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CONCEPT OF CORPORATE CRIMES: THE LAW IN THE UNITED KINGDOM AND MALAYSIA

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ABSTRACT

The issue of corporate governance has now become a very significant subject, as it plays an important role in enhancing and improving corporate liability. Corporations all around the world now strive to practice good corporate governance, as it promotes excellent business relationships as well as to avoid any liability that could arise from negligent governing from companies. Meanwhile, corporate governance also plays an important part in corporate criminal liability, as this will help in the overall process in determining corporate accountability. The phrase 'corporate governance' itself is rather flexible, for almost every book or article on this subject offers a different view, or most appropriately, a different insight as to what corporate governance means to each individual. This would be more so for corporate criminal liability, as we would now attempt to attach criminal liability to companies, which was initially unheard of. It is, however, a vast and rapidly growing area, with plenty of room for debate.

1.0 Introduction

In order to discuss corporate accountability, we must first determine what it is. Major academic figures, Bearle and Means, made two key comparisons about the operations of American companies in the 1930s. First, that the shareholders were so numerous, that no single individual director wanted to shoulder responsibility or even attempted to control the management, and second, these writers expressed concern that even if some directors did assume the task, they exercised such enormous economic power, which had the potential to harm society. In short, they were unaccountable to no one. As the writers succinctly put it, "The economic power in the hands of a few persons who control giant corporations can harm or benefit a multitude of individuals, affect whole districts, shift the currents of trade, bring ruin to one community and prosperity to another".[1] In her article, Daniela Fabbri investigated the interaction between legal institutions and financial arrangements and the effects that these had on corporate decisions both theoretically and empirically.[2] This clearly shows that the difficulty would lie in determining who exactly held the reins of power and furthermore, and could the one helming the company actually be liable for any liability done by the corporation?

2.0 Concession and Fiction Theories

The State has, either directly or indirectly, and at one time or another, been heavily involved in the creation and formation of companies, through either statute or charter. This led to the view that the company was formed as a privilege from the State. This is then called the concession theory and is closely related with the fiction theory. Fiction theory emphasizes the law's key role in creating the corporation, as it sees the corporation as a legal person, not a natural one. Thus, concession and fictional theories are bound together,

because the corporation in a concession analysis is just a legal creation of the State and would be, according to the fiction theory, a legal fiction. These theories are intertwined, as they both view the State's role in creating corporations as central and would make the State's intervention in corporate activities warranted. After all, the corporation would just be a manifestation of the will of the State.

Nonetheless, both the concession and fiction theories are not without their weaknesses. One cannot have one without the other after all. One defining weakness is that, little can be said on the subject of private individuals behind corporations. As a result, other theories began to surface, to challenge the dominance of the concession and fiction theories. These accompanying theories were then known as corporate realism and aggregate theories.[3]

3.0 Aggregate Theory

Aggregate theory is based on the works of 19th century German and French legal theorists. It was drawn from Roman law theory, surrounding the Roman *societas*, or association, which possessed legal personality. The Roman *societas*, the *lex mercatoria* and the medieval *commenda* had been identified as pre-eminent among the main historical influences that shaped the modern law of partnership.[4] Aggregate theory emphasizes the real persons behind the company, and therefore these persons are the focus of the companies' rights and obligations. The company in this analysis had no independent existence and everything was explained with reference to the members of the company. Aggregate theory had two important claims to make about company law.

First, everything in the company is relevant only with relation to its shareholders. Second, as the company is formed by private individuals, the State's intervention is seen as an interference with an individual's freedom of contract. However, aggregate theory fails in the sense, as it is unable to fully explain corporate personality, specifically that a company is able to own property and that the fiduciary duties are owed to the company. In the midst of all these, corporate realism came in to offer an explanation which was better suited for corporate personality.

4.0 Corporate Realism

Corporate realism originated from 19th century theorists who considered the company to be an entity in itself, and which was completely separated from its members. It differs from aggregate theory in the sense that once a collective is formed, it continues independently, without the need to refer to its individual members. The company is a real person, with its own interests and it can be in no way be owned by the shareholders.

This however, leaves us with a question mark, and one that begs to be answered. What are the interests of the company if not equated with the shareholders? Further, corporate realism is contradictory, especially in relation to where the role of the State is concerned. Corporate realism argues that a corporate person should be subject to State regulation, as any powerful person who would and could affect a community, should be. In the meantime, there are others who consider a corporate person as a private person and thus, should be absolutely free from corporate control. These heinous deficiencies in corporate realism went largely unchallenged, until the Great Depression in the 1930s, and it was accomplished during a debate between Adolf Berle and Merrick Dodd, which was played

out in the illustrious Harvard Law Review. The debate influenced the shape of corporate governance that we perceive today.

Dodd sought to provide an answer to the key unrequited question of corporate realism, which is, what are the interests of the real person if not equated with the shareholder? Dodd accepted the idea of corporate realism, that a company is a real person, and not an aggregate of its members, and just like a real person, a company has social responsibilities, and they are expected to exercise their powers in a manner befitting their employees, consumers and the general public. In the process of discovering this pluralist formulation, Dodd vehemently rejected the notion of shareholder supremacy and provided a justification for the separation of ownership from control.[5]

Arlen, in her paper, supported the idea that was put forward by Dodd. She argued that until recently, most managers of publicly held corporations had little reason to worry about corporate criminal liability. These times have now changed. Criminal activity puts public corporations at greater peril than previously. State and federal prosecutors are more willing to proceed against publicly held firms and their managers. Convicted corporations now face onerous criminal fines and civil penalties as well as intrusive government oversight and other non-monetary sanctions. Managers also now are more responsible for the fate of their companies should a crime occur. This is in sharp contrast to the traditional approach of corporate criminal liability. Under the old standards, there was little managers could do to avoid a conviction or reduce the sanction once a crime was detected. While under the modern approach, managers can take actions that fully or partially insulate a company from criminal liability for its employees' wrongs. Managers can protect their firms by reacting proactively with programmes designed to deter crime.[6]

Meanwhile, Berle in response to Dodd's article defiantly opposed Dodd's solution. In his article, Berle believed that Dodd's answer was too vague and would be unenforceable. He proposed to focus the company's accountability mechanism on just the shareholders. This led to a version of the aggregate theory, where directors are trustees for the shareholders, not the corporation. Thus, the directors are accountable only to the shareholders and no one else.[7] Unfortunately, Berle's theory would prove unfeasible in today's' society, as now, the issue of corporate liability has come in, and as it now stands companies must be liable for their actions.

5.0 The Law on Corporate Criminal Liability

Initially, it was thought that at one time, a company lay outside the law, and could not commit or suffer a personal wrong. It was a mere abstraction of the law, and as such, had no body to commit a wrongful act, nor a soul to harbour wrongful intent.[8] Furthermore, a company was created only to pursue its objectives, and had the legal capacity only to attain authorised objects and could not, be created for unlawful objectives, then the company itself was legally incapable of committing an unlawful act. This argument was accepted by Smellie J in the New Zealand case of *Equiticorp Industries Group Ltd v The Crown (No 4 7)*.[9] However, this view has now changed, and although imposing criminal liability on companies is not beyond question.[10] It is now widely accepted that it is undesirable as a matter of policy to allow companies to escape liability for criminal wrongdoings.

It was towards the end of the 19th century that the word "person" in a statute might be used to include a corporation. For instance, in the case of *Mail Steam Packet Co. v Braham*[11], the Privy Council advised that the word "person" in a legal sense, was an apt word to describe a corporation. Additionally, in the United Kingdom (UK), the Criminal Law Act 1827 provides that "in the absence of contrary intention, the word 'person' in statutes would apply to corporations. However, it was not until this was repeated in the Interpretation Act that the courts made broad references to it. The question now is whether the corporate fund should bear the costs for such liability,[12] or whether when a conclusion is reached, it can be rightly said that the company is guilty of the wrongful conduct.

In the area of criminology, corporate crime has been said to refer to crimes committed by a corporation. An 1886 case, *Santa Clara County v Southern County Railroad*[13], which was decided by the United States (US) Supreme Court, has been cited by various courts in the US and used as a precedent, to maintain the idea that a corporation can legally be defined as a 'person'. This is also contained in the Fourteenth Amendment in the US Constitution, which stipulates that, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the US; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

History has shown, often too frequently, that laws can sometimes be used as instruments of repression and exclusion. This is why, the definition of crime and natures of criminal justice policies in society usually reflect the societal structures of power which is contained in that society. Also, as most criminologists tend to focus mostly on street crimes, which affect us directly, whilst the less obvious crimes of states, such as those done by the corporate organizations, are often pushed aside or ignored. This is because society feels less inclined to bother with corporate crimes, as it does not affect them directly as a whole, or at least not in the short run. It is because of these feelings of apathy that corporate crimes would continue to rise, and it provides a fertile ground for a never ending circle of crimes.

However, there is a ray of hope, as lawmakers have steadily become politically more sensitive to corporate crimes in certain countries. This has led to more awareness of corporate crimes, and subsequently to more measures being taken to combat its deadly effects. The expansion of that doctrine to full corporate criminal liability was primarily the result of the judicial interpretation of both the common law and existing statutory laws, rather than the result of any deliberate legislative action by civil law countries, as they lacked the tradition of judicial interpretation. As a result they never fully developed the concept of corporate criminality, and as such, corporate criminal liability would probably continue to expand only in the common law countries, regardless of its merits.[14]

6.0 The Position in the United Kingdom

In the UK, for example, following a number of fatal disasters on the rail network and at sea, which involved the deaths of many workers, the term commonly used in reference to such disasters, is corporate manslaughter.[15] Similar incidents of other corporate crimes include the 1985 Union Carbide accident in Bhopal, India[16], and other examples can also be taken from the pharmaceutical industry.[17] Further, as reported by Gary Slapper in his

article, corporate manslaughter is another area of corporate crime which is severely lacking in reinforcements.[18] It is then, as a result of all of these problems, that makes it hard, sometimes near impossible, to provide a good workable solution for combating corporate crime.

Further, when assessing potential liability, it must always be remembered that criminal offences vary widely in their conducts and fault elements. There has been a gradual development in the common law of corporate criminal liability. The accurate answer to the question of how an offence can be linked to a corporation has returned to the judicial drawing-board in the last decade. Conventionally, there are only two mechanisms for attributing criminal fault to a corporate body that have been recognised. They are the vicarious liability principle and the doctrine of identification.

7.0 Vicarious Liability

Vicarious liability stemmed from the development of the liability of a master (employer) for his servant (employee), and is usually applied mainly to offences in the authoritarian field. Whether a particular provision imposes vicarious liability on an employer is a matter of construction, which is then dependant upon "the object of the statute, the words used, the nature of the duty laid down, the person upon whom it is imposed, the person by whom it would in ordinary circumstances be performed, and the person upon whom the penalty is imposed.". This was stated as per Lord Atkin in *Mousell Bros Ltd v London and North Western Railway Co.*[19]

8.0 Establishing the Mental Element

Specifically, the process of judicial interpretation of the statutory object led to corporate liability being imposed only for regulatory offences, especially those offences which did not require any proof of *mens rea* or a mental element. While the general principle that a company can be prosecuted for a criminal offence has long been established, the question of whether a particular statute imposes such liability, and whether the vicarious or identification doctrine will apply, is often left hanging, and thus the process of interpretation is left undefined.

To fight this uncertainty, the identification theory was developed somewhat later on. Until the 1940s, the courts stuck decisively to the view that it was inappropriate to bring a prosecution against a company for serious offences, many of which were of course common law offences, which required a strong proof of a subjective mental element. The identification theory, which was then developed from a series of fraud cases, marked the recognition of corporations as capable of committing offences which required proof of a mental element. An example can be seen from the case of *R v ICR Haulage Co Ltd*[20], where a company was convicted of a common law conspiracy to defraud. It would seem then that the identification theory stemmed from the committing of fraud in these cases.

Primarily, the solution to the conceptual problem of attributing a mental element to a company imagined the company's senior officers acting as, rather than on behalf of, the company. As the popularity of corporate forms of organizations, such as corporations and companies are growing day by day, this element becomes increasingly important. On the other hand, along with the growth of companies, both private and public, different types of

corporate crimes are also increasing everyday. Corporate crimes in the form of fraud, forgery, misrepresentation, tax evasion, fund embezzlement, statutory offences and many other such offences similar to these may take place.

Thus, corporate crimes cannot be looked at in a constricted manner, not in black and white, as it covers a wide range of criminal offences. It not only deals with crimes of false and misleading advertising, illegal exploitation of employees, mislabeling of goods, violation of weights and measures, selling adulterated foodstuffs and evading corporate taxes, but also it also includes socio-economic crimes in the vein of bribery and corruption, misappropriation of funds, fraud, embezzlement, black marketing, profiteering and hoarding, smuggling and violation of foreign exchange. It is no longer limited in its nature and scope, and as a far-reaching result, any corporation could possibly be involved in any kind of the crimes stated above.

The issue of imposing criminal liability to a corporation for criminal offences committed by directors, managers, officers and other employees of the corporation, while in the process of conducting corporate affairs, has gained a lot of importance in the area of criminal law. If nothing else, the still-unfolding corporate scandals should encourage us to think freely and creatively about corporate power, corporate form and the rules governing corporate behaviour.[21] The very basis for the difficulty in imposing criminal liability to a corporation is its independent legal personality. Currently, the main question is whether a corporation as an artificial person is capable of committing a crime, and as such, would be criminally liable by the law or not. The conventional view was that a corporation could not be guilty of a crime, because criminal guilt would require intent, and a corporation, which has no mind, could form no such intent. In addition, a corporation had no body that could be locked up, jailed and imprisoned.

Moreover, the courts are particularly likely to impose criminal liability on a corporation when the criminal act is requested, authorized, or performed by the board of directors, an officer or another person having responsibility for formulating company policy, or even a high level administrator who has supervisory responsibility over the subject matter of the offence, and who is clearly acting within the scope of his employment. This makes it easier to assign blame, hence by making it more tangible. Though a corporation may be characterized as a 'person' capable of a crime, the frequent difficulty of attributing a criminal intent, which is of course a required element of nearly all criminal offences, creates a magnitude of problems in the process.

9.0 ‘The Directing Minds’

What is more, at the same time it is also argued that though the corporation is a legal person, its accurate responsibility can be located in its organizational structure, policy, procedures and culture. Therefore, imposing corporate criminal liability on the basis that it is the fault of the directors or senior corporate managers, who are then identified for such purposes, as they have been said to be acting for the corporation, has also been food for thought. It is here that the question of the "directing minds" theory arises. In fact, the issue of corporate criminal liability is mostly focused on the problem of formulating a test or mechanism for locating who exactly are a corporation's "directing minds", so that the criminal intent of the directing minds can be attributed as being that of the corporation.

Furthermore, the idea behind this is that, once it has been decided as to who is to blame then, "The faster individual law-breakers can be punished, the sooner any public taint over honest business will be lifted".[22]

As stated before, to determine this all important element, three approaches have been used, in different contexts, to hold corporations criminally liable for true crimes and regulatory offences. The first being vicarious liability; the second is the identification theory, and also includes a third approach, which locates fault in the corporation's organizational structure, policies, culture and ethos which permitted or encouraged the commission of the crime, and which has been actively advocated by legal theorists such as Fisse[23]. The traditional doctrines of vicarious liability hold the master, or in this case the employer, liable for the acts of the servant, or employee in the course of the master's business, without any proof of personal fault on the part of the master. This is since vicarious liability does not require proof of personal fault on the part of the master or employer; in relation to this case, the master can include either an individual or a corporation.

10.0 Identification Principle

Pertaining to the second device, according to the identification principle, the acts and state of the directing minds are identified to be that of the corporation. The corporation is considered to be directly liable, rather than vicariously liable, if the minds of certain senior officers in a corporation, or in this case the directing minds of the corporation, are deemed to be the acts and state of mind of the corporation. The identification doctrine arose out of the perceived need to find a way to hold corporations liable for *mens rea* offences, where it holds that, without intention, there can be no crime.

As such, in discussing corporate criminal liability, the most vital thing that should be done is, we must first determine what it is, and how it can be applied. Most importantly, how do we establish corporate criminal liability? Judges have frequently asserted that corporations are 'persons', and it is this use of the word that needs explaining. To challenge the usage of the word, it simply means using the word differently from the judges.[24] A way to determine this has been found in the identification principle, which states that conduct and states of mind of certain senior individuals within a company can be deemed to be those of the company itself. As a result, a prosecution of one of these individuals would, in relation to certain offences, result in the prosecution of the company. Consequently, as the reason for why this ruling was made, the Attorney General asked the Court of Appeal for a clarification of the law on this point. In *Attorney General's Reference No 2/1999,*[25] the court held that the Trial Judge was correct and that "…the identification principle remains the only basis in common law for corporate liability for gross negligence manslaughter".

This doctrine was set out in the case of *HL Bolton (Engineering) Co Ltd v TJ Grahams & Sons Ltd*[26], where it stated the following, "A company may in many ways be likened to a human body. It has a brain and nerve centre which controls what it does. It also has hands which hold the tools and act in accordance with directions from the centre. Some of the people in the company are mere servants and agents who are nothing more than the hands to do the work and cannot be said to represent the mind and will. Others are directors and managers who represent the directing mind and will of the company, and control what it

does. The state of mind of these managers is the state of mind of the company and is treated by the law as such".

However, there is uncertainty about exactly which individuals within a company can be deemed a 'directing mind and will'. In the House of Lords case of *Tesco Supermarkets Ltd v Natrass*[27], three different judges each gave slightly different interpretations. Lord Reid stated that the following individuals were controlling minds of a company, "the board of directors, the managing director and perhaps other superior officers of a company [who] carry out the functions of manslaughter and speak and act as the company". Meanwhile, Viscount Dilhorne gave a more limited interpretation saying that a controlling mind is a person, "who is in actual control of the operations of a company or of part of them and who is not responsible to another person in the company for the manner in which he discharges his duties in the sense of being under his orders". And Lord Diplock stated that the people who are the controlling minds are those, "who by the memorandum and articles of association or as a result of action taken by the directors or by the company in general meeting pursuant to the articles are entrusted with the exercise of the powers of the company".

11.0 The Position in Malaysia

Meanwhile, in looking at the Malaysian position with regards to corporate governance, or more specifically to corporate accountability, initially it may seem a little tame as compared to their Western counterparts. This is because since the idea of companies actually being liable for their crimes is a new feature in both company and criminal law, and since it is a now a fusion of the two, additional caution and understanding must be used in tackling it. Further, as corporate crimes can sometimes be seen to be overlapping with white-collar crimes; extra care is needed to handle this ever evolving area, to avoid confusion. As such, the game may be different, but the rules stay the same.

With regards to the corporation as a legal person in Malaysia, we must look to the Penal Code 1872. Under s 11, "the word 'person' includes any company or association or body of persons, whether incorporated or not". This condition is still retained in the present penal code.[28] The statutory application of this can be seen in the case of *The King v Yong Lee Sheng &Co*[29], where the respondent company was charged under s 17 of the Liquor Ordinance Act 1894. It was held that when the Ordinance Act was passed, it was not intended that the word 'person', to generally to include any company or association. As such, the court, in relation to s 11 of the Penal Code 1872, stated that there existed exceptions where 'persons' could not include a company or corporation.

There is also the issue that corporations cannot be summoned. In Malaysia, the courts held the view that, in *PP v Jelai Concessions (Pahang) Ltd*,[30] "…under the provision of the Criminal Procedure Code, under which the proceedings were conducted, an accused person has a right to tender himself and give evidence on his own behalf. Such right cannot be exercised by the company. Its conviction cannot stand". However, the notion that corporations cannot be summoned was resolved by the decision in *Rex v Lee Printing Co Ltd*,[31] where the court held that "the company has been properly committed to stand its trial in the court and must attend and plead and stand its trial accordingly through an advocate

or duly credited agent". This would then lay to rest the issue that corporations cannot be summoned.

In Malaysia, based on the definition given by Clinard and Quinney[32], where they proceeded to divide white-collar crimes into two distinct types, occupational crime and corporate crime, the white-collar crimes in Malaysia are categorized as follows; criminal breach of trust[33], cheating and fraud[34], forgery[35] and counterfeiting[36]. Furthermore, in Malaysia, as the term corporate crime is not yet quite familiar, it is somewhat often than not, has been known as white-collar crimes. As a consequence, this has resulted in an overlapping of sorts, although the crimes committed still remain the same. To cope with the onslaught of white-collar crimes in Malaysia, the Parliament amended certain provisions in relation to certain white-collar offences. This shift in the legislative policy is attributable to the large public outcry over the high acquittals and the lenient punishments meted out to those who were prosecuted.[37] In the case of *PP v Tan Koon Swan*[38], the court stated that criminal breach of trust or abatement thereof committed in the heart of a financial centre would certainly attract deterrent terms as "public interest plainly requires that the accused receives a punishment which will not only fit his crime but will act as a deterrent to other persons who may be similarly disposed...and the commercial marketplace must be protected from and purged of the likes of the accused".

Concerning enforcement, the Royal Malaysia Police, through its special Commercial Crime Investigation Department (CCID), is the main agency which investigates the corporate crime cases in Malaysia. As a result of the drastic rise in these cases, as well as the complexity and intricacy of offences in recent years, the CCID has undergone a significant expansion since 1 January 2005, with added manpower and more sophisticated equipment to better deal with the eradication of white-collar crimes. As such, over the years, the police have mostly been successful in investigating, arresting and prosecuting most of the offences which have been reported to them. Further, as stated before, as white-collar crimes are commonly mistaken, and sometimes thought to be even overlapping with corporate crimes, in a sense, there are already certain guidelines that can be followed in dealing with corporate crimes. The guidelines set out for white-collar crimes need not be a set principle, but it could definitely be a welcome example.

12.0 Crime and Ethics

Of course, in discussing about either white-collar or corporate crimes, it would not be complete without the mention of ethics. As most white-collar or corporate crimes are committed by people at the managerial or executive levels, the question of ethics should be observed by them, as they are in the position of power to execute many decisions that could make or break their companies. They hold the key to the companies' success. However, due to this very reason, they often succumb to dangerous temptations. As the capitalist framework puts a heavy emphasis on profits and meeting precious deadlines, it creates a fertile ground for unethical business practices. To arrest this, top executives and senior officers should develop excellent examples of both ethics and integrity. An explicit code of conduct should then be incorporated that requires them to lead by example. Moreover, the company itself must project an atmosphere that emphasizes corporate ethics above all others.

Other measures that can be implemented to help circumvent corporate crimes are to greatly reduce the opportunities to commit them. These include by maintaining complete and updated management and financial records, by monitoring business transactions, as well as promoting a strong and cohesive work environment. All these measures will significantly help in the prevention of corporate crimes. This is because, as corporate crime is more often than not a crime done by the high ranking officials in companies, those who could and from time to time would abuse their positions of power, proper care must also be taken, to ensure that they would not get away by reason of their very status. These crimes are frequently propelled by greed; rather than need, and coupled with the existence of certain lacunas have led to widespread offences being committed in the last decade.

13.0 Conclusion

The rationale for the adoption of the concept of corporate criminal liability is that the human agents running the corporations or companies will begin to cheat or defraud the public, and in some cases even the government, knowing full well that the law will not pursue a corporate body for the criminal acts of its directors and employees. This would then go against the intention of the legislators who conceived it. Corporate bodies would reap all the advantages flowing from the acts of the directors, and they will act to the detriment of the public, all done in the name of the corporate bodies. Since the companies are legal entities, they are open to prosecution and indictment for the criminal acts of its directors and employees.

Thus, the severity of harm caused to the community, and to individuals by these human agents with the aid of sophisticated scientific and technical measures warrants such a change, which not only needs to be efficient, but also tightened for the common good. This is solely for the reason that, "if companies are only liable for the crimes of their board, they will rarely be liable".[39] And of course, this fateful outcome is not what anyone, perhaps with the exception of the guilty companies, would want to accomplish in the very near future. An example of the above can perhaps be borrowed from the US, where in signing the corporate reform legislation on July 30, 2002, President Bush said that the new law "says to every American: there will not be a different ethical standard for corporate America than the standard that applies to everyone else".[40]

In Malaysia, corporations can be liable in perhaps most offences. Yet, in cases involving *mens rea*, the test for identification remains the most probable way to determine the mental element. In reverse, it also places considerable stress on the rules of corporate liability and accountability. As such, further rectification is needed on the rule that a corporation cannot escape liability for offences that are punishable with imprisonment, which can be specified as a type of corporate punishment. Another issue that poses a serious risk with regards to corporate crimes is the public's apathy, the perception that it is no big deal. Although corporate crimes pose a very serious threat to the public, they are not seen as a very grave issue. The main reason for this is simple; it does not affect them directly, just like out of sight, out of mind.

Another argument which is usually favoured by criminologists can be credited to the fact that unlike clear-cut conventional crimes, such as murder, robbery and rape, corporate crimes are seen as less damaging and not perilous. In the past, there were incidences that

the public was not aware, or did not even care about corporate crimes. Nonetheless, with so much of these corporate cesspools are oozing into the public's view that it is difficult to piece them into an understandable reform movement for workers, consumers and investors to support. The sanitation trucks cannot begin to keep up with the spilling garbage of betrayed trust, pillage and plunder of trillions of dollars.[41] Nevertheless, recent case law, coupled with more aggressive awareness as shown by the government, along with fervent arguments by writers and scholars alike have proven this to be otherwise.

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