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Situational Criminogenic: The Financial Crime's Collaborative Factors in Indonesia

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Abstract

Financial crimes in Indonesia from 2014-2018 were classified as quite dynamic with a total of 241,367 cases. In 2018 the legal unit area of Polda Metro Jaya had the highest number of cases of 5,526 cases of financial crimes. This study seeks to examine the determinant aspects of financial crime in Indonesia. I used the illustration of the case of First Travel and the Koperasi Simpan Pinjam (KSP) Pandawa that occurred in Indonesia with a total loss of up to IDR 1 trillion. Discussions in this paper begin from the point of view of white collar crime that elaborated with criminaloid and organizational criminogenic aspects. This study uses a grounded theory method through in-depth interviews of actors. The result is that on the criminaloid aspect, the perpetrators have a tendency to easily confess, have certain social and cultural status, has moral sensitivity and intelligence, and has skills, but hesitates in acting. Meanwhile, in the organizational criminogenic aspect, it was found that the perpetrators were in an environment with profit-oriented ambitions, had certain business perceptions, had a loyal attitude towards their group and their human resources tended to be homogeneous. The results of this study found that a supportive situation is needed in financial crime based on the illustrations of the cases used. Situational criminogenic aspects in research in the form of business that utilize religious sentiments, use a cooperative system and manage funds with a Ponzi scheme. This research will enrich criminology studies, especially in the field of white collar crime. Other than that, hopefully can be useful in the formulation of policies for stakeholders.

Keywords: Situational Criminogenic, Financial Crime, Criminaloid, Organizational Criminogenic

1. Introduction

Clinard and Quinney (1973) try to conceptualize white collar crime in 2 forms, namely corporate crime and occupational crime. White-collar crime is no longer limited to the high social status and honor the perpetrator has. However, white-collar crime also examines the perpetrator's motivation or purpose for committing the crime (Bruinsma & Weisburd, 2014). An example is corporate crime, which is a form of crime committed by individuals, organizations, or even the corporation itself, which aims to provide benefits to corporate activities carried out. Meanwhile, occupational crime is a form of crimes committed by individuals on the basis of a job or profession that aims to provide a personal benefit.

Occupational crime involving individuals as a form of white collar crime was further popularized by Gottfredson and Hirschi (1990). Then, Craig and Piquero (2006) also produce a division of forms of white-collar crime, which can be reviewed on individualistic white-collar crime and organizational white-collar crime. Sutherland's contribution to the thought of white collar crime, on the one hand, has provided a significant rebuttal to the crime theory so far. However, on the other hand, it also creates ambiguity when it comes to unit analysis in white collar crime research. The question lies in whether the actual individual or organization becomes the unit of white-collar crime analysis (Holtfreter, 2005). This in turn creates a two-dimensional approach in studying white-collar crime, namely an approach that focuses on the individual element and that focuses on the corporate element.

White-collar crime with a corporate crime approach examines organizational elements and individual perpetrators who are involved in crimes with the aim of the organization's interests and benefits. The theoretical dimension of this approach lies in the criminogenic element of the organization which includes various aspects of the business environment, including the perpetrator as a form of corporate representation, the purpose of crime is oriented towards corporate objectives, and the corporation as a legal subject that can be charged with criminal and civil charges (Simpson & Piquero, 2002; Pearce, 2016; Cavender & Miller, 2013; Wang & Holtfreter, 2011). Meanwhile, white-collar crime with an occupational crime approach emphasizes the background of crimes committed by individuals, including aspects of convenience (Gottschalk, 2019), opportunity (Jordanoska, 2018), to self-control (Schoepfer, Piquero, & Langton, 2013).

The implementation of white-collar crime in Indonesia is based on data classification conducted by the Central Statistics Agency (BPS), which refers to crimes related to fraud, embezzlement and corruption. Although classified as high, this crime trend tends to decline. During the 2014-2018 period, the Polri recorded fluctuations from 2014 as many as 48,608 cases, in 2015 as many as 54,115 cases, in 2016 as many as 49,198 cases, in 2017 as many as 47,594 cases, and in 2018 as many as 43,852 cases. The highest number of crimes related to fraud, embezzlement and corruption occurred in 2015 with a total of 54,115 cases.

The 2019 Indonesian Fraud Survey conducted by the Association of Certified Fraud Examiners (ACFE) (2020), found that fraud was the most common financial crime in Indonesia, as it reached 69.9% of the total cases surveyed, and was the most expensive to lose, with a total of more than 373 billion rupiah. Based on the profile, the majority of fraud perpetrators were at the age of 36-45 years. At that age, the perpetrator occupies a position and has the opportunity to manage the finances of the company or institution. The educational background of the fraudsters, in the first place has a Bachelor's degree and second is a Masters. Fraud is committed by employees with a work period of 6-10 years. The survey results also showed that most respondents considered that the perpetrators of fraud were never punished.

In contrast to fraud, money laundering has special regulatory arrangements dealing with the crime of money laundering in Indonesia. Among them are regulations regulated by Bank Indonesia No. 30/10/PBI/2001, regulations by BI are important to prevent Banks from engaging in criminal activities. Money laundering prevention is based on identifying customers, monitoring customer transactions and reporting if there are transactions that are suspected of committing money laundering. Based on the latest data, there have been 404 money laundering cases that have been decided by the Court from January 2005 to June 2019. During that period, most of the Court Decisions regarding money laundering cases were decided by the Courts (including the District/Corruption Court, the High Court, and/or the Supreme Court) in DKI Jakarta area, namely as many as 140 decisions or 34.7%. The verdicts that have been decided by the court regarding money laundering cases are a maximum sentence of life and a maximum fine of Rp 32 billion.

2. Method

Approach of grounded theory sourced from empirical data through a variable constructivism process in financial crime which is sourced from indicators criminaloid and organizational criminogenic. The construction or reconstruction of the theory is obtained through inductive analysis from a set of data from field observations (Glaser and Strauss, 1990). Implementation of methods grounded theory in this research is divided into 6 stages

(Goulding, 1999; Creswell, 2008: 440). Research using an approach grounded theory applying various data collection techniques as mentioned above. Therefore, the authors make the series in a simple way with the following process:

1. The author will collect various cases of financial crimes from 2010 to 2018 and then create a pattern based on the trend of cases, namely fraud, embezzlement, and corruption.
2. Based on the trend of cases obtained, the writer will prepare theoretical sampling refers to the line of thought that has been made.
3. After getting a trend of cases and theoretical sampling then the authors will narrow the data found into certain cases, based on groupings of cases of fraud, embezzlement, and corruption.
4. The author will categorize cases based on predetermined variables, namely in criminaloid and organizational criminogenic aspects. In addition, the authors also prepare indicators as intervening variables consisting of financial motivation, organizational opportunities, and personal desires. At this stage, the author will conduct interviews with the perpetrators in order to get the peculiarities of each case.
5. After obtaining these peculiarities, the author will make a theoretical construction of white collar crime. This theoretical construction will explain the relevance of thinking assumptions on the basis of aspects criminaloid and organizational criminogenic, as well as hooks intervening variables (financial motivation, organizational opportunity, and personal desires) as determinants of white collar crime.
6. Various variables other than criminaloid and organizational criminogenic aspects will be included as additional assumptions that can strengthen the theoretical framework that the author has made.

To complement and confirm the initial data obtained from the literature study, in-depth interviews with appropriate informants are required. In-depth interviews will be conducted with white collar criminals to find criminaloid elements in the perpetrator. The perpetrator involved in fraud, embezzlement, corruption, and money laundering. The interview that was conducted was a structured interview. The author will make an interview instrument in advance with several questions as the focus. However, interview questions can develop in the field according to the needs of this study.

3. Results

In some cases of financial crimes, there are aspects found criminaloid and organizational criminogenic in one and the same case. This begins with a study criminaloid by using the case illustration of embezzlement in cases of ARM, FS, HB, SSK, and JAT. Next, organizational criminogenic aspects using illustrations involving corporations in the cases of CIP, GSG, IBR, LSA, and SR. Meanwhile, a study on the contribution of aspects criminaloid and organizational criminogenic through the illustrations of the FT and KSP PG cases. On this basis, it is known that in the case of the FT and KSP PG involved a combination criminaloid and organizational criminogenic. This is supported by Pickett and Pickett (2002) who explain 7 components of financial crime. By looking at these seven components, there is an attachment to the criminaloid component as well organizational criminogenic. Financial crime can provide benefits for individuals and businesses that are run by corporations with a combination of criminaloid and organizational criminogenic aspects. Therefore, the researcher created an aspect relationship table criminaloid and organizational criminogenic in the table below.

Table 1: Relationships Between Components in Criminaloid and Organizational Criminogenic

Criminaloid	Relationship	Organizational Criminogenic
How easy it is to confess	+	Profit orientation ambition, and business continuity & corporate targets
Social and cultural status	+	Business perceptions and distribution of responsibilities
Moral sensitivity and intelligence	+	Certain group loyalty
Ability and hesitation in acting	+	The composition of the company tends to be ethnocentric

Source: reprocessed by researchers from interviews with resource persons (2021)

The first relationship is the link between the ease of giving recognition to profit-oriented ambitions, and business continuity and corporate targets. The data findings in the case of FT and KSP PG show this. Where, AS and ADH (in the case of FT), as well as VL and SN (in the case of KSP PG) have a tendency towards a culture of hedonism. This finding was confirmed by a list of confiscated items owned by the perpetrators. The relationship that connects between criminaloid and organizational criminogenic are decisions made by individuals (Gorsira et al. 2016). A recent study shows that perpetrators perceive higher benefits of corruption, such as financial benefits, excitement, and pleasure, and that corruption costs are perceived to be lower, that is, lower chances of detection, and fewer harsh penalties, are more prone to committing corruption (Gorsira et al. 2016).

Thus, with rational motives and choices, the actors will refer to the ambitions of profit orientation and business continuity as well as corporate targets. This is also for the US, ADH, VL and SN as an effort to create a culture of hedonism. Thus, from the aspect of recognition of ambition in the context of realizing a culture of hedonism, it shows the same motive underlying the ambition of profit orientation, business continuity and corporate targets. This is related to fraudulent behavior that can develop when a strong focus on cultural hedonism combined with favorable circumstances (in this case related to corporate profits) can contribute as motivation and inducement towards unethical behavior (Eaton & Korach, 2016).

The second relationship is that there is an attachment between social and cultural status, which refers to overconfidence and over-appreciation for self-authority with perceptions of business and distribution of responsibility. The results of interviews with FT and KSP PG actors have shown that the characteristics possessed by the US and SN as the main recruits and owners refer to a charismatic form to encourage people to get involved in fraud cases. However, on the other hand, this is done instead as a form of implementing business perceptions and the distribution of responsibilities that the actors have. The US as the main recruit for FT commits various kinds of fraud to FT companies or partners. For example, fraud in making a visa, SN himself approached one of the Visa making companies. In addition, there is cooperation with PT Y, instead of SN promising to invest in the company PT Y, it is actually detrimental to the victim. According to the owner of PT Y,

These actions were carried out by SN as a form of responsibility as the president director, apart from that the responsibility was only carried out by him, because by doing so, the fraudulent acts he committed would be difficult to trace. In addition, there is a distorted business perception based on the internal side overconfidence and over-appreciation for self-authority. This is in line with research by Gorsira et al (2017), which states that the relationship between the perceived ethical climate of corrupt organizations is influenced by self-control from corruption. So further, a potentially effective way to motivate people to refrain from corruption is to reinforce personal and social norms against it, since personal and social norms appear to be important predictors of corruption, as well as an important pathway through which the ethical climate influences corruption (Gorsira et al. 2017).

The third relationship, namely moral sensitivity and intelligence, is related to moral force associated with attachment; involvement; commitment; and belief, have a relationship with certain group loyalty. Where, the loyalty of certain groups such as crime groups have a close relationship attachment; involvement; commitment; and beliefs owned by someone. According to Hirschi (1969) that individuals who commit white collar crimes are usually well integrated into society and have strong ties to the same group of criminals, at least at the level of involvement and commitment. Availability of elements attachment; involvement; commitment; and belief which refers to criminal behavior can encourage its formation crime coercive system.

Formation crime coercive system in the FT and KSP PG caused 4 elements of social ties that refer to criminal behavior owned by the US, ADH, VL and SN. In the case of FT, for example, the US has strong social ties in the community, but on the other hand, both ADH, his wife, were involved in fraud crimes. Then, in context involvement. Both AS and ADH are accustomed to having an attachment to deviant behavior, besides commitment both have is to commit fraud for profit. Up to the elements belief that they both do not have confidence in the applicable law and instead refer to the belief to commit deviations. Thus, the criminaloid within the US as well as ADH as the main recruiter and director of the FT, has driven the formation crime coercive system in the FT

company. This is in line with the explanation Scholten and Ellemers (2016) that companies often associate fraud with work culture and individuals who commit crimes.

The fourth relationship, the researcher sees that there is a relationship between the ability and doubt in acting that individuals have to commit crimes with the company's composition tends to be ethnocentric. This is evidenced in the data findings that the US and ADH in the FT case have absolutely no qualms about committing a crime, instead they are openly fraudulent. This can be seen when the US and ADH determine Umrah fees that are not in accordance with the market or adequacy for payment. In addition, by not giving the commission the agents have also proven that fraud will take place, coupled with the condition of the *Jamaah* who has not yet departed. With the fraud committed and to carry out such action, The US and ADH recruit employees who have the same goals and visions. One of them is SNH, who becomes the Head of the Finance Division. SNH was chosen by the US and ADH, because it has the ability to commit such fraudulent acts. This is done by the US and ADH, because it is in line with the findings of Victor and Cullen (1988) that the organizational ethical climate as a relevant organizational factor explains various unethical decisions of employees. It was also explained that there is a tendency for employee criteria to be related to ethical criteria that already exist in the company. The dominant considerations are maximizing personal interest (egotistical reasoning), maximizing mutual interest (benevolent reasoning), or adherence to principles (principled reasoning; Victor and Cullen 1988). who became the Head of the Finance Division. SNH was chosen by the US and ADH, because it has the ability to commit such fraudulent acts. This is done by the US and ADH, because it is in line with the findings of Victor and Cullen (1988) that the organizational ethical climate as a relevant organizational factor explains various unethical decisions of employees. It was also explained that there is a tendency for employee criteria to be related to ethical criteria that already exist in the company. The dominant considerations are maximizing personal interest (egotistical reasoning), maximizing mutual interest (benevolent reasoning), or adherence to principles (principled reasoning; Victor and Cullen 1988). who became the Head of the Finance Division. SNH was chosen by the US and ADH, because it has the ability to commit such fraudulent acts. This is done by the US and ADH, because it is in line with the findings of Victor and Cullen (1988) that the organizational ethical climate as a relevant organizational factor explains various unethical decisions of employees. It was also explained that there is a tendency for employee criteria to be related to ethical criteria that already exist in the company. The dominant considerations are maximizing personal interest (egotistical reasoning), maximizing mutual interest (benevolent reasoning), or adherence to principles (principled reasoning; Victor and Cullen 1988). because it is in line with the findings of Victor and Cullen (1988) that organizational ethical climate as a relevant organizational factor explains various unethical decisions of employees. It was also explained that there is a tendency for employee criteria to be related to ethical criteria that already exist in the company. The dominant considerations are maximizing personal interest (egotistical reasoning), maximizing mutual interest (benevolent reasoning), or adherence to principles (principled reasoning; Victor and Cullen 1988). because it is in line with the findings of Victor and Cullen (1988) that organizational ethical climate as a relevant organizational factor explains various unethical decisions of employees. It was also explained that there is a tendency for employee criteria to be related to ethical criteria that already exist in the company. The dominant considerations are maximizing personal interest (egotistical reasoning), maximizing mutual interest (benevolent reasoning), or adherence to principles (principled reasoning; Victor and Cullen 1988).

The above conditions were also carried out in the case of KSP PG, in which SN as the owner of the corporation, had recruited trusted people such as VL, RZ, SO and MN to commit fraud and money laundering. These individuals are personally selected by SN, because they have criteria in accordance with company ethics and culture. This is in line with the explanation that in such a climate, organizational members perceive that self-interest usually guides behavior, even if it is detrimental to others (Wimbush and Shepard 1994). Therefore, there is a tendency for individuals as owners to have appropriate criteria for committing fraud and money laundering crimes.

The of explanation low self-control in this case is seen in the personalities of the US and ADH who are unable to take control of the conduct of a legitimate business. One of this is related to the low self-control towards the acceptance of responsibility and the benefits that will be obtained by the corporation. In particular, it also reveals

that US and ADH personalities have become trapped in complacency, thus driving them to commit crimes, because these crimes can reduce US and ADH financial problems outside of the organization. This is in line with the explanation of Gottfredson and Hirschi (1990) that the socialization process in the individual is not at the perfect stage to reject crime. Low self-control will affect commitment, responsibility, planning and diligence in carrying out the work.

In addition, it was found that low self-control was established long before individuals moved or became involved in a corporation. Therefore, organizations present new opportunities for criminals such as the US and ADH to pursue their own interests and often engage in risk seeking. This is in line with the findings of researchers that the US and ADH are indeed planning to deviate, in which the FT corporation is only one of the big opportunities that exist. In addition, it was found that the US, as the President Director, continued to commit various frauds and financial crimes involving the name of the FT corporation which was considered trusted and had great business value. This can be seen in the involvement of other companies that support FT activities as an Umrah Travel Agency.

Then, analysis of the US and ADH related criminaloid aspects has also proven that there is low self-control in the perpetrator. Among them, it seems that they (the US and ADH) are innocent and tend to neutralize, then have stability in committing crimes, the US and ADH show recognition of a culture of hedonism and finally have a moral force that tends to financial crime behavior. The above conditions are in line with the explanation that low self-control encourages individual behavior not to care about the long-term consequences for the perpetrator. When given the opportunity, individuals with low self-control are more likely to engage in activities that are immediately satisfied because of less effort (Pratt & Cullen, 2000).

SN as the owner of KSP PG has low self-control. The data findings show that SN cannot carry out its responsibilities as owner. In addition, it was also found that the KSP PG was one of the opportunities used by SN to channel low self-control and could not reject false profits without considering the long-term consequences of its crimes. This is reinforced by the finding that low self-control is a strong predictor of financial crime and fraud (Martinez, Rutledge, & Sher, 2007).

The researcher also saw that the participation of SNH in the FT case, then VL, RZ, SO and MN in the KSP PG case was related to self-control of the pressures contained in the corporation. Corporate crime researchers theorize about the non-organic aspects of crime of the organization and its environment, associated with low self-control. One of them is Yeager and Reed (1998) who explain that the main purpose of committing crimes can usually be done because it prioritizes organizational influence on managerial decisions. For example, a corporation sets goals that don't make sense and punishes managers who fail by creating a climate of pressure and fear among employees. This was found to affect self-control in every employee.

In the case of crimes by FT and KSP PG, there is employee involvement in perpetuating the crime, because the FT and KSP PG directors can make decisions that violate rather than for personal gain. This is in line with Tillman & Pontell (1994) which explains that corporate crime cannot be reduced to individuals and their characteristics. Thus individuals and organizations have been influenced by the symbiotic statements of managers, in this case the US and SN as the main director and owner of each corporation. In turn, the manager's statement becomes the culture and structure of the organization. Thus, in the view of SNH, VL, RZ, SO and MN, deviant behavior cannot be reduced, because it has become the culture, structure and activities of the company.

The above conditions are related to theory *corporate offending* (Finney and Lesieur, 1982). The contingency theory of organizational crime assumes that crime is developmental and contingent in nature, including events that lead to violations and the consequences of crime. In addition, crime is understood as a rational decision, even though crime is "limited" by information, conditions, and imperfect decision makers (Simon, 1976). The crime choice is more than the non-crime alternative, but refers to and is associated with the manager's subjective discomfort. This is in line with the data findings in the case of FT and KSP PG that the US and SN have a role as managers in making rational decisions based on low self-control to commit crimes. On the other hand, its employees, including SNH, VL, RZ, SO and MN instead have made deviant rational decisions, due to part of the company's activities.

This is in line with the explanation that from this organizational perspective, crime is related to intra- and extra-organizational performance pressures and barriers such as class tension (Vaughan, 1998).

The US and SN's low self-control makes them as managers view crime as a sensible action, given the relative (for legal action) costs and benefits (Coleman & Ramos 1998). This view of committing crimes has become a rational decision to reap financial benefits as well as to cut costs. In addition, the cultural and structural conditions of the FT and KSP PGs which tend to open up opportunities for deviance have led to anisotropic individual decision making in the organization.

However, organizational contingency theory sees that crime is not as easy as described by Gottfredson and Hirschi regarding low self-control. It relates to the kind of detailed planning and insight that managers use to calculate market decisions. Even the concealment that some companies use to avoid discovery or liability in criminal or civil matters is well planned and executed strategically (Sonnenfeld & Lawrence, 1978). The above conditions were also found in the case of FT and KSP PG, where they used a Ponzi scheme that was not tracked in the company's business activities to make offers and pressure consumers to continue to become victims.

4. Discussion

In addition, the author also conducts a deeper study regarding the emergence of dynamics criminogenic new in cases involving criminaloid and organizational criminogenic aspects, that is situational criminogenic. The emergence of a dynamic situational criminogenic the background of use situational action theory in this research. Researchers see the dynamics of the emergence of situational criminogenic as a process of the occurrence of crime, especially in crimes committed by companies. Researchers see that the motivation to commit financial crimes is profit. Where the benefits have been included in individuals who have a tendency criminaloid and a place in the form of a company as a place to collect profit that has a tendency organizational criminogenic. When the two aspects are in the same place, there are interactions which can be in the form of other determinants such as nature of industry, affinity frauds, and the socio-economic characteristics of victims in Indonesia. Then, the conditions of law enforcement and politics are corrupt. When the actors and the contribution from the company consider this, there is a choice of the perception that the Ponzi scheme is one of the strategies to realize these benefits.

In the end, the author has proven that to commit corporate crimes requires a very complex step, also related to the dynamics that exist in it. It should be noted that the case of FT and KSP PG is one of the extraordinary cases that is detrimental to society and the state. So that with the results of this study, it is hoped that the government and society will be more aware of the development of complex modes and strategies in corporate crime, especially financial crimes.

The results of this study indicate that aspects criminaloid and organizational criminogenic can contribute to corporate crime cases. Researchers have also explored deeper, thus finding dynamics criminaloid and organizational criminogenic which often occurs in corporate crime. Thus, the findings on criminaloid and organizational criminogenic implicates for the emergence of elements contained in each theory. Inside criminaloid indicator encouraging embezzlement crimes committed in an organizational context are low self-control (psychosocial), stability in committing crimes, easy recognition, moral sensitivity and high intelligence, and having social and cultural status. Inside organizational criminogenic indicator thus encouraging corporate crime, namely profit-oriented ambition, expansion and power, business continuity and a "safe" position for individuals, fear of failure to achieve targets, loyalty to certain groups, perceptions of business ethics and morals, bias in the distribution of responsibility, and tend to take an ethnocentric approach. Meanwhile, indicators in situational criminogenic resulting in financial crime are sentiment towards businesses that use a religious or belief approach, sentiment towards businesses that use cooperative systems, and business fund management models with risky systems, such as the Ponzi scheme.

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