# Beyond neoliberalism: politics and punishment in money laundering

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The economic and social control necessary to ensure coexistence must remain within reasonable limits, which does not happen in recent times with prevention and repression of money laundering manifesting the influence of economic policies and the neoliberal mode of government on the recent evolution of penal policies.

As aptly stated by Levi (2012, p. 107) money laundering is a "crime of globalization". Its importance nowadays is transcendental because of the economic crisis we are suffering. As criminal organizations, characterized by growing transnational nature, weaken the economy further (Finklea, 2009, pp. 9-40) with their illegal activities and enter the financial system, public finances or customs because of their vulnerability (Fisher, 2012, pp. 153-161). But prevention and repression of money laundering should remain within reasonable limits.

Indeed, the problems of persecution (Gless, 2012, pp. 3-22) requires new investigation methods that can maintain the delicate balance between security and fundamental rights (Pérez Estrada, 2010, pp. 307, 309 and 311-317).

Undoubtedly, the new payment systems facilitate money launderers´ criminal activity. However, the development of technologies, including the internet, has unquestionable advantages involved, "a real change in the administrative, educational, labour or social forms of relationship" (Mata Barranco, 2010, p. 16) and even provides, through online resources, verification of identity or other duty of surveillance for the prevention of money laundering (The money laundering, 2011, pp. 37-39 and 54). The new payment methods are the result of the need to both offer commercial alternatives to traditional financial services and to include everyone in the system irrespective of poor credit rating, age or residence in areas of low bank offer. These methods can also have a positive effect on the economy, given their efficiency in terms of speed of transactions, technological security, low costs compared to payment instruments based on paper, and accessibility, especially for prepaid cards and payment services with mobile phones, identified as a possible tool to integrate excluded individuals because of poverty (FATF, 2010, p. 12).

The FATF expanded, in its 2012 recommendation number 22, in certain situations, the demands of due diligence on customers and information record of the recommendations 10th, 11th, 12th, 15th and 17th to the following professions and no financial businesses: casinos, real estate, dealers precious metals and stones, lawyers, notaries, other independent legal professionals, accountants and trustees.

Regarding the casinos, they are only required when customers engage in transactions worth at least 3,000 euros or dollars, although for several other transactions, and identification at the entrance of the casino could not be considered sufficient (FATF, 2012, pp. 19, 20, 81 and 82). The FATF in 2008 developed guidance on dangers involving casinos (FATF, 2008, pp. 1-39) and in 2009 made a full report on vulnerabilities related to the gaming industry and casinos. The FATF emphasized in this report the activities of currency exchange and structuring, the complicity of employees, chips, checks or casino accounts and provided indicators that can help with detecting and deterring money laundering (FATF, 2009, pp. 7 and 25-46).

The 2009 report does not deal with either illegal gambling (Shehu, 2004, pp. 254-260) or online gambling (Hugel and Kelly, 2002, pp. 57-65, comparing the US and UK governmental policies internet gambling), but in future further attention should be paid to their development because of the relationship between money laundering and regulated online gambling (Brooks, 2012, 304-315). Ways to balance between individual privacy and the needs of law enforcement (Mills, 2001, pp. 365-383) should also be considerer.

Finally the 32nd recommendation urges countries to ensure that their authorities impede or restrict the movement of cash which is potentially related to money laundering (FATF, 2012, pp. 25 and 99-102) and article 14.2 of the United Nations Convention against corruption provides that “States Parties shall considerer implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders”, but “without impeding in any way the movement of legitimate capital”. It has been said that the cash is the common medium of exchange in criminal transactions (Jurado and García, 2011, p. 172). In similar vein, the Spanish government, having more closely in mind its tax

collection purposes, approved in the council of ministers of 22 June 2012 a bill to combat tax fraud, given the legislative experience of other EU countries like France and Italy, limited to 2,500 euro cash payments for operations involving businessmen or professionals (Ley 7/2012, article 7). However, in order to escape the Charybdis of paper money we will find the Scylla of "electronic money", as new payment technologies are not without risks that may thwart prevention and repression of money laundering (Abel Souto, 2012a, pp. 1-45; 2013a, pp. 266-284; González Cussac and Cuerda Arnau, 2013, pp. 1-540). Furthermore, behind the apparent dogma of the "criminogenic character of cash" hides a program that exceeds the fight against crime, further marginalizing those who earn less, allows control of the private sphere (Pieth, 1992, p. 27) and manifest the influence of economic policies and the neoliberal mode of government on the recent evolution of penal policies.

Regarding the last Spanish penal reform on money laundering, I made a unattended call to the legislature to moderate its intervention in money laundering (Abel Souto, 2009, pp. 243 and 244), which has preferred to add, with the organic law 5/2010, another reform more to the already long list of modifications on laundering (Abel Souto, 2005a, pp. 5-26; Zaragoza Aguado, 2011, pp. 1154 and 1155), that undermines the legal certainty and the consideration of criminal law as *ultima ratio*. This criminal policy goes, beyond neoliberalism, to a "breakneck speed" and continues to accelerate, despite being reported a long time ago (Hassemer, 1994, p. 1369; 1998, p. 217), because when it is still warm corpse of the last reform, another change of regressive sign threatens to introduce a special probation in article 304 bis for money launderers. These constant reforms violate the legal security and manifest an excessive economic and social control.

Firstly, the organic law 5/2010, in the initial clause contained in article 301.1, regarding the requirement for the knowledge that the goods have their origin "in a crime", changes these words by the formula "in a criminal activity", "without being clear the objective pursued" (Manjón-Cabeza Olmeda, 2010, p. 340) with the replacement, speech which is attributed expansion effort and, in principle, wider than the previous noun "crime" (Fernández Teruelo, 2010, pp. 318, 319 and 324), it seems to allow the inclusion of the petty offenses made in preceding facts of money laundering, which would mean "an enormous enlargement of the field of this crime" (Muñoz Conde, 2013b, p. 516). But the petty offenses should be excluded from previous facts on the basis of a literal, historical and systematic interpretation.

Moreover, the petty offences can not be included in the previous facts to the crime of money laundering because it limits the effectiveness of the norm (Flick, 1992, p. 1293; Terradillos Basoco, 2008, p. 261), and increases social costs (Flick, 1990, p. 1264) so intolerable and contrary to the principle of proportionality (Fernández Teruelo, 2010, p. 324; Manjón-Cabeza Olmeda, 2010, p. 341).

Secondly, the organic law 5/2010, after the reference of the article 301.1 to the "criminal activity", which integrates the previous fact, added "committed by him or by any third person", which punishes expressly laundering committed by the responsible for previous fact in the way the majority interpreted the crime (Fernández Teruelo, 2010, p. 319) and "ditch one of the most controversial issues" (González Cussac and Vidales Rodríguez, 2009, p. 195). In this sense there was already a plenary agreement no jurisdictional of the Supreme Court of 18 July 2006 (Gómez Rivero, 2010, p. 540) admitting the self-laundering (Abel Souto, 2011a, pp. 15 and 16; 2011b, pp. 78-80, with references of various sentences).

But the punishment of self-laundering combined with new behaviors of possession or use, to the Criminal Code incorporated by the organic law 5/2010, produces "strange consequences" (Quintero Olivares, 2010a, p. 13; 2010b, p. 109), even absurd (Castro Moreno, 2009, pp. 1 and 4), because this would imply that the person who has a painting or a jewel which he has stolen would now commit a new crime and the same applies to the individual using someone else´s car without permission (Quintero Olivares, 2010a, p. 13; 2010b, p. 109).

To avoid jeopardy (Martínez-Buján Pérez, 2013, pp. 611 and 612) the *typus* should be interpreted as meaning that the possession by the authors or participants in the preceding fact as laundering is punishable only when this is not possible to sanction them for the previous crime (Quintero Olivares, 2010a, p. 20; 2010b, p. 110). It should exclude from the *typus* both the use and another kind of possessions on the basis of the principle of insignificance and teleological interpretation, taking into consideration the legally protected interest, requiring a significant impairment of the socio-economic order and appropriateness of behaviors to incorporate illegal capital to trade.

Thirdly, the reform of June 22, 2010 incorporated in the initial paragraph of article 301.1 of the Criminal Code the possession and use of criminal property as new forms of money laundering (Abel Souto, 2011a, pp. 17-27; 2011b, pp. 81-98). The possession and use behaviors were already covered, from the Criminal Code in 1995, through the formula "perform any other act to conceal or disguise the illicit origin, or to help the person who has participated in the infringement or infringements to evade the legal consequences of their actions". Now, however, they are also explicitly included in the Code (Muñoz Conde, 2013b, pp. 514

and 515), but regardless of the purpose that guides a money launderer (Abel Souto, 2005b, pp. 93-102, 290 and 291; 2009, pp. 177-187 and 235; Blanco Cordero, 2011, p. 42; 2012, p. 437) to catch everyone with the slightest contact with criminal assets.

However, the Spanish offense of money laundering, as well as the German, should be "teleologically restricted" (Vogel, 1997, p. 356), which excludes of the article 301 of the Criminal Code, by reason of lack of *typus*, all material objects of insignificant quantity, as the "amount of cents" (Bottke, 1998, p. 11), under the principle of insignificance (Aránguez Sánchez, 2000, pp. 184, 185 and 248; Palma Herrera, 2000, pp. 350 and 351; Ragués i Vallès, 2001, p. 625; Terradillos Basoco, 2008, pp. 240 and 263) or of "minimal intervention" (Martínez-Buján Pérez, 2013, p. 596).

The same principle of insignificance applies to basic consumer acts, services or merchandise sales in everyday vital business (Aránguez Sánchez, 2000, pp. 184, 247 and 248), given how important it is for individuals to be able to transmit the money received and to use purchased goods (Lampe, 1997, pp. 131 and 132). The previous author who only has money originating from a crime "would prohibit almost the satisfaction of vital needs" (Barton, 1993, p. 161) and thus, his own survival (Blanco Cordero, 1997, p. 272), if behaviors directed to sustain life are not excluded from *typus*. Furthermore, it would be forcing any potential provider of goods or services "now to waive the settlement of accounts with uncontrolled money now to refrain traffic" (Bottke, 1995, p. 122), which limits so much economic rights of the citizen raising serious questions of constitutionality (Blanco Cordero, 1997, p. 290). Again the excessive economic and social control manifests the influence of economic policies and the neoliberal mode of government on the recent evolution of penal policies.

Fourthly, regarding the new aggravations laundering of profits from certain crimes against public administration, contained in articles 419-445 of the Penal Code, against land planning and urbanism (Abel Souto, 2011a, pp. 27-31; 2011b, pp. 98-103; Ferré Olivé, 2013, pp. 389-391; Núñez Paz, 2013, pp. 267-279), the penalty is aggravated despite such increases gravity "do not have relevant general preventive effect" (Silva Sánchez, 2010, p. 5). Over this punitive “hardening” (Díaz y García Conlledo, 2013, p. 288) must be applied the penalty of imprisonment in the upper half for membership of an organization dedicated to money laundering of article 302.1 Penal Code (Lorenzo Salgado, 2013, pp. 235-237), so that the penalty can achieve “really high limits” (Muñoz Conde, 2013a, p. 376).

Indeed, corruption is “one of the great problems of our time” (Ferré Olivé, 2002, p. 20), on the subject there is a “growing international concern” (Bermejo and Agustina Sallehí, 2012, pp. 454 and 460) and it seems the Spanish penal legislator with this new aggravation aims to answer events of huge media attention (Faraldo Cabana, 2012, p. 33; Núñez Paz, 2013, p. 274), but the punitive escalation is evident and it is indicative of expansionist trends (González Rus, 2011, p. 637; Martínez-Buján Pérez, 2013, p. 590) of criminal policy in this area (Terradillos Basoco, 2012, p. 164), because from the impunity of the laundering of proceeds of corruption has happened to punishment in 1995 when the previous fact becomes serious, has been expanded in 2003 to any offense on corruption and has been raised in 2010 for the consideration of specific aggravating circumstance (Ferré Olivé, 2013, p. 389).

Also the Study Group of Criminal Policy showed the unquestionable relationship between urban illegalities and money laundering (Grupo de Estudios de Política Criminal, 2010, p. 18), because the business of building (Ferro Veiga, 2012) is not only an endless source of assets to launder (Terradillos Basoco, 2008, p. 214) but also a suitable place for money laundering (Ríos Corbacho, 2010, p. 7), a field privileged to introduce criminal assets in the legal economy, hence the legislature felt the need of show the citizen (Núñez Paz, 2013, pp. 269, 270 and 275) to address the emergent and scandalous national urban corruption avoiding the consolidation of its benefits (Bermejo and Agustina Sanllehí, 2012, pp. 454, 459 and 460).

However, it can not be presumed that the amount of money laundered from these offenses exceeds the amount derived from other crimes (Abel Souto, 2012b, pp. 245 and 246). Neither are these aggravations justified by the legally protected interests (Berdugo Gómez de la Torre and Fabián Caparrós, 2010, p. 13), because they are the same values protected by the basic *typus*, since the Administration of Justice is interested in punishing any crime and the socio-economic order is not more damaged by the laundering of the proceeds of such crimes. Truly the laundered value determines a higher content of unfairness and it should aggravate the penalty (Palma Herrera, 2000, pp. 787 and 788), so the qualified *typus* would focus on the characteristics of the material object, the "magnitude" (Díaz y García Conlledo, 2002, p. 209) or obvious importance of the amount laundered, but not in the irrelevant nature of the predicate offense (Aránguez Sánchez, 2000, p. 316), since the foundation of the aggravation would reside in the greater flow of illicit goods (Faraldo Cabana, 1998, p. 150; Vidales Rodríguez, 1997, p. 142) put into circulation. From a technical standpoint, it is also unacceptable to increase the penalties for laundering according to the origin of goods, given that the autonomy of this crime would deny to attend the previous offense (Álvarez Pastor and

Eguidazu Palacios, 2007, p. 356). The criminalization of money laundering would be deprived of independent material content and would simply be a reinforcement of the legally protected interest through the crime of which capital derives (Fabián Caparrós 1998, p. 194). Similarly, if the Criminal Code of 1995 wanted to punish especially money laundering from drug trafficking an a disappointing jurisprudential application, despite the extension of previous facts, continues to focus almost exclusively on drug trafficking (Abel Souto, 2009, pp. 244 and 245; Moreno Alcázar, 2012, p. 687), to which two new aggravations are added, "the area of operation of the basic *typus* is reduced" (Martínez-Buján Pérez, 2013, p. 619), "substantially in favor of aggravation" (Manjón-Cabeza Olmeda, 2010, p. 345), so that the basic *typus* is almost never applicable (Abel Souto, 2012b, p. 247; Núñez Paz, 2013, p. 276), which transforms the rule into an "exception" (Lorenzo Salgado, 2013, p. 227) through a strange technique of normative formulation which articulates the basic *typus* of reference which is scarcely used. Finally, the foundation of the aggravation underlies neither greater reproach, since the person who converts property linked to crimes against the public administration and urban planning is not guiltier than money launderers derived from other crimes (Palma Herrera, 2000, p. 785), nor international pressure, since no supranational instrument forces a heavier penalty of money laundering in these cases and nowadays the mentioned aggravations are very inappropriate by the reduction of urban corruption with the real state crisis (Abel Souto, 2013b, p. 30), because, although a USA report on money laundering and economic crime says that in 2010 17% of the Spanish police investigations concerning money laundering were related to corruption (United States Department of State, 2012, p. 162), the report submitted by the State Attorney General in 2011 recorded in the Special Prosecutor's Office against Corruption and Organized Crime a "decrease of urban corruption investigations" (Conde-Pumpido Tourón, 2011, p. 708) and the memory of 2012 highlights in this office "the continued reduction of investigative actions or procedures related to urban corruption" (Torres-Dulce Lifante, 2012, 616).

In sum, the excessive punishment of new aggravations is another manifestation of the influence of economic policies and the neoliberal mode of government on the recent evolution of penal policies.

## References


Abel Souto, M. (2005a), "Década y media de vertiginosa política criminal en la normativa penal española contra el blanqueo. Análisis de los tipos penales contra el blanqueo desde su incorporación al Texto punitivo español en 1988 hasta la última reforma de 2003", *La Ley Penal. Revista de Derecho Penal, Procesal y Penitenciario*, No. 20, octubre, pp. 5-26.

Abel Souto, M. (2005b), *El delito de blanqueo en el Código penal español*, Bosch, Barcelona.

Abel Souto, M. (2009), "Conductas típicas de blanqueo en el Ordenamiento penal español", in Abel Souto and Sánchez Stewart, pp. 175-246 and 325-327.

Abel Souto, M. (2011a), "La expansión penal del blanqueo de dinero operada por la Ley orgánica 5/2010, de 22 de junio", *La Ley Penal. Revista de Derecho Penal, Procesal y Penitenciario*, No. 79, febrero, pp. 5-32.

Abel Souto, M. (2011b), "La reforma penal, de 22 de junio de 2010, en materia de blanqueo de dinero", in Abel Souto and Sánchez Stewart, pp. 61-109.

Abel Souto, M. (2012a), "Blanqueo, innovaciones tecnológicas, amnistía fiscal de 2012 y reforma penal", *Revista Electrónica de Ciencia Penal y Criminología,* No. 14, pp. 1-45.

Abel Souto, M. (2012b), "The Update of Penalty Concept and Adjustment of Crime in Money Laundering", *Antiriciclaggio,* No. 2/3, pp. 220-247.

Abel Souto, M. (2013a), "Money laundering, new tecnologies and Spanish penal reform", *Journal of Money Laundering Control,* No. 16, 3, pp. 266-284.

Abel Souto, M. (2013b), "Volumen mundial del blanqueo de dinero, evolución del delito en España y jurisprudencia reciente sobre las últimas modificaciones del Código penal", *Revista General de Derecho Penal,* No. 20, pp. 1-33.

Abel Souto, M. and Sánchez Stewart, N. (2009) (coords.), *I congreso de prevención y represión del blanqueo de dinero*, Tirant lo Blanch, Valencia.

Abel Souto, M. and Sánchez Stewart, N. (2011) (coords.), *II congreso sobre prevención y represión del blanqueo de dinero*, Tirant lo Blanch, Valencia.

Abel Souto, M. and Sánchez Stewart, N. (2013) (coords.), *III congreso sobre prevención y represión del blanqueo de dinero,* Tirant lo Blanch, Valencia.

Álvarez Pastor, D. and Eguidazu Palacios, F. (2007), *Manual de prevención del blanqueo de capitales*, Marcial Pons, Madrid/Barcelona.

Aránguez Sánchez, C. (2000), *El delito de blanqueo de capitales*, Marcial Pons, Madrid/Barcelona.

Avilés Gómez, M. (2011) (coord.), *El enriquecimiento ilícito*, Editorial Club Universitario, Alicante.
Barton, S. (1993), "Sozial übliche Geschäftstätigkeit und Geldwäsche (§261StGB)", *Strafverteidiger*, No. 3, pp. 156-163.
Berdugo Gómez De La Torre, I. and Fabián Caparrós, E.A. (2010), "La «emancipación» del delito de blanqueo de capitales en el Derecho penal español", *Diario La Ley*, No. 7535, 27 de diciembre, pp. 1-19.
Bermejo, M.G. and Agustina Sanllehí, J.R. (2012), "El delito de blanqueo de capitales", in Silva Sánchez, J.-M. (dir.), *El nuevo Código penal. Comentarios a la reforma,* La Ley, Madrid, pp. 439-462.
Blanco Cordero, I. (1997), "Negocios socialmente adecuados y delito de blanqueo de capitales", *Anuario de Derecho Penal y Ciencias Penales*, tomo L, fascículo único, enero-diciembre, p. 263-291.
Blanco Cordero, I. (2011), "El delito fiscal como actividad delictiva previa del blanqueo de capitales", *Revista Electrónica de Ciencia Penal y Criminología*, No. 13-01, pp. 1-46.
Blanco Cordero, I. (2012), *El delito de blanqueo de capitales*, 3rd ed., Aranzadi, Cizur Menor.
Bottke, W. (1995), "Teleologie und Effektivität der Normen gegen Geldwäsche", Teil 2, *Wistra*, No. 4, pp. 121-130.
Bottke, W. (1998), "Mercado, criminalidad organizada y blanqueo de dinero en Alemania", traslated to Spanish by Soledad Arroyo Alfonso and Teresa Aguado Correa, *Revista Penal*, No. 2, pp. 1-15.
Brooks, G. (2012), "Online gambling and money laundering: views from the inside", *Journal of Money Laundering Control*, Vol. 15, No. 3, pp. 304-315.
Castro Moreno, A. (2009), "Reflexiones críticas sobre las nuevas conductas de posesión y utilización en el delito de blanqueo de capitales en la reforma del Anteproyecto de 2008", *Diario La Ley*, No. 7277, 5 de noviembre, pp. 1-12.
Conde-Pumpido Tourón, C. (2011), *Memoria elevada al gobierno de S.M. presentada al inicio del año judicial por el Fiscal General del Estado Excmo. Sr. D. Cándido Conde-Pumpido Tourón*, vol. I, Centro de Estudios Jurídicos, Ministerio de Justicia, Madrid.
*Convención de las Naciones Unidas contra la corrupción* (2006)*, Instrumento de ratificación de la Convención de las Naciones Unidas contra la corrupción, hecha en Nueva York el 31 de octubre de 2003,* BOE de 19 de julio de 2006, pp. 27132-27153.
Cuesta Arzamendi, J.L. de la (2010) (dir.), *Derecho penal informático*, Civitas/Thomson Reuters/Aranzadi, Cizur Menor.
Díaz y García Conlledo, M. (2002), "Blanqueo de bienes", in Luzón Peña, D.-M. (dir.), *Enciclopedia penal básica*, Comares, Granada, pp. 193-221.
Díaz y García Conlledo, M. (2013), "El castigo del autoblanqueo en la reforma penal de 2010. La autoría y la participación en el delito de blanqueo de capitales", in Abel Souto and Sánchez Stewart, pp. 281-299, 395 and 396.
Fabián Caparrós, E.A. (1998), *El delito de blanqueo de capitales*, Colex, Madrid.
Faraldo Cabana, P. (1998), "Aspectos básicos del delito de blanqueo de bienes en el Código penal de 1995", *Estudios Penales y Criminológicos*, No. XXI, pp. 117-165.
Faraldo Cabana, P. (2012), "El blanqueo de capitales tras la reforma de 2010", *Revista de Inteligencia,* No. 0, pp. 30-33.
FAFT (2008), *Risk-based approach guidance for casinos*, *23 October*, in http://www.fatf-gafi.org (accessed October 2013).
FATF (2009), *Report, Vulnerabilities of casinos and gaming sector*, *March*, in http://www.fatf-gafi.org (accessed October 2013).
FATF (2010), *Report, Money laundering using new payment methods*, *October*, in http://www.fatf-gafi.org (accessed October 2013).
FATF (2012), *International standards on combating money laundering and the financing of terrorism & proliferation. The FATF recommendations, February*, in http://www.fatf-gafi.org (accessed October 2013).
Fernández Teruelo, J.G. (2010), "Blanqueo de capitales", in Ortiz De Urbina Gimeno, I. (coord.), *Memento experto Francis Lefebvre. Reforma penal. Ley orgánica 5/2010*, Ediciones Francis Lefebvre, Madrid, pp. 313-334.
Ferré Olivé, J.C. (2002), "Corrupción, crimen organizado y «blanqueo» de capitales en el mercado financiero", in Ferré Olivé, J.C. (ed.), *Blanqueo de dinero y corrupción en el sistema bancario. Delitos financieros, fraude y corrupción en Europa,* vol. II, Ediciones Universidad de Salamanca, Salamanca, pp. 13-23.
Ferré Olivé, J.C. (2013), "El nuevo tipo agravado de blanqueo cuando los bienes tengan su origen en delitos

relativos a la corrupción", in Abel Souto and Sánchez Stewart, pp. 389-391.
FerroVeiga, J.M. (2012), *Propiedad inmobiliaria. Blanqueo de capital y crimen organizado,* Editorial Club Universitario, Alicante.
Finklea, K.M. (2009), "Organized crime in the United States: trends and issues for congress", *Journal of Current Issues in Crime, Law & Law Enforcement*, Vol. 2, No. 1, pp. 9-40.
Fisher, J. (2012), "The vulnerability of her majesty's revenue & customs to penetration by criminal actors", *Journal of Money Laundering Control*, Vol. 15, No. 2, pp. 153-161.
Flick, G.M. (1990), "La repressione del riciclaggio ed il controllo della intermediazione finanziaria. Problemi attuali e prospettive", *Rivista Italiana di Diritto e Procedura Penale*, No. 4, pp. 1255-1273.
Flick, G.M. (1992), "Le risposte nazionali al riciclaggio di capitali. La situazione in Italia", *Rivista Italiana di Diritto e Procedura Penale*, No. 4, pp. 1288-1298.
Gless, S. (2012), "Strafverfolgung im Internet", *Schweizerische Zeitschrift für Strafrecht*, Vol. 130, No. 1, pp. 3-22.
Gómez Rivero, M.C. (2010), *Nociones fundamentales de Derecho penal. Parte especial. (Adaptado al EEES)*, Tecnos, Madrid.
González Cussac, J.L. and Cuerda Arnau, M.L. (dirs.) (2013), *Nuevas amenazas a la seguridad nacional. Terrorismo, criminalidad organizada y tecnologías de la información y la comunicación,* Tirant lo Blanch, Valencia.
González Cussac, J.L. and Vidales Rodríguez, C. (2009), "El nuevo delito de financiación del terrorismo: consideraciones acerca de su necesidad y conveniencia", in González Cussac, J.L. (dir.), *Financiación del terrorismo, blanqueo de capitales y secreto bancario: un análisis crítico*, Tirant lo Blanch, Valencia, p. 195.
González Rus, J.J. (2011), in Morillas Cueva, L. (coord.), *Sistema de Derecho penal español. Parte especial,* Dykinson Madrid.
Grupo de Estudios de Política Criminal (2010), "Manifiesto sobre corrupción urbanística y otras conductas delictivas relacionadas", in *Una regulación alternativa contra la corrupción urbanística y otras conductas delictivas relacionadas,* Gráficas Luis Mahave, Málaga, pp. 11-24.
Hassemer, W. (1994), "Gewinnaufspürung: jetzt mit dem Strafrecht", *Wertpapier Mitteilungen, Zeitschrift für Wirtschafts- und Bankrecht (Gastkommentar)*, p. 1369, translated to Spanish by Miguel Abel Souto (1998) as "Localización de ganancias: ahora con el Derecho penal*", Revista de Ciencias Penales,* Vol. 1, No. 1, pp. 217-220.
Hugel, P. and Kelly, J. (2002), "Internet gambling, credit cards and money laundering", *Journal of Money Laundering Control*, Vol. 6, No. 3, pp. 57-65.
Jurado, N. and García, R. (2011), "El blanqueo de capitales", in Avilés Gómez, pp. 159-193.
Lampe, E.-J. (1994), "Der neue Tatbestand der Geldwäsche (§ 261 StGB)", *Juristen Zeitung*, No. 3, pp. 123-132, translated to Spanish by Miguel Abel Souto and José Manuel Pérez Pena (1997) as "El nuevo tipo penal del blanqueo de dinero (§ 261 StGB)", *Estudios Penales y Criminológicos*, No. XX, pp. 103-148.
Levi, M. (2012), "Crimes of globalisation: some measurement issues", in JOUTSEN, M. (ed.), *New types of crime. Proceedings of the international seminar held in connection with HEUNI's thirtieth anniversary Helsinki 20 October 2011*, Heuni, Helsinki, pp. 107-115.
*Ley 7/2012, de 29 de octubre, de modificación de la normativa tributaria y presupuestaria y de adecuación de la normativa financiera para la intensificación de las actuaciones en la prevención y lucha contra el fraude,* BOE del 30 de octubre.
Lorenzo Salgado, M. (2013), "El tipo agravado de blanqueo cuando los bienes tengan su origen en el delito de tráfico de drogas", in Abel Souto and Sánchez Stewart, pp. 223-249 and 377-379.
Manjón-Cabeza Olmeda, A. (2010), "Receptación y blanqueo de capitales (arts. 301 y 302)", in Álvarez García, F.J. and González Cussac, J.L. (dirs.), *Comentarios a la reforma penal de 2010*, Tirant lo Blanch, Valencia, pp. 339-346.
Martínez-Buján Pérez, C. (2013), *Derecho penal económico y de la empresa. Parte especial*, 4th ed., Tirant lo Blanch, Valencia.
Mata Barranco, N.J. de la (2010), "Ilícitos vinculados al ámbito informático: la respuesta penal", in Cuesta Arzamendi, pp. 15-30.
Mills, J. (2001), "Internet casinos: a sure bet for money laundering", *Journal of Financial Crimen*, Vol. 8, No. 4, pp. 365-383.
Moreno Alcázar, M.A. (2012), "Receptación y blanqueo de capitales", in Boix Reig, J. (dir.), *Derecho penal. Parte especial. Volumen II. Delitos contra las relaciones familiares, contra el patrimonio y el orden*

*socioeconómico,* Iustel, Madrid, pp. 675-700.
Muñoz Conde, F. (2013a), "El delito de blanqueo de capitales y el Derecho penal de enemigo", in Abel Souto and Sánchez Stewart, pp. 375 and 376.
Muñoz Conde, F. (2013b), *Derecho penal. Parte especial*, 19th ed., Tirant lo Blanch, Valencia.
Núñez Paz, M.A. (2011), "Tipologías criminales de blanqueo. Técnicas de comisión", in Abel Souto and Sánchez Stewart, p. 217.
Núñez Paz, M.A. (2013), "El tipo agravado de blanqueo de dinero procedente de delitos urbanísticos", in Abel Souto and Sánchez Stewart, pp. 267-279, 393 and 394.
Palma Herrera, J.M. (2000), *Los delitos de blanqueo de capitales*, Edersa, Madrid.
Pérez Estrada, M.J. (2010), "La investigación del delito a través de las nuevas tecnologías. Nuevos medios de investigación en el proceso penal", in Cuesta Arzamendi, pp. 305-319.
Pieth, M. (1992), "Zur Einführung: Geldwäscherei und ihre Bekämpfung in der Schweiz", in Pieth, M. (ed.), *Bekämpfung der Geldwäscherei: Modellfall Schweiz?,* Helbing & Lichtenhahn, Basel und Frankfurt am Main, Schäffer-Poeschel, Stuttgart, pp. 1-27.
Quintero Olivares, G. (2010a), "Sobre la ampliación del comiso y el blanqueo, y la incidencia en la receptación civil", *Revista Electrónica de Ciencia Penal y Criminología*, 8 de marzo, pp. 1-20.
Quintero Olivares, G. (2010b), "La reforma del comiso (art. 129)", in Quintero Olivares, G. (dir.), *La reforma penal de 2010: análisis y comentarios*, Aranzadi, Cizur Menor, pp. 107-110.
Ríos Corbacho, J.M. (2010), "Un acercamiento al perfil del delincuente urbanístico", *Revista General de Derecho Penal,* No. 14, pp. 1-31.
Ragués i Vallès, R. (2001), "Lavado de activos y negocios *standard*. Con especial mención a los abogados como potenciales autores de un delito de lavado", in ROXIN, C., *Homenaje. Nuevas formulaciones en las Ciencias penales*, Lerner, Universidad Nacional de Córdoba, pp. 621-653.
Ruß, W. (1994), "Kommentar zum § 261 StGB", in *StGB Leipziger Kommentar. Großkommentar*, 11. neubearbeitete Auflage, Walter de Gruyter, Berlin, pp. 321-331, translated to Spanish by Miguel Abel Souto (1997) as "Comentario al parágrafo 261 del Código penal alemán: el blanqueo de dinero", *Dereito. Revista Xurídica da Universidade de Santiago de Compostela*, Vol. 6, No. 1, pp. 179-196.
Shehu, A.Y. (2004), "Should gambling be a predicate for money laundering?", *Journal of Money Laundering Control,* Vol. 7, No. 3, pp. 254-260.
Silva Sánchez, J.-M. (2010), "La reforma del Código penal: una aproximación desde el contexto", *Diario La Ley*, No. 7464, 9 de septiembre, pp. 1-13.
Terradillos Basoco, J.M. (2008), "El delito de blanqueo de capitales en el Derecho español", in Cervini, R. *et al., El delito de blanqueo de capitales de origen delictivo. Cuestiones dogmáticas y político-criminales. Un enfoque comparado: Argentina-Uruguay-España*, Alveroni, Córdoba (República Argentina), pp. 203-274.
Terradillos Basoco, J.M. (2012), *Lecciones y materiales para el estudio del Derecho Penal, vol. IV. Derecho penal. Parte especial (Derecho penal económico),* Iustel, Madrid.
*The money laundering officer's practical handbook 2011* (2011), Compliance training products limited, Cambridge.
Torres-Dulce Lifante, E. (2012), *Memoria elevada al gobierno de S.M. presentada al inicio del año judicial por el Fiscal General del Estado Excmo. Sr. D. Eduardo Torres-Dulce Lifante,* vol. I., Centro de Estudios Jurídicos, Ministerio de Justicia, Madrid.
United Nations, Office on Drugs and Crime (2004), *United Nations Convention against corruption,* United Nations, New York.
United Nations, Office on Drugs and Crime (2006), *Legislative guide for the implementation of the United Nations Convention against corruption,* United Nations, New York.
United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs (2012), *International narcotics control strategy report, volume II, Money laundering and financial crimes*, in http://www.state.gov/j/inl/rls/nrcrpt/2012 (accessed October 2013).
Vidales Rodríguez, C. (1997), *Los delitos de receptación y legitimación de capitales en el Código penal de 1995*, Tirant lo Blanch, Valencia.
Vogel, J. (1997), "Geldwäsche – eine europaweit harmonisierter Straftatbestand?", *Zeitschrift für die Gesamte Strafrechtswissenschaft*, No. 2, pp. 335-356.
Zaragoza Aguado, J.A. (2011), in Gómez Tomillo, M. (dir.), *Comentarios al Código penal,* 2nd ed., Lex nova, Valladolid, pp. 1152-1182.