

Legal Issues and Criminal Business

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Legal issues with criminal business represent the most evolving challenge for law enforcement and lawmakers. In the legal context, "criminal business" can refer to organized crime in general, or corporate crimes, including white-collar crimes. Each crime that can be interpreted as "criminal business" has different legal implications. Current legal issues in organized crime and corporate crime include challenges caused by the globalization and technological development of organized crime, the evergrowing risk of terrorism, the failure of the system to address drug trafficking, and inadequate punishment for white-collar crimes.

Some of the legal issues that are the most inherent to organized crime in the United States is the growing complexity of crime networks and the growing globalization of criminal business. The participants in organized crime have altered their operations and adapted the network-oriented model. Naturally, the operations of criminals also excelled from the perspective of technology. Cellular systems that are currently the basis of the organized crime structure no longer have the hierarchies that were at the heart of the more traditional organized crime groups, such as mafia (Bjelopera, 2012). This makes it difficult for law enforcement bodies to track down the responsibility of the particular members of criminal groups. The fluidity of networks intervenes with the activity of the law enforcement bodies at all levels, as it becomes difficult to research and dismantle the conspiracies of organized crime organizations (Bjelopera, 2012). The changes to the traditional structures of criminal organizations also imply that groups can now form short-term goals and delegate part of their responsibilities through outsourcing.

Globalization plays an active role in the changing landscape of organized crime. The

processes of globalization helped criminal businesses to evolve to as much as it helped legal businesses. Due to the extensive presence of technological and commercial innovations, traditional trade barriers are long gone. Moreover, communication channels have evolved completely because of the internet and mobile phone networks. Communication continues to evolve constantly as new applications prove to be more and more convenient for criminal businesses.

In recent years, the online messenger Telegram caused significant controversy among law enforcement bodies due to the convenience with which the criminals are able to use it. Due to the military-graded level of encryption, the application makes it almost impossible to track down the activity of terrorists (Ward, Swinford & Nicholls, 2018). For this reason, the application has been declared a "safe haven" for terrorists due to the unparalleled rates of use among organized criminals, including ISIS terrorists. Apart from military-level encryption, the application is also safe to use for organized crime networks because of the decision of the network's owners to never disclose the personal information of their users, including the details about their correspondence (Ward, Swinford & Nicholls, 2018). All in all, the situation with Telegram raises an interesting discussion about the limits of privacy on the internet and whether privacy should always be a priority for social networks or if some exceptions might apply.

Organized crime in the U.S. and worldwide is directly connected with terrorism in many cases, and terrorism can be seen as one of the types of organized crime. Formally, organized crime and terrorism differ from each other because the former is conducted for profit while the latter has ideological goals (Finklea, 2010). However, the line between organized crime and terrorism is not as black and white, as money is often the end goal of both. Terrorist

organizations partner with organized crime groups to receive profits, which creates a complex connection between terrorism and criminal businesses. Moreover, terrorist organizations might mimic the activities of organized crime groups to reach their goals (Finklea, 2010). Business alliances between terrorist organizations and organized crime groups are a possible development of their connection and similarity that law enforcement bodies should be aware of. Ever since the terrorist act of 9/11, the priorities of law enforcement bodies have switched from tackling organized crime to mostly addressing terrorism (Finklea, 2010). While such a change of law enforcement priorities benefits the investigation of crimes related to terrorism, traditional organized crime networks might strive to no longer be the focus of police enforcement.

Apart from the global trends of criminal business, there are specific problems faced by law enforcement bodies and society in certain areas of criminal business and organized crime. In particular, the legal system of the U.S. demonstrates the incapability of dealing with organized crime in the area of drug trafficking. The efforts to fight drug-related crimes have been extensively made ever since Ronald Reagan's administration was in office; however, the outcome of these efforts prove that the priorities of legislators and law enforcement bodies have not been set straight. According to statistics, almost “300,000 people are held in state and federal prisons in the United States for drug-law violations” (The Pew Charitable Trusts, 2018). However, penalties often tackle non-important agents in drug networks and therefore do not match the roles. Out of all the individuals imprisoned for drugs, only 11 percent are significant agents in drug networks (The Pew Charitable Trusts, 2018). Drug use in the U.S. does not decrease as the result of mass incarceration, because there is a need to curtail large drug channels and prevent the creation of new markets instead of focusing on the incarceration of individual

criminals. All in all, there is a need for the state to reflect its changed priorities towards drug trafficking in new strategies.

Corporate crime and white-collar crime represent another dimension of criminal business with unique problems of its own. There is a widespread opinion that white-collar crimes are treated leniently in the U.S. A recent case that makes people argue about the potential leniency of treating white-collar crimes in the U.S. is the one of Paul Manafort—President Trump's former campaign chairman convicted of committing fraud which caused the estimated damage of millions of dollars to the Internal Revenue Service. Manafort was punished with just 47 months in prison, which in the long-term perspective is not adequate to the damage caused by his actions (Pierpoint, 2019). The most striking aspect of white-collar crime leniency is how insignificant the punishment faced by white-collar criminals is compared to, for example, people convicted of committing drug-related offenses. White-collar criminals arguably cause the same amount of damage by their crimes as drug offenders do, and yet, the punishment rarely reflects this. The issue of punishment inadequacy is not only legal but social because it reflects inequality in society. While the punishment for drug offenses is often faced by people of color and people who live below the level of poverty, most white-collar offenders are white people of at least an upper-middle-class status who enjoy certain privileges in American society.

To conclude, it is clear that the era of information and technologies has transformed criminal business, posing new legal challenges for lawmakers and law enforcement bodies in areas related to organized crime and corporate white-collar crime. The changing landscape of criminal business requires new law enforcement tools that are effective in addressing these changes. However, for law enforcement tools to be effective, there is a need for stakeholders to

understand the implications and the complexity of criminal business on a profound level. As demonstrated by the failure of the system to address drug trafficking and the situation with Paul Manafort, legislators, law enforcement bodies, and the state often lacks such an understanding.

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