and need to transform the profit from crime (*drug trafficking, arms trafficking, prostitution*) into the economy. This profit needs to be transformed into a legal financial system and invested in profitable economic fields, or otherwise capitalised. The aim is not to consume the proceeds of crime immediately, but, on the contrary, to ensure their growth in the form of *'laundering'*.
 - ✓ The financial operations by which these profits are introduced into the legal financial system are in most cases easily noticeable and are almost no different from ordinary banking operations.
2. Threat to the social structure in the economy - Committing crimes in the economy leads to questioning the basic legal, political, and social values, establishing its own set of values. It undermines the expected functionality of legitimate institutions and erodes the value base of those entities that respect the agreed rules in the implementation of economic activities.
3. Threat to the stability and management of the state - Criminal activities create a specific social environment (*'a state within a state'*) wherein their implementers acquire a more privileged position and thus establish a *'power monopoly'*. By accepting their social position, which they have created with the help of violence, intimidation, and corruption, they penetrate government structures, not only at the local level but also at the national level. By their very nature, forms of criminal

"In traditional terms, economic security meant a situation where sufficient financial and production structures were provided to maintain a sufficiently strong and adequately equipped army capable of defeating or deterring an external enemy. After the end of the Cold War, the concept of economic security changed. The main focus is now on ensuring the proper conditions for economic entities. The well-being of a nation depends on its ability to successfully participate in international economic competition, for which it is necessary to be at the forefront of the development of new technologies, maintain production capacities, and ensure the market for products of scientific development."

activities in the economy undermine the stability of civil society, bring unrest to state management, and disrupt the normal functioning of government and law.

4. Threat to democracy - Criminal entities try to neutralise the control activities of competent state administration and judicial authorities through corruption and try to ensure that these authorities do not take any or only formal steps to balance their own activities. In this case, these entities do not openly attack the state through the forms of economic crime but covertly try to paralyse the activities of state authorities.
5. Threat to the national economy - By creating a shadow economy, criminal entities cause a reduction in tax revenues, which in turn brings economic imbalances and direct threats to economic development.
6. Threat to financial institutions - the amount of profits that are the product of criminal activities in the economy, legalised through legal financial institutions, has a severe and long-term negative impact on confidence in the financial system and legal financial institutions.
7. Threat to the citizen - economic crime has a strong geosocial impact in this context and poses a great danger to the individual. The security of an individual is inversely proportional to the criminal activities committed in the economy.

There is a cure for every disease. The basis of successful treatment is an accurate diagnosis of the disease from its causes, through its manifestations, to its consequences and threats. These axioms can also be applied when solving tasks in the field of protecting the economy from crime. Economic crime is a *'disease of society - an enemy of society'*. Its detailed knowledge enables taking effective measures to dampen its effects, briefly characterised by the above-mentioned threats.

Protection of the economy against crime is a set of measures and actions implemented in order to prevent, avoid, and detect crimes and ensure the inevitability of criminal punishment for their perpetrators. It is part of economic security.⁴⁰

An adequate response to the social, political, and economic problems posed by various forms of crime requires a perfect understanding of its roots, nature and probability of success of special types of countermeasures. A policy that is implemented without such understanding has flaws in the very foundations and is doomed to failure. Without understanding the relationships between the individual factors, it is not possible to solve the situation. Therefore, it is necessary to analyse the threats posed by particular forms of crime from all prisms and to use the knowledge obtained in this way in the implementation of steps that can reduce the opportunities available to criminal entities in order to interrupt their activities and to charge and punish the perpetrators. Last but not least, their profits should be limited, as far as possible, so that they are not realised at all. Any society that meets a phenomenon called crime must not underestimate the abilities of its opponent in this field if it wants to be able to understand it and know its strengths and weaknesses.⁴¹

⁴⁰ MV ČR. Ochrana ekonomiky. [online]. [cit. 2023-03-01]. Available from: <https://www.mvcr.cz/clanek/ochrana-ekonomiky.aspx>.

⁴¹ UN, Economic and Social Council. 1994. Problems and Dangers Posed by Organized Transnational Crime in the Various Regions of the World. In: *Background document of the*

Concepts of the protection of the economy against crime

Competent state administration bodies, which have different positions and roles in this activity, participate in the performance of tasks in the field of structural protection of the economy (*super-individual economic interests*). This fact must not create conditions for undesirable diversification of responsibilities in the performance of these tasks. The issues of their position (*components and their services*) only succeed if the protection is implemented in a comprehensive, systemic, focused and purposeful manner. In the given context, when constructing it, it is necessary to accept a number of principles, wherein the principles resulting from the following theses have a special status:

1. The protection of supra-individual economic interests is indivisible.
2. When ensuring protection, specific activities are carried out in a systemic manner, which fulfil various tasks.
3. In ensuring the protection of these interests, experts must fulfil their role in accordance with the delegated competencies.
4. In fulfilling the purpose and achieving the objectives of protecting economic interests, '*elite casteism*' is not permissible among the implementers, there are only different tasks in this procedure that are equally important in terms of their significance.

"How does the protection of the economy work in an actual police environment?"

There is no doubt that the wording of this question has its purpose. Its content structure is aligned with the theoretical and practical need to process and subsequently use the systemically processed experience from this specific activity.

There is no doubt that the social environment continuously generates the needs for internal order and security that police organisations accept as inputs and incentives and subsequently satisfy these needs with specific processes (*activities*). Their implementation produces specific outputs as a result of their operation and development. In this sense, police organisations (*components of the police system*) can be holistically characterised as an open dynamic system with targeted behaviour. The dynamic movement of professional structures in this system, pursuing the final goals of police organisations, is not only highly integrated but also internally differentiated. This contradiction between the integration and differentiation of police organisations also raises certain problems in the evaluation of their activities in the framework of participation in ensuring the protection of supra-individual economic interests. Therefore, the answers to the following questions have a specific legitimacy, meaning: "*Why is it so?*", "*How can this condition be affected?*"

When objectifying these statements, we used the views of police and security authorities, which are competent to participate in ensuring the protection of the economy from crime. This is because the accepted set of opinions (*concepts*) is relevant both in the design of specific activities and in the assessment of their contribution to the process of performing tasks in a particular activity of security (*in our case*).

World Ministerial Conference on Organized Transnational Crime, Naples, 21. - 23. 11. 1994, p. 8.

The results of our implemented applied research confirm that in the processing and subsequent use of police and security activities aimed at protecting the economy from crime, it is necessary (*obligatory*) to accept the following:

1. *Personnel concept* - when projecting activities, police officers use their expertise to saturate the identified protection needs in achieving the set goal (*also with the application of intuitive methods - 'sense of detail'*); they are aware of their position and role in this process (*freedom, autonomy, directing, self-realisation, creativity, responsibility, respecting the delegated position and role, etc.*).

2. *Socio-cognitive concept* - the implemented activities are used to solve a specific problem in society (*the need to know the forms of economic crime and the importance of protecting the economy*) in a specified structural scheme.

3. *Legal-technological (systemic) concept* - in the implementation content of the protection of the economy against crime, they implement the possibilities of resolving, legitimacy, and legitimisation of the procedure (*the existing problem is solvable - disposition of responsibility - local and substantive jurisdiction - legal regulation*), create prerequisites for achieving a higher level of efficiency and effectiveness (*simplification*).

4. *Structural and content-bound concept (practical and structural)* - specific procedures for selection, structure, and arrangement are accepted, i.e. what should be the content of the implementation of the protection of the economy (*the process of construction, compilation for a specific purpose*).

5. *Communicative concept* - they accept that protecting the economy from crime is a specific form of coordination, they perceive and accept entities that are subjects of this form, use (*for instance, in an interdisciplinary manner*) knowledge shared by them, constructively offer new solutions, etc.

Based on the results of the analyses of these postulates, it can be stated that these concepts can create a broad base oriented towards the saturation of the needs of designing (*constructing*) the protection of the economy against crime.

This confirms that the concepts are particularly useful in defining general principles that are appropriate to be accepted in establishing economic protection (*definition of protection, relations in coordination, preparation for the implementation of activities, legal regulation of competencies, evaluation of achieved goals, preparation for resolving situations after goals are achieved, etc.*). In this sense, the concepts of protection of the economy against crime can be explained and evaluated (*perceived*) at two meaningful levels:

At the '*practical level*' - in terms of constructing and analysing specific activities in the structure of protecting the economy from crime and their use in actual police and security activities.

At the '*theoretical level*' - such as acquiring, generalising, and providing experience.

These concepts of protection have their advantages and reserves, each serving a different purpose. For example, the focus is on creating various procedures that police officers can implement alternatively (*responding to existing and emerging situations*). In another case, it is an abstraction, many times a presentation of visions and postulates about what should be the optimal content of protection of the economy

from crime, etc. These facts can be objectified by explaining the obligatory components of protection, which the programme system consists of:

- ✓ concepts in their design and application (*generally formulated for crimes in the economy, for a certain type of crime, national or international use*);
- ✓ protection components - (*cognitive and formative*);
- ✓ target standards (*current direct responsibility - creation and distribution (presentation) of protection, integration of the protection of the economy against crime into the lifelong education and training of members and evaluation of their acceptance in fulfilling the purpose*);
- ✓ identity of competencies in relation to the elimination of potential threats resulting from economic crime;
- ✓ programmes and their variability (*obligatory and optional measures in criminal-police situations, purpose, approach - projecting, planning*) to protect the economy from crime;
- ✓ the need and parameters of their evaluation.

The results of the applied research confirm that in the system of designing and using the protection of the economy against crime, these components show a wider systemic dimension that can be used in determining and evaluating its functions. For example, in terms of the needs of practice (*we emphasise that the list is incomplete*), it is possible to define the protection functions:

- ✓ *organisation and management of purposefully implemented measures and tasks - instructions for the implementation of protection;*
- ✓ *presentation of the achieved goals - a set of information that is offered for practical use;*
- ✓ *review and evaluation.*⁴²

Within these intentions, it is appropriate to emphasise the function of the component of 'target standards', which, among others, specifies the relationship between theory and practice. For illustration, the task of police theory is to develop criteria for the needs of practice that can be used in an objective assessment of the benefits of protecting the economy from crime (*communication, awareness, interconnection of theory and practice, etc.*), or to define approaches, principles, and

⁴² PETRUSEK, Miloslav; MILTOVÁ, Alena; VODÁKOVÁ, Alena. 1994. *Sociologické školy, směry, paradigmata*, pp. 110-111. "A function is a consequence caused by a particular activity, process, or existence of a social or cultural fact in a particular whole of the social structure. The function is, therefore, clearly defined primarily as a consequence of the activity (social and cultural facts are, after all, always the result of some action), and it may not be the intended consequence. Therefore, Merton proposed distinguishing manifest functions that correspond to the original intention of the actor or actors and latent functions that are inconsistent with these intentions. In addition, he showed that the consequences of certain activities may not always be positive for the system, so he proposed a distinction between eufunction (the positive consequence of certain human activities, the existence of certain social facts, or the action of specific institutions or groups for the whole of a given social system or social structure) and dysfunction (the deliberate or unconscious negative consequences of conscious human activities for a particular social system and its social structure) to distinguish the consequences of a given action for the whole.

other constructs and recommendations for their implementation by theoretical explanation.

It follows that the knowledge of the essence of protecting the economy from crime, which police officers use when performing tasks in certain criminal-police situations, is a *'conditio sine qua non'* (a necessary prerequisite, without which it is impossible to imagine its application). Without this knowledge, it is impossible to really think about its design and optimisation, in relation to increasing the efficiency and effectiveness of police and security activities. By accepting this knowledge, police officers create prerequisites for obtaining information outputs that are beneficial and can be used to develop theoretical thinking and knowledge of this practical activity.

Our research has confirmed that police officers use knowledge about the protection of the economy against crime in solving broadly defined tasks as basic schemes of procedures (*algorithms*) for the possible use of resources in methods. Within these schemes (*for example, in each process of detection, clarification, and proof*), two fundamentally different procedures are applied: analysis, applied mainly in the preparatory stage (*initial stage*), and synthesis, applied mainly in the processing of the information output. Mutual conditionality (*combining and complementing*) of analysis and synthesis is typical not only for the overall implementation of the protection of the economy but also for the partial procedures used in the performance of a specific task in their system structure.

For the above reasons, it is appropriate to state again that in the performance of tasks, the correct perception of the concepts and functions of protecting the economy from crime is evident. This is reflected in particular in the systematic rationalisation of the implementation of police and security activities, which form an important component in its structure.

Practice confirms that in the implementation of criminal-police knowledge, the purposeful and systematic deepening of coordination between individual services and police units is one of the important prerequisites for further improvement and streamlining of crime control. In criminal-police knowledge, a coordinated system produces a greater effect than where individual implementation elements act individually and independently of each other. Therefore, it is always a certain, combined and common synergistic effect of specific police activities.

It follows from the above that in the implementation of criminal-police knowledge, coordination relationships arise:

- ✓ in accordance with and to the extent of the law (*public and private*);
- ✓ between performing entities in specific positions, with a defined specific role (*in the system of organisation and management based on delegated competencies*);
- ✓ purposefully, conditionally in the implementation application of delegated competencies (*intelligence activity - operative-investigative activity - investigation*).

By analogous interpretation of the above, it can be concluded that the establishment and existence of these relationships are conditioned in particular by:

- ✓ the need - a common goal that is given by the tasks of coordinating entities (*for example, tasks associated with detecting crimes and detecting their perpetrators*);

- ✓ the options - the existing differences in the competencies of the coordinating entities, regardless of the framework consistency of their tasks (*individual coordinating police officers in the performance of delegated tasks are empowered to use specific methods and means of their activities in accordance with their legal and organisational status*);
- ✓ defined prerequisites for increasing efficiency and effectiveness in the performance of delegated tasks;
- ✓ legal and organisational control.⁴³

Conclusion

The reality of the most effective organisation for protecting the economy from crime is that it must constantly evolve. Through delegated tasks and competencies, it is purposefully focused on fulfilling specific goals in individual police and security units (*also in organisations*). These correspond to the needs of the citizen - society. For this reason, existing and emerging situations must also be respected by all police officers at all levels of police organisations in this systemic procedure. When performing common tasks, this presupposes having the necessary knowledge of the system of this protection, respecting the individual role (*function*) and position in this system, being able to assume responsibility for partial performance of tasks, etc. It would be an extreme case if the tasks associated with ensuring the protection of the supra-individual interests of the economy were performed exclusively by the police (*organisation*). In this respect, it can be stated (*as confirmed in practice*) that police actions are not precisely delimited by defined boundaries.

In connection with the implementation of this protection, this is particularly reflected in the fact-finding (*indicators or incentives*) by individual police units (*organisations*). For example, in the process of police knowledge, the specialisation of subjects begins with the use of specific procedures and means. Another, no less important criterion in the meaningful division of tasks of police units (*organisations*) when participating in ensuring this protection must be guided by the principle that the determination of jurisdiction is applied according to the possibilities, knowledge, and experience of police entities and organisational units. The only barrier is a logical and objective assessment of their abilities and possibilities to effectively and efficiently perform tasks in the field of police knowledge. It is clear from the above that no fixed limit can be dogmatically set in this respect when determining the local and substantive jurisdiction for police forces. In these statements, we respect the fact that society, the citizen, evaluates the results of police proceedings without analysing the share of their individual organisational units, which is right and important for their protection of rights.

Above all, for these reasons, managers of police organisations (*branches*) are obliged to accept the requirements of society as well as practice and recommendations of theory to the necessary extent. Based on objective knowledge and evaluation of these requirements (*acceptance of recommendations*), they can proceed to a purposeful diversification of police activities, for example in terms of a framework-

⁴³ Coordination in police proceedings means, based on legal norms, the expressed joint effort of entities to perform the delegated tasks, respecting the principles of effectiveness and efficiency (*for example, for the purpose of effective and efficient detection, documentation, evidence, and prevention of crime*).

defined factual and local jurisdiction related to the purposeful implementation of participation activities in ensuring the protection of supra-individual economic interests.

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