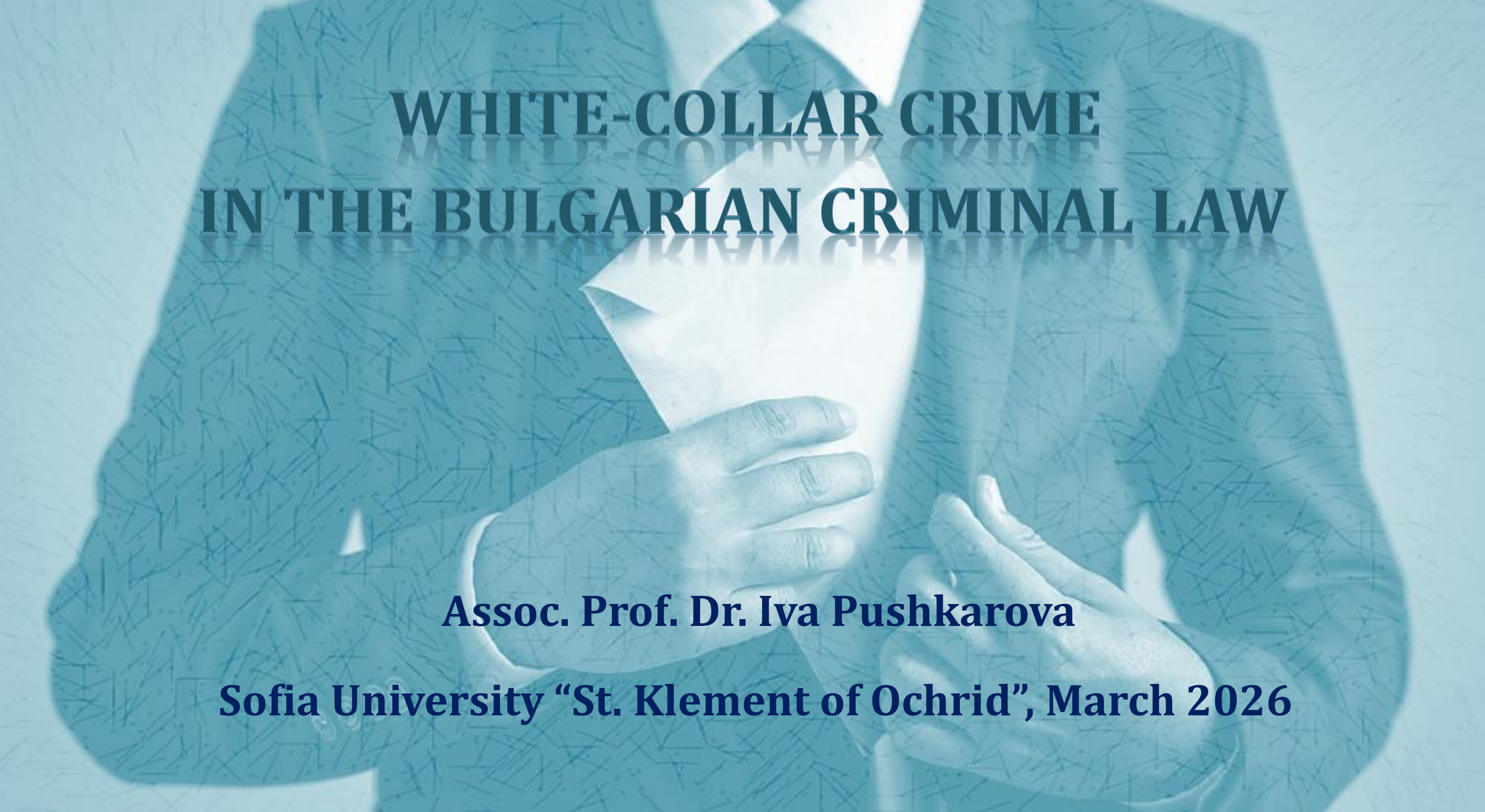


WHITE-COLLAR CRIME IN THE BULGARIAN CRIMINAL LAW

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CONCEPT OF WHITE-COLLAR CRIME (WCC)

- **Classical definition:**
  Edwin H. Sutherland (1949): a crime committed by a person of respectability and high social status in the course of his occupation

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- **European policy perspective:**
- **UNODC**: non-violent crimes committed through deception or abuse of trust for financial or professional gain
- **EC** (2024): As part of corruption WCC is the abuse of entrusted power for private gain.

General academic concept:

non-violent criminal offences committed by individuals occupying positions of professional, economic, or administrative authority, in the course of their occupational activity, through the abuse of trust, institutional position, or economic power for the purpose of obtaining unlawful financial or organizational advantage.

CLASSICAL TYPOLOGY

- **Occupational crime:** committed by individuals during their professional activity for personal gain.
  - embezzlement
  - tax evasion
  - accounting fraud
  - misuse of company assets
  - **offenders**: employees, managers, accountants, lawyers, bankers

Status under Bulgarian law:
fraud (Art. 209–211 CC)
embezzlement (Art. 201–203 CC)
tax crimes (Art. 255–257 CC)

- **Governmental (State) Crime:** committed by state officials while exercising governmental authority
  - abuse of power
  - unlawful surveillance
  - political corruption

Status under Bulgarian law:
abuse of office (Art. 282 and following CC)
corruption offences (Art. 301–307 CC)

- **Corporate crime:** committed by corporations or their executives for the benefit of the company
  - cartel agreements
  - environmental violations
  - corporate accounting fraud
  - market manipulation

Status under Bulgarian law:
Not fully covered by traditional criminal liability
Addressed by administrative sanctions for corporate offenders

- **State-Corporate Crime:** committed during collision between government and private corporations

ADDITIONAL MODERN TYPES

- **Financial and banking crime:**
  - securities fraud
  - insider trading
  - banking fraud
  - Ponzi schemes

Status under Bulgarian law:
fraud (Art. 209–211 CC)
embezzlement (Art. 201–203 CC)
mismanagement (Art. 219-202 CC)

- **Transnational financial and economic crime:**
  - Money laundering
  - International bribery

Status under Bulgarian law:
Money laundering (Art. 253-254a CC)
Foreign-official bribery (Art. 301–307 CC)

- **Ethical violations:**
  - unethical lobbying practices
  - misleading corporate disclosures that do not meet fraud thresholds

Status under Bulgarian law:
Not covered by traditional criminal liability
Partially addressed by administrative sanctions

The criminological concept of WCC is broader than the offences defined in the Bulgarian CC. While many occupational and corruption-related offences are criminalised, certain forms of corporate misconduct remain regulated primarily through administrative or regulatory mechanisms rather than criminal law.

WCC CATEGORY	RELEVANT PROVISIONS IN THE CRIMINAL CODE	DEGREE OF CRIMINALISATION
Occupational	Art. 201–203 (embezzlement), Art. 209–211 (fraud), Art. 255–257 (tax crimes), Art. 219–220 (mismanagement)	Largely criminalised
Corporate	Art. 212 (document fraud), Art. 219–220 (bad management), Art. 253 (money laundering)	Partially criminalised (mainly individual liability)
Corruption	Art. 301–307 (bribery offences), Art. 282 (abuse of office)	Largely criminalised
Financial and banking	Art. 253 (money laundering), fraud provisions	Partially criminalised (some acts covered by financial legislation)
State-corporate	Abuse of office (Art. 282), corruption offences	Indirectly covered Difficult to prosecute
Regulatory corporate violations	No explicit coverage	Usually regulated by administrative or sectoral legislation



DISCUSSION

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