

## INSURANCE CRIME AS A DYSFUNCTION OF THE INSURANCE MARKET – IN THE LIGHT OF THE RESULTS OF AN EXPERT INTERVIEW

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**Purpose:** The main objective of the article is to analyse the phenomenon of insurance crime as a dysfunction of the insurance market in the light of surveys conducted among experts. In addition, the article formulates additional auxiliary objectives: 1. To determine the directions of actions in counteracting insurance crime; 2. To analyse the attitudes of the surveyed respondents towards the phenomenon of insurance crime.

**Design/methodology/approach:** A free-text interview (also known as an in-depth ethnographic interview) was used as the main research method used to realise the objectives set. In addition, a critical analysis of the source literature and a comparative analysis were carried out to realise the set objectives. Between February and March 2024, five individual expert interviews were conducted with employees of insurance companies involved in the prevention of insurance crime.

**Findings:** In presenting the most important results, it should be pointed out that there is a conviction among experts that the most important instruments for crime prevention are cooperation between insurance companies and the involvement of insurance market institutions. Experts in the fight against insurance crime mainly pointed out the difficulties in data exchange related, among other things, to data protection regulations or budget constraints, as well as the need for insurance crime education at the level of the police and prosecutor's office.

**Research limitations/implications:** In the course of the research, it was only possible to reach a few experts involved in the prevention of insurance crime. This was related to the difficulty in reaching people who would agree to be interviewed as experts. Therefore, it should be noted that the results obtained represent only the subjective views of those who were interviewed as experts.

**Originality/value:** The prepared article fills a research gap on insurance crime prevention. While conducting a literature review, the authors did not find a publication on research among experts dealing with insurance crime prevention. The results obtained may become the basis for further research attempts among a wider range of experts dealing with the issue under study.

**Keywords:** insurance, insurance market, crime, insurance crime.

**Category of the paper:** research paper.

## 1. Introduction

Insurance crimes are among the most serious problems facing insurance companies around the world. The extent of insurance crimes committed varies from country to country, but nevertheless the consequences of insurance crime are very similar for each market. It is estimated that insurance fraud in Europe accounts for up to 10% of all insurance claims expenses (Nikolaienko, 2019). Moreover, insurance crimes affect all types of insurance (PIU, 2021). Thus, the common assumption that crimes are related to motor insurance has been outdated for more than two decades. Every case of fraud implies an undue compensation or benefit, the cost of which is borne by customers - the insured in the premiums paid for subsequent insurance. Insurance fraud also affects the trust on which the entire insurance sector operates (Salleh et al., 2018, pp. 586-598). Insurance crime also repeatedly discourages honest customers from taking insurance. Hence, insurers as well as insurance market institutions are engaged in combating and preventing insurance crime. An important aspect of activity in the field of insurance crime prevention is expert knowledge and attitudes towards this negative phenomenon occurring in the insurance market. The article refers to the results of an expert survey.

The main purpose of the article is to *analyze and evaluate the phenomenon of insurance crime as a dysfunction of the insurance market in light of surveys conducted among experts.*

In addition, the article formulates additional auxiliary objectives:

1. To determine the directions of action in countering insurance crime.
2. to analyze the attitudes of the surveyed respondents toward the phenomenon of insurance crime.

The realization of the set objectives was carried out on the basis of a critical analysis of the source literature, a comparative analysis, as well as the analysis and evaluation of the primary data obtained (expert interview).

In carrying out the analysis, attention should be drawn to the limitations of the research conducted. The analysis carried out concerned only a certain research group and, therefore, the results obtained should not be applied to a larger or entire community. On the other hand, the results obtained may become a contribution to further research.

## 2. Literature review

Insurance crime is presented in the literature not only on an economic level, but also on a legal and social level. Insurance crime finds legitimacy in the mutual agreement of the parties and constitutes a promise by the insurer to pay an amount or to give something of value to the insured upon the occurrence of a fortuitous or accidental event that is beyond the control of the contracting parties and in which the promise has an interest beyond the contract (Smith, Roberson, 1971, p. 1166). M. Gill, A. Woolley and M. Gill explain insurance crime as knowingly submitting a fictitious claim, inflating the value of the compensation or adding additional elements to the claim, and being dishonest in any way with the intent to obtain more than a legitimate benefit (Gill et al., 2005, pp. 73-82).

An insurance crime occurs when an insurer, insurance intermediary, appraiser or consumer commits intentional fraud in order to gain illegal profit (Tomaš, Todorović, 2016, pp. 76-87). Within the insurance system itself, criminality can be determined by a variety of phenomena or behaviors that mainly include:

- overinsurance - determining the sum insured above the value of the insured property,
- multiple insurance - manifested by simultaneous insurance, in several insurance companies in order to collect compensation for the same damage,
- concealment of information - both to pay a lower premium and to take out insurance,
- conversion of an uninsured loss into an insurance claim,
- false claims - making a claim for a loss that did not occur at all,
- intentional causing of damage - by the insured himself following the use of third parties.

Insurance crimes cover a wide range of illegal activities, but some types are more common than others. One common type is insurance fraud, which involves making false claims or providing misleading information in order to obtain benefits from an insurance policy. Another common type is premium diversion, in which an insurance agent or broker collects premiums from customers but does not pass them on to the insurer, thus keeping the money for their own use. In addition, there are also staged accidents and arson for profit, in which individuals intentionally cause accidents or set fire to property in order to obtain insurance compensation. Such crimes not only result in financial losses for insurers, but also increase premiums for honest policyholders.

The motivation for committing an insurance crime can come from a variety of factors. One of the main motivations is financial gain, as individuals may try to fraudulently obtain insurance payouts. This may be due to economic hardship, which leads them to resort to illegal means of obtaining money. Another motivation is the desire for revenge or retaliation against the insurance company or other parties involved in the claims process, which may prompt individuals to commit fraud. In addition, some individuals may view insurance fraud as a victimless crime and rationalize their actions based on this misconception.

Insurance fraud not only creates additional costs for insurance companies, but also negatively affects the attitudes of consumers – participants in the insurance market (Schrijver et al., 2024). Insurance crimes may initially cause direct damage to insurance companies, but this damage is ultimately passed on to future policyholders through increased premiums. Second, insurance fraud cases are mostly complex and diverse. Automobile insurance fraud detection using data mining: A systematic literature review (Jung, Kim, 2021). So, the risk of fraud not being identified in time can cause significant financial losses but also negatively affect the reputation of the insurer and the trust of stakeholders (Bera, Pauch, 2022).

Preventive measures, as well as learning about the attitudes of the public including those of the so-called younger generation, can save insurers from failure, and not only financially, but also socially.

In addition, insurance fraud has become customary to such an extent that it is no longer the exception, but rather the standard in the insurance market. Hence, insurers should systematically protect themselves from insurance crimes by using active tools to counteract the activity of insurance criminals (Bera et al., 2019). Implementing a process of active prevention in this regard will increase the confidence of investors, shareholders, board members, as well as the audit and the public itself. It is important that information on perceptions of insurance fraud not be ignored, but subjected to periodic analysis and evaluation.

### **3. Research results**

A free-form interview (also known as an in-depth ethnographic interview) was used as the research method used to achieve the stated goals. According to the typology of interviews, i.e. the degree of their standardization (Przybyłowska, 1978), a free-form interview with a standardized list of information sought was used. Five individual expert interviews were conducted between February and March 2024. Experts, employees of insurance companies dealing with insurance crime prevention in life insurance – Division I (Insurance and Reinsurance Business Act, 2015) and other personal insurance and property insurance – Division II (Insurance and Reinsurance Business Act, 2015), participated in the study. The survey made it possible to obtain a reliable and credible opinion on the phenomenon under study.

Among the limitations of the survey, the number of interviews conducted should be noted. A request for interviews was made to 25 people involved in insurance crime prevention. Only 5 people agreed to be interviewed. Those who did not consent as the most common reasons indicated the duty of secrecy in connection with their profession, the lack of permission from superiors to take part in any research conducted by an external entity. The specific subject

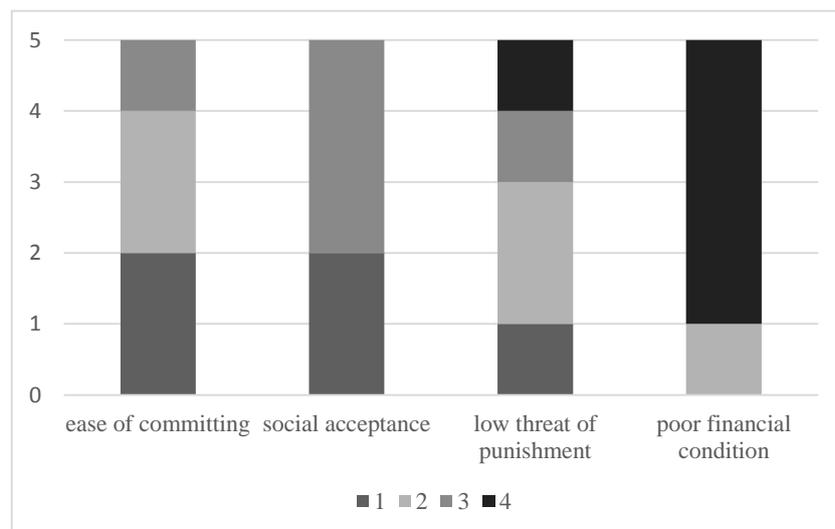
matter of insurance crime makes it very difficult to conduct surveys among experts who deal directly with crime prevention. This is confirmed by the literature, which lacks any research directed at those directly involved in this aspect. Certainly, the authors of the article were not able to find such publications.

High ethical standards were maintained, ensuring the confidentiality of the data collected. The selection of experts was purposeful, from a single designated professional group, in order to obtain comprehensive and complementary responses. The interviews provided rich, qualitative data, allowing for a more thorough understanding of various aspects of insurance security in the Polish and global context.

The experts surveyed were characterized by varying degrees of seniority in insurance crime prevention. Three respondents had seniority of 6-15 years, while two experts indicated more than 15 years. Consequently, they were experienced and possessed a wealth of knowledge regarding the research problem under study. All the respondents stated that the actual scale of insurance crime is several times higher than the data published in the reports of insurance market institutions and organizations, e.g. Insurance Europe, European Insurance and Occupational Pensions Authority (EIOPA), Polish Insurance Association (PIU).

Also unanimously, all experts indicated that the biggest threat to insurance companies are professional/professional offenders, who consider criminal activity as their main source of income. According to the traditional criminological typology and classification of economic offenders proposed by Tiedemann (Bera, Pauch, 2022; Górnio, 1994; Tiedemann, 1972), situational and occasional offenders are also distinguished.

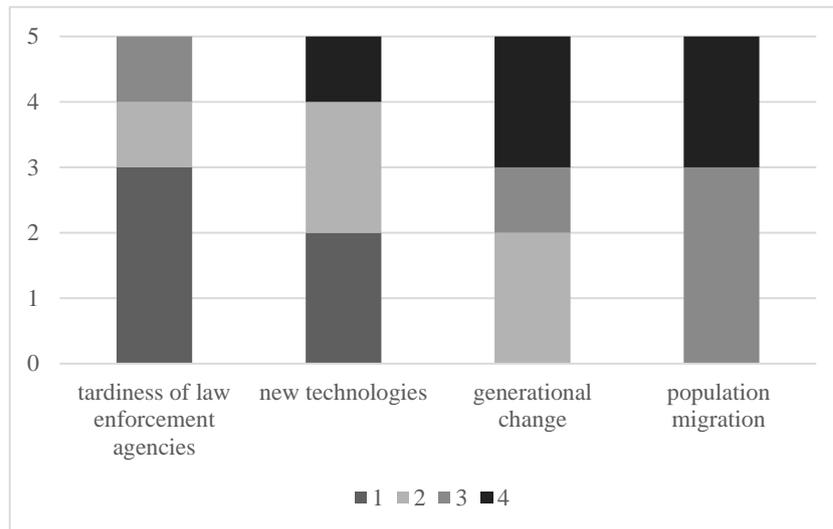
Another issue that was surveyed was the classification of factors that experts believe affect the commission of insurance crimes (fig. 1). Respondents ranked the ease of committing the act as the most important factor. They ranked social acceptance regarding insurance crime next.



**Figure 1.** Classification of factors that affect the commission of insurance crimes (1 - most important, 4 - least important).

Source: developed by the authors.

In the next question, respondents were asked to classify the phenomena that hinder the fight against insurance crime (fig. 2). The tardiness of the collection authorities (police, prosecutors, courts) was considered as the greatest impediment to counteraction. In this case, three experts ranked this as the greatest impediment. The use of modern technology in criminal activity was ranked next.



**Figure 2.** Classification of phenomena that hinder the fight against insurance crime (1 - most difficult, 4 - least difficult).

Source: developed by the authors.

In the next question, experts were asked to identify the most effective instruments for preventing insurance crime in the future (Table 1). Experts mostly pointed to systemic instruments, i.e. cooperation between insurance companies and greater involvement of insurance market institutions in preventing insurance crime.

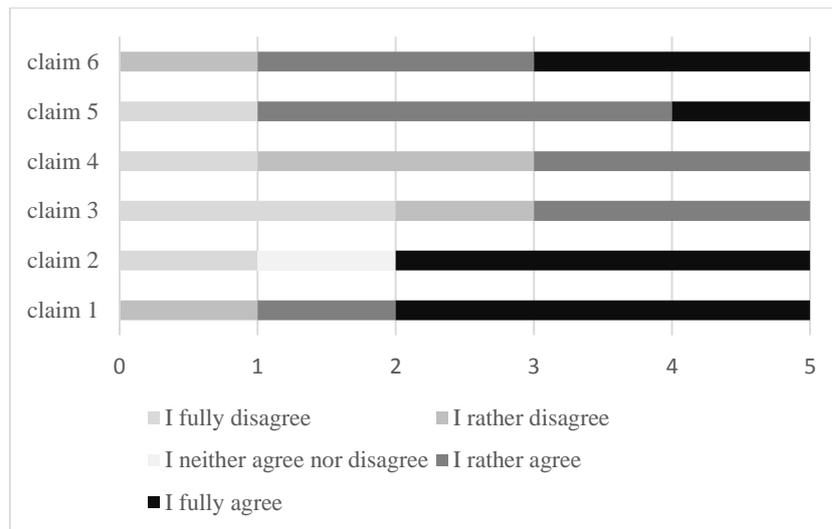
**Table 1.**

*Perspectives on the use of insurance crime prevention instruments*

Type of instrument	Number of indications
Systemic	3
Legal	1
Digital	1
Preventive	0

Source: developed by the authors.

In the next part of the survey, experts were asked to respond to six statements (Fig. 3). The respondents were most in agreement on two statements: the scale of insurance crime will increase in the future (claim 1) and that penalties for insurance crimes are too low (claim 2). In both cases, three of the five experts indicated that they fully agreed with the above statements. Two experts indicated that they fully agreed with the statement that: insurance companies' activities in the aspect of insurance crime prevention require better cooperation with insurance market institutions and insurance companies (claim 6).

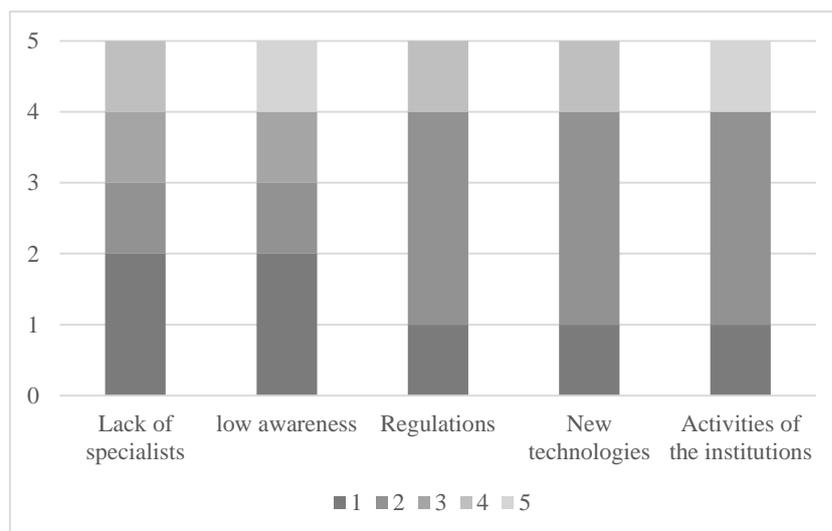


Claim 1: The scale of insurance crime will increase in the future.  
 Claim 2: Penalties for insurance crimes are too low.  
 Claim 3: Insurance companies' insurance crime prevention activities are sufficient.  
 Claim 4: The Covid-19 pandemic has contributed to the increase in insurance crime.  
 Claim 5: People who have committed insurance crime and have not been punished will commit the act again.  
 Claim 6: The activities of insurance companies in terms of preventing insurance crime require better cooperation with insurance market institutions and insurance companies.

**Figure 3.** Experts' opinion on the statements made.

Source: developed by the authors.

The next question that was asked was to assess the challenges of insurance crime prevention (Fig. 4). Among the two biggest problems and constraints facing the insurance sector in preventing insurance crime, respondents pointed to: the lack of specialists and the growing need for experts in insurance crime prevention, and low public awareness of the risk of insurance crime.



**Figure 4.** Experts' opinion on the statements made.

Source: developed by the authors.

Experts were asked to assess the threat level of the most common types of insurance crimes in terms of current and future scenarios (Table 2). The opinions of the respondents are very divided. The biggest types of threats coming from insurance criminals cannot be clearly identified. The largest number of respondents indicated as the greatest threat the extension of the rental time of a replacement vehicle (three experts indicated in first place) and the reporting of fictitious personal damage (two experts indicated in first place). At the same time, one expert each considered the above events as “no opinion.” The lack of unanimity among respondents may confirm the fact that insurance crime is a very complex phenomenon that cannot be clearly assessed and classified. Any type of criminal activity can be fraught with a high level of danger.

**Table 2.**

*Threat level of insurance companies with the most common types of insurance crimes (1 - high threat, 5 - no opinion)*

Type of threat	1	2	3	4	5
Use of car seller's policy to defraud compensation claims	0	3	0	1	1
Forcing an admission of guilt	1	1	1	2	0
Crimes related to the purchase of a vehicle imported from abroad	1	3	1	0	0
Reporting fictitious personal injury	2	1	1	0	1
Extending the rental time of a replacement vehicle	3	1	0	0	1
Illegal use of personal data	0	2	1	1	1
Intentionally causing traffic collisions	0	1	1	3	0
Deliberately increasing the extent of the damage	0	2	2	1	0

Source: developed by the authors.

As part of the interview, the experts were also given the opportunity to speak freely about the current situation and prospects for preventing insurance crime. As part of their statements, the experts highlighted the following issues:

- *not the amount of punishment, but its absolute application and inevitability is the key to prosecuting insurance offenders,*
- *cooperation with law enforcement is also a challenge: according to most prosecutors' offices, insurance crime is a civil matter, not a crime,*
- *combating insurance crime has no priority, it is not even in the catalog of crimes,*
- *unfortunately, the activities of insurance companies in countering insurance crime are mostly limited to refusing to pay claims. In the end, it is the financial result that counts, not the system of fighting insurance crime,*
- *there is a lack of legal conditions that allow insurance companies to effectively exchange information between financial sectors (banks, leasing companies),*
- *It is important to note the low effectiveness of law enforcement agencies. Most of the notifications about the possibility of a crime are discontinued, causing the perpetrators to feel unpunished by which they attempt further criminal actions.*

In analyzing the collected material, it is important to note the limitations of the research conducted. The analysis carried out concerned only a certain research group, so the results obtained should not be applied to a larger or entire community. On the other hand, the results obtained can become a contribution to further research.

## 4. Discussion

Insurance plays a key role in today's society (Schrijver et al., 2024). Insurance crime encompasses a range of criminal activities that affect the insurance industry and society as a whole (Baştürk, 2020; Belias et al., 2019; Ribeiro et al., 2020). Leading to significant financial impacts for insurance companies and policyholders (Hanafy, Ming, 2021).

In 2022, insurers operating in the Polish market reported nearly 32,000 cases of insurance crime. All of these cases represent an estimated annual total of PLN 357 million in detected insurance fraud in Poland (PIU, 2023), contributing to the detection of fraudulent claims worth €2.5 billion across Europe in 2017 alone (Insurance Europe, 2019). It should be noted that the data presented only relates to detected fraud cases. The fraud detection practices used are difficult both in terms of adopting appropriate presentation metrics and precision (Powers, 2011).

Insurance companies use in-house teams, outsourcing companies and sophisticated intelligence systems to investigate and detect fraudulent claims (Phillips, 2016). Insurance fraud is a serious problem for insurance companies, and failure to engage in countermeasure strategies can lead to loss of income for insurance companies and market dysfunction (Picard, 1996). Insurance fraud is a complex issue that affects insurance policies and requires cooperation among insurance companies. He notes that combating insurance fraud is a major concern for insurance companies (Picard, 2000).

W.C. Lesch and J. Brinkmann emphasize the importance of insurance fraud committed by customers. And they also highlight the aspect of morality and the need to create a new paradigm regarding the shared responsibility of insurance companies and customers to prevent insurance crime (Lesch, Brinkmann, 2011). S. Tennyson takes a similar view, pointing out that consumer attitudes toward insurance fraud depend on ethical and social factors. People who have a negative perception of insurance companies are characterized by greater tolerance of insurance crime (Tennyson, 1997).

When analyzing modern countermeasures, it is important to cite the considerations of M. Óskarsdóttir et al. who point to a novel approach to detecting insurance fraud by using social network analysis to extract additional information in compensation cases and claimants. In doing so, they show improved fraud detection performance compared to models using only the classic symptoms indicative of an attempt to defraud a claimant (Óskarsdóttir et al., 2022). A similar view is held by Bangchang et al. and Simmachan et al. who point out that traditional approaches to detecting insurance fraud are ineffective, leading to the need for data mining techniques and machine learning algorithms to predict and identify fraudulent claims (Na Bangchang et al., 2023; Simmachan et al., 2023).

Timofeyev and Busalaeva note that there are gaps in legislation and difficulties in cooperation with the police have been identified as sources of ineffectiveness in fraud prevention strategies, and recommendations have been proposed to increase effectiveness (Timofeyev, Busalaeva, 2021).

## 5. Summary

Insurance crime is now an entrenched social problem in most countries. There is a belief among experts that the most important instruments for preventing crime are cooperation between insurance companies and the involvement of insurance market institutions. Insurance companies should increase their cooperation in this regard, as they cannot counter insurance crime alone.

It notes the need for a national insurance crime database and a national-level organization to coordinate anti-fraud activities.

Experts in combating insurance crime pointed out the difficulties in exchanging data related to, among others, with regulations regarding the protection of personal data, or budget restrictions, as well as the needs of education in the field of insurance crime at the level of the police and prosecutor's offices.

The lack of research and government policy regarding insurance fraud is most likely related to the public's lack of awareness of the extent of insurance fraud. Hence, educating the public on this issue remains a challenge. Developing fraud detection capabilities with technological support is also an important forward-looking challenge. Many industries and sectors are now aggressively using big data technologies in ways that suit their needs.

The issues covered in this study may prove particularly useful for practitioners, those dealing with insurance crime prevention, employees of insurance companies as well as supervisory authorities and insurance market institutions. The results obtained may become the basis for further research attempts among a broader group of experts dealing with the studied issue.

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