CIVIL AND CRIMINAL ENFORCEMENT TO COMBAT WHITE

COLLAR CRIME: A COMPARATIVE ANALYSIS

Barrister Afrin Islam

Advocate, Supreme Court of Bangladesh

ABSTRACT

White Collar Crime was defined by the famous sociologist Edwin Sutherland long ago. Different countries have attempted to combat such a special crime in different ways. History shows the modern world is trying the civil and administrative ways to combat such crime by appointing specialized regulatory agencies with the help of bankers and financial experts. This Civil Regulatory Mechanism focuses on preventing the white collar crime than punishing the perpetrators, which involves imposing a systematic regulatory mechanism in the financial institutions and tracing the proceeds of crime so that the offenders find it difficult to commit it. Some jurisdictions have imposed criminal enforcement as arrest, custody and even death penalty to prevent and lessen the percentage of such crime. This study shows a comparison between these two methods of enforcement to signify the most appropriate method of dealing with a white collar crime offender as he might not be identical to other blue collar criminals. A statistical analysis of the percentage of financial crimes in different jurisdictions such as UK, USA and China has been drawn to demonstrate the fact that even with imposing death penalty in jurisdictions like China could not reduce the rate of financial crime. On the otherhand, United States, the mostly focused Civil Enforcement jurisdiction could not bring much success as well. A comparative analysis will be drawn in the paper to trace out an appropriate and effective method of combating financial crime.

KEYWORDS: *Civil Enforcement, Criminal Enforcement, Comparison between Jurisdictions, White Collar Crime*