

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Kriminaliteta belega ovratnika
Course title: White-collar crime

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Doktorski študij, 3.stopnja	Pravo	1	2
Doctoral studies, 3rd level	Legal studies	1	2

Vrsta predmeta / Course type

izbirni predmet / Optional subject

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
15		5		40	65	5

Nosilec predmeta / Lecturer:

izr. prof. dr. Matjaž Jager

Jeziki /

Languages:

Predavanja / slovenski / Slovenian

Lectures:

Vaje / Tutorial: slovenski / Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Ni posebnih pogojev.

Prerequisites:

No additional prerequisites.

Vsebina:

1. Razmejitev pojmov
 - 1.1. Kriminaliteta belega ovratnika kot kriminološka kategorija (zgodovina in razvoj tega pojma, problematičnost širine pojma ...)
 - 1.2. Tipologija in pregled posameznih skupin kriminalitete belega ovratnika-kriminološka tipologija
 - 1.3. Gospodarska kriminaliteta kot pozitivnopravna kategorija (kazniva ravnanja in kazniva dejanja v gospodarstvu)
 - 1.4. „Tipične“ pojavne oblike gospodarske kriminalitete (kazniva dejanja po KZ, KZ-1 s poudarkom na vsebinskem razlikovanju)
 - 1.5. Problemi pri merjenju kriminalitete belega ovratnika in gospodarske kriminalitete
 - 1.6. Statistika gospodarskih kaznivih dejanj v Sloveniji
 - 1.7. Statistični podatki o svetovnih trendih

Content (Syllabus outline):

1. (De)limitation of conceptual boundaries
 - 1.1. White-collar crime as a criminological concept (history, conceptual evolution, problems with the scope of the term,...)
 - 1.2. Typology and an overview of the subsets of white-collar crime – a criminological typology
 - 1.3. Economic crime as a statutory/positive law category (individual felonies and other criminalized business infractions)
 - 1.4. Economic crime in the Slovenian Criminal Code (emphasis on distinguishing various felonies)
 - 1.5. Problems with quantification of economic and white-collar crime
 - 1.6. Slovenian statistics on economic crime
 - 1.7. World-wide statistical trends in economic crime

<ul style="list-style-type: none"> 2. Zgodovinski razvoj kriminalitete belega ovratnika doma in po svetu 3. Najpomembnejše teoretične razlage kriminalitete belega ovratnika (Sutherland, Merton, rational choice, radikalna kriminologija ...) 4. Izbrane teme <ul style="list-style-type: none"> 4.1. Organiziran kriminal, gospodarska kriminaliteta in država 4.2. Kriminaliteta belega ovratnika in informacijska tehnologija 4.3. Deviantna ravnanja v okviru in skozi korporacije (pravne osebe) 5. Organizirani(?) institucionalni pregon gospodarske kriminalitete <ul style="list-style-type: none"> 5.1. Subjekti/organi odkrivanja in pregona v Sloveniji 5.2. Sistem odkrivanja in pregona na ravni EU? 5.3. Globalni trendi pri pregonu gospodarske kriminalitete in oris odkrivanja ter pregona gospodarske kriminalitete v izbranih državah (predvidena participacija študentov, e.g. ZDA (zvezna in nacionalna raven ter medsebojni preplet in problemi pristojnosti), Rusija, Kitajska ...). 6. Medijski „pregon“ gospodarske kriminalitete? <ul style="list-style-type: none"> 6.1. Analiza primerov doma in po svetu 7. Problemi pri dokazovanju gospodarske kriminalitete in postopki pred sodišči <ul style="list-style-type: none"> 7.1. Analiza (ne)uspešnih primerov doma in po svetu 7.2. Vpliv statusa/položaja storilcev na izrek kazenske sankcije in (ne)pravne posledice obsodbe oziroma oprostitve (e.g. eventualne odškodninske zahteve, stigmatizacija v družbi v primeru oprostitve in obratno ...) 	<ul style="list-style-type: none"> 2. Historical evolution of white-collar crime at home and abroad 3. Theoretical explanations of white-collar crime (Sutherland, Merton, rational choice, radical criminology,...) 4. Selected topics <ul style="list-style-type: none"> 4.1. Organised crime, economic crime and the state 4.2. White-collar crime and information technology 4.3. Deviant behaviour in the confines of and through juridical persons (corporations) 5. Organised(?) institutional prosecution of economic crime <ul style="list-style-type: none"> 5.1. Subjects/agents of economic crime investigation and prosecution 5.2. A system of investigation and prosecution of economic crime at the EU level? 5.3. Global trends in investigation and prosecution of economic crime – an outline of economic crime investigation and prosecution in selected countries (student participation required, e.g. USA (at the federal and national level, jurisdictional problems), Russia, China,...). 6. Mass media »prosecution« of economic crime? <ul style="list-style-type: none"> 6.1. Case analysis – foreign and domestic 7. The <i>burden</i> of proof – economic crimes at the court(s) <ul style="list-style-type: none"> 7.1. Case analysis of (un)successful prosecutions – foreign and domestic 7.2. The role of the social standing of the accused for (in)formal sanctioning and compensation in case of acquittal (e.g. possible tort claims, social stigmatization in case of an acquittal,...)
---	---

Temeljni literatura in viri / Readings:

Izbrana poglavja iz naslednjih monografij:

- B. McLean, P. Elkind, *Smartest Guys in the Room: The Amazing Rise and Scandalous Fall of Enron*, New York, Penguin Group, 2004.
- M. Deisinger, *Kazenski zakonik s komentarjem*, Ljubljana, GV založba, 2002.
- D.O. Friedrichs, *Trusted Criminals: White Collar Crime in Contemporary Society*. 3rd Edition, Belmont, CA., Wadsworth, 2007.
- D. Yergin, *The Prize: epic quest for oil, money and power*, New York, Free Press, 2003.
- E.H. Sutherland, *White collar crime: the uncut version*, New Haven, London, Yale University Press, 1983.
- G. Geis, P. Jesilow (ur.), *The Annals of the American Academy of Political and social science: White collar crime*, vol.525, Jan. 1993.
- J. Bakan, *The Corporation: the pathological pursuit of profit and power*, New York, Free Press, 2005.
- M. Maguire et al. (ur.), *White collar crime*, v *The Oxford Handbook of Criminology*, Oxford, Clarendon Press, 1994, str. 355-389.
- D. Whyte (ur.), *Crimes of the powerful: A Reader*, New York, McGrawHill, Open University Press, 2009.
- S. P. Green, *Lying, cheating and stealing: a moral theory of white collar crime*, Oxford, New York, Oxford University Press, 2006.

Literatura bo dopolnjena z aktualnimi članki, poglavji monografskih publikacij ter internetnimi viri.

Cilji in kompetence:

Cilj predmeta je sinteza kriminoloških spoznanj o pojavu kriminalitete belega ovratnika s pozitivnopravno teorijo in prakso pri odkrivanju in pregonu gospodarske kriminalitete. Poleg nadgradnje pozitivnopravnega pristopa k gospodarski kriminaliteti s kriminološkimi vsebinami je posebna pozornost namenjena medijskemu pokrivanju in odzivanju družbe na deviantne pojave pri opravljanju gospodarske dejavnosti preko analize zgodovinskih in aktualnih primerov.

Objectives and competences:

The aim of the course is to achieve a synthesis of the criminological insight into white-collar crime with legal theory and law in action pertaining to economic crime prosecution. An upgrade to an exclusively legalistic/dogmatic approach is supplemented by special attention to mass media coverage of white-collar crime and social reactions to this phenomenon via an analysis of historical and contemporary cases.

Predvideni študijski rezultati:

Znanje in razumevanje:
Predvidene organizirane oblike študija (1) dajo študentu osnovno referenčni okvir za nadaljnje individualno raziskovalno delo in (2) potreben znanstveni instrumentarij in nabor primerov za kritično vrednotenje „splošno znanih dejstev“ o pojavu kriminalitete belega ovratnika.

Intended learning outcomes:

Knowledge and understanding:
The course aims to give the student (1) a basic reference frame for individual research and (2) a necessary scientific toolbox and exemplar for an independent and critical evaluation of »generally accepted notions« regarding the complex phenomenon of white-collar crime.

Metode poučevanja in učenja:

Learning and teaching methods:

<p>Predavanja – predavajo se izbrane teme, ki se določijo posebej glede na razvoj teorije. Seminarske vaje – na seminarskih vajah študentje pod vodstvom mentorja poročajo in razpravljajo o izbranih temah. Drugo –organiziran obisk/predstavitev institucij, ogled določenih dokumentarnih oddaj kot osnova za razpravo na seminarskih vajah Individualni študij za izpit.</p>	<p>Lectures – selected topics are presented ex cathedra. Tutorial/seminar – students are required to discuss and report on selected topics. The discussion is moderated by a qualified supervisor. Other – organised excursions/presentations of institutions, analytical (note-taking required) viewing of documentaries/films as a basis for discussion at the tutorial/seminar. Individual study for exams.</p>
---	---

Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
<p>Način (pisni izpit, ustno izpraševanje, naloge, projekt):</p> <p>Pisni ali ustni izpit.</p>	<p>100%</p>	<p>Type (examination, oral, coursework, project):</p> <p>Written and/or oral exam.</p>

Reference nosilca / Lecturer's references:

JAGER, Matjaž, ŠUGMAN, Katja. Za več preventive pri obvladovanju gospodarske kriminalitete. *Revija za kriminalistiko in kriminologijo*, ISSN 0034-690X, apr. - jun. 2013, letn. 64, št. 2, str. 154-161.

JAGER, Matjaž. Too many cooks spoiling the broth : parallel administrative/criminal law enforcement against "hard core" cartels in Slovenia. *New Journal of European Criminal Law*, ISSN 2032-2844, 2011, vol. 2, issue 3, str. 287-300

JAGER, Matjaž. The politics of the Zemono building cartel on the sunny side of the Alps. V: ANTONOPOULOS, Georgios A. (ur.). *Usual and unusual organising criminals in Europe and beyond : profitable crimes, from underworld to upper world*. Apeldoorn; Antwerpen; Portland: Maklu, 2011, str. 105-117.

JAGER, Matjaž. Spirale korupcije, tek časa in zgodovina. V: KANDUČ, Zoran (ur.). *Kriminaliteta, družbeno nadzorstvo in postmodernizacijski procesi*. Ljubljana: Inštitut za kriminologijo pri Pravni fakulteti, 2005, str. 115-136. [COBISS.SI-ID 994894]

VEHOVAR, Urban, JAGER, Matjaž. Corruption, quality of governance, and economic growth : the Slovenian dilemma between true reform from within and mere façade. *Monatsschr. Kriminol. Strafrechtsreform*, Jun. 2007, jhrg. 90, 2/3, str. 126-139. [COBISS.SI-ID 1123662]