


Extortion in Mexico

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ABSTRACT

Extortion has become normalized, to such a degree that it is already part of Mexican culture. In Mexico there is an extorted society.

When the extortionist obtains a benefit, money, property, or services by coercing or threatening through physical violence, property destruction, or personal injury, extortion becomes theft.

Extortion has become an easy and quick source of financing for organized crime structures, governments and political organizations, including political parties, since it is highly profitable and generates fewer material, economic and human losses.

"The intuition that only organized crime extorts through violence, kidnapping or threats is false, it also does so through the collection of fees and dues. And it is not only organized crime, but the government itself and its institutions, as well as private companies that are also part of this harmful practice. It all begins, however, in the individual sphere where extortion has become common in everyday life. Accepting illegitimate payment for parking in a public space or being subjected to having your car scratched? Paying for garbage to be collected or putting up with it being left and accumulating on the street? Pay an official to do the procedure quickly or wait weeks or even months? To pay weekly or monthly dues to criminal groups or to be a victim of violent threats? Offering a juicy tip as a mechanism to gain access to a privilege to which one is not entitled?" (De la Calle, 2020)

In general, there are two types of extortion, telephone extortion, which is one of the most common crimes and the one that most worries the public security authorities in Mexico, many of them are committed from inside prisons, and face-to-face extortion, which is when the extortionist appears directly at the workplace identifying himself as a member of a criminal organization to charge for the security service or only so as not to do harm, so he threatens to deprive a family member or the victim himself of his life or damage the establishment. This type of extortion is the least investigated because it requires a person to report this crime. The crime of extortion has a 97.4% black figure, that is, it is not reported to the state prosecutors' offices or prosecutors' offices for fear of reprisals from criminals dedicated to extortion or if the authority is involved. Most people, not having enough resources to file a complaint against the crime of extortion, prefer to make a payment, a gift or a moche to a corrupt official or a criminal, since the cost can be much higher than that implied by the initial threat: lawyers, paperwork, etc. risks and wasted time.

Keywords: Extortion, Telephone extortion, Face-to-face extortion, Threat, Right of floor, Organized crime, Government, Black figure.

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INTRODUCTION

There are two general types of extortion: Direct or face-to-face and indirect.

Direct: in this type of extortion, the offender is physically present at the home, school, work or any establishment where the victim is, to demand money or to do, stop doing or tolerate something to obtain a benefit, causing someone property damage.

"Through the use of physical or moral violence, intimidation and threats through shooting, sending boxes with animal heads, floral or fruit arrangements with an envelope, photographs of relatives or "courtesy" visits to offer protection or request the collection of "rent or floor rights", criminals try at all costs to extort money from their victims." (Lee, 2024)

This type of extortion is the most worrying because of the participation of organized crime, since it is not only committed against companies and citizens, but also against the authorities themselves, especially at the municipal level.

The indirect is mainly carried out through telephone calls, text messages, email or any other means through threats, psychological violence, or the use of information related to the victims. Its purpose is to obtain a profit. Within this type there are several modalities:

"Virtual kidnapping of a family member: This type of call is the most common and the most aggressive, as it threatens direct violence. The criminal indicates that he has kidnapped a family member or close person and threatens to kill or harm him. In some cases, the voice of the alleged abductee can even be imitated through a recording, which is usually the voice of a child or woman. Large amounts of money are asked for and a payment period is imposed in a short time.

Extortion of liberty: The phone call focuses on "informing" about the detention of a family member for any reason and requesting a certain amount of money to release him.

Cybernetics: This type of extortion is carried out through the Internet or any means of communication, such as mobile phones or tablets, and refers to requesting confidential data or accessing the victims' computer systems and demanding money in exchange for regaining control of the information. It is also a form of digital violence, this modality involves forcing a person to follow the will or requests of a third party for possessing something of value such as personal information, images, audios or videos of a real or simulated sexual nature." (Kühne Peimbert, 2023)

One of the three crimes with the highest crime incidence in Mexico is extortion, after fraud and robbery.

Extortion not only threatens people's assets, but also alters emotions, causing fear, anguish and uncertainty.

"During 2021, 4.9 million extortion crimes were committed, where 90.3% of the cases were committed through a phone call and in 9% of the cases the victims delivered the money requested by



the extortionists. In addition, this is the crime that is least reported to the authorities, with a 97.4% black figure²." (INEGI, 2022)

Extortion has different faces, including those carried out by the Government when officials ask citizens to "bite" to speed up a procedure, a traffic or road police to let you park in a prohibited place and even to carry out a concession.

Virtual kidnappings are also extortion; those carried out by unions or certain groups against companies and face-to-face ones such as floor collection, as well as those that occur between employees within organizations, such as sextortion.

"The one that should be of most concern is precisely the participation of organized crime in face-to-face extortion, which is not only committed against companies and citizens, but also against the authorities themselves, especially at the municipal level." (Badillo, 2023)

There is a very serious problem on the part of the authorities, which is the concealment of information, where the figures are not so high, in addition to the fact that the information they make public is not disaggregated, which makes it impossible to know how many of the crimes are telephone, cyber or face-to-face extortion or the other different types of modalities.

Given the growing diversity of types of extortion, the most common is that carried out by telephone, but face-to-face extortion is the one that puts people's physical integrity and lives at risk the most.

One of the most common extortion crimes in Mexico is the collection of piso, known as derecho de piso, which is an "illegal tax" that is collected by organized crime from tenants, affecting thousands of businesses and companies in the country.

The National Institute of Criminal Sciences defines extortion as a "high-impact crime that consists of a person, association or for-profit organization, which through deception, threats and/or violence, forces any other person to give, do or stop doing something in order to damage their property and emotional sphere." (INACIPE, 2020)

The crime of extortion is provided for in the 32 State Penal Codes and in the Federal Penal Code. Its description and sanction may vary depending on the state of the republic.

Article 390 of the Federal Criminal Code (2023) defines extortion considered a high-impact crime as follows:

"Anyone who without the right forces another to give, do, stop doing or tolerate something, in order to obtain a profit for himself or for another or causing someone property damage, shall be

² According to the National Institute of Statistics and Geography (INEGI, 2022), the black figure represents all "criminal acts that are not reported to the Public Prosecutor's Office or that are not the subject of a prior investigation and therefore do not appear in any statistics." With the new criminal justice system, crimes for which an investigation file has not been opened are added to the definition of a black figure.



punished with a penalty of two to eight years' imprisonment and a fine of forty to one hundred and sixty days."

It also states that the penalties will increase up to a little more if it is carried out by a criminal association, a public servant, former public servant, member or former member of a police corporation or the Armed Forces.

"In addition, the public servant or former public servant and the member or former member of a police corporation shall be dismissed from public employment, office or commission and, in the case of a member of the Armed Forces in a retired, reserve or active situation, the definitive dismissal from the institution to which he or she belongs, as well as the disqualification from holding public office or commission for one to five years." (Federal Police, 2018)

This means that forcing a person to cover a fee with threats is extortion, which is also known as floor collection.

Over the years, this type of extortion has increased considerably through which a fee is demanded from business owners of all types illegally, under threat and extortion. The modus operandi of criminal groups consists of armed men leaving a message in the businesses to establish contact with the owners and let them know the fee they will have to pay for the right of floor.

"The right of floor occurs when criminals or criminal groups show up to businesses to demand that the owners of the place pay a certain amount of money from time to time in exchange for protection both for the owner who is being extorted and for the establishment.

The collection of the floor is then an offer of protection against a threat of harm to the owner or the business. In this modality, the extorter can exercise violence if the collection fee is not paid, through homicide, kidnapping or burning of the business.

In the case of telephone extortion, it occurs only once: one person deceives or threatens another for the victim, pays an amount and the affected person receives nothing in return. Even an extortionist may have little ability to carry out a threat, but he uses the violent context to his advantage.

Meanwhile, in cases of flat collection, the victim and the perpetrator have a continuous tax relationship: the offender collects a fee every week or month and visits his "client" to collect; sometimes the rules change and the quota goes up or its periodicity is shortened, among other things." (Martínez Trujillo, 2021)

OBJECTIVES AND GOALS

The main objective of this research is to publicize how the crime of extortion has increased in Mexico, among which the face-to-face extortion of companies through the collection of floor fees stands out, what its modus operandi is and what proposals have been made in Mexico to combat it.



This work is justified because in our country it is a latent issue that deserves an exhaustive and in-depth investigation, since the consequences are very serious, especially the resurgence in violence, the increase in insecurity and the loss of confidence of investors to establish their companies that generate jobs.

MATERIALS AND METHODS

The main sources of this research are documents such as codes in force in Mexico, reports, interviews, guides, books and magazines that talk about the different modalities of extortion, national and local newspapers that on numerous occasions and very frequently present articles that denounce this type of crime, as well as official websites such as INEGI,³ ENVIPE,⁴ ANPEC,⁵ SESNSP⁶, COPARMEX,⁷ MCCI,⁸ in addition to studies that experts have carried out on the subject.

Therefore, it is considered that this work is of a documentary and descriptive nature.

RESULTS

Since there have been statistical records of the incidence of the crime of extortion in Mexico, a clear upward trend can be observed despite its annual fluctuations.

According to data from the National Institute of Statistics and Geography (INEGI), in 2021 829 thousand extortion crimes were registered in businesses, of which 44.8% correspond to the collection of the floor.

According to the Employers' Confederation of the Mexican Republic (Coparmex), five out of 10 companies experienced corruption and extortion during 2023, which represents 48%, the highest percentage in the last six years.

73% of businessmen did not report to the authorities, arguing that filing a complaint is useless and for fear of reprisals. Only 4% who did report had a process that was investigated and culminated in the corresponding sanction, that is equivalent to saying that only 4 out of every 100 extortions are reported.

There are three main reasons why companies participated in acts of corruption and extortion and that they are directly linked to public servants.

According to Mexicans Against Corruption and Impunity (MCCI) "59% of companies gave in to this practice of corruption to speed up procedures.

³ National Institute of Statistics, Geography and Informatics.

⁴ National Survey of Victimization and Perception of Public Security.

⁵ National Alliance of Small Merchants.

⁶ Executive Secretariat of the National Public Security System.

⁷ Employers' Confederation of the Mexican Republic.

⁸ Mexicans Against Corruption and Impunity



This was followed by obtaining licenses or permits where 39% opted for this decision and finally, to avoid fines, sanctions or closures, in 31% of cases.

Despite the growth in the incidence of corruption, 73% of businessmen decided not to report to the authorities. (González, 2024)

"The crime of extortion affects more and more Mexicans. In the last four years of the Administration of President Andrés Manuel López Obrador, this crime, associated with the collection of floor and payment of fees to organized crime, reached a victim rate of 7.67 per 100 thousand inhabitants nationwide.

The figure represents an increase of 50 percent, compared to the last four years of Enrique Peña's administration (2015-2018), which closed with a rate of 5.1, according to the Executive Secretariat of the National Public Security System (SESNSP).

During the last two years, 2022 and 2023, the highest peaks of extortion victims were reported, with 8.36 and 8.48, respectively." (Baranda, 2024)

Ramón Castro Castro, bishop of Cuernavaca, Morelos, revealed that the municipality of Cuautla is being subjugated by criminal gangs that charge right of floor to tortilla shops, hamburger stalls and sugarcane companies in the area.

The extortion of tortilla shops is 50,000 pesos as an entrance fee and 10,000 pesos per month and the stall that sells hamburgers is charged a floor fee.

"Extortion and drug dealing have grown rapidly in recent years, with the resurgence of violence due to disputes between groups dedicated to micro-trafficking and control of local plazas, while extortionists and kidnappers legitimize their threats through violence and murder.

The cartels no longer live from drug trafficking, but from extorting society.

The crime of floor collection and extortion ranked third in recurrence nationwide and although it is not a new crime, it has spread in at least 23 of the country's 32 states, according to the Victimization Survey (ENVIPE-2023).

A merchant or businessman can refuse to pay and run the risk of the threat becoming a reality, but in a context of high violence and uncertainty it is a scenario that few would choose.

Another alternative would be to go out of business, relocate, or become employed. This choice can be made by businesses of a certain size and line of business, especially those that are in a position to move their company from one place to another, despite the fact that this change is imposed.

Of course, the aggressor could follow his victim anywhere to carry out his threat. Although it would be very costly, in particular because it would have to exercise violence in a territory where it does not necessarily have the conditions to do so, such as support from local criminal networks or public authorities.



"Extortion is directed with total impunity; it is an illegal and immoral tax that charges for the right to work and funds the criminal gangs that plague 75 percent of the national territory." (Di Costanzo, 2024)

In most businesses, all merchandise has a price with a fee included, imposed each month by a member of the criminal group that dominates the area in exchange for protection.

"According to the Laboratory of Analysis, Trade and Business of the UNAM,⁹ the fees charged by Organized Crime to tenants, producers, farmers, and the entire chain of suppliers and marketers of products already have an important impact on inflation, we have the case of lemons or avocados in Michoacán, so the right of floor can affect inflation by up to 2 or 3 percentage points." (Di Costanzo, 2024)

"During the government of Andrés Manuel López Obrador, violence has stagnated at historically high levels and, in addition, the country has experienced a severe epidemic of face-to-face extortion or collection of the right of floor. According to official figures, which must be taken with caution, since the black figure in this crime is 98%, extortion grew 45% during the first five years of this administration. The alarming increase in extortion has gone hand in hand with a staggering territorial expansion of organized crime; an expansion that has not only had a devastating effect on a large number of local economies, but has also begun to undermine the health of Mexico's main institutional creature in the last half century: the democratic regime." (Guerrero Gutiérrez, 2024)

According to intelligence and security experts, reporting is not easy. This is partly due to the collusion of certain elements within the institutions of justice with criminal groups, as it generates fear in the victims to report the possibility of reprisals.

Reporting can be counterproductive, useless or dangerous. Rent collection is a crime that involves a long-term relationship and a complaint can cause the extortionist to increase the level of violence to impose his protection. That is, the criminal, the only real provider of protection, can retaliate against his protégé, since he dared to denounce.

At the national level, the black figure in the case of extortion is 97.4%, according to the National Survey of Victimization and Perception of Public Security (ENVIPE). (INEGI, 2023)

The black figure can be close to 99%, a microuniverse of crimes is reported in relation to what really exists. People on the one hand do not report because they know that there is no capacity for investigation and fear inhibits them from reporting; at the same time, more and more people are engaged in this because the risk is very low.

In addition, there is a 99.8% impunity rate for the crime of extortion. (Findings, 2022)

⁹ National Autonomous University of Mexico



"The states where businesses pay the highest fees are: Guerrero: 50 thousand pesos; Aguascalientes: from 1 thousand to 50 thousand pesos; Mexico City: from 300 to 25 thousand pesos; Chihuahua: from 15 to 20 thousand pesos; Jalisco from 3 thousand to 20 thousand pesos and Tabasco: from 500 to 20 thousand pesos.

For their part, the entities with the greatest impact on their sales are: Chihuahua from 70 to 80%; Guanajuato from 50 to 60%; Morelos and Chiapas 50%; Puebla and Tlaxcala from 30 to 50%; Guerrero and Mexico City: from 10 to 40%; Oaxaca: 33%; Jalisco: 25%; Tabasco and Zacatecas: 10 to 20%." (Di Costanzo, 2024)

DISCUSSION

According to Coparmex's Security Monitor, which takes into account official figures from the SESNSP, as well as the surveys they do with their survey of partner companies throughout the country, from January to April 2024, 31 victims of extortion were registered on average per day, which represents more than one extortion per hour. while in the same period a year ago it was 24 a day, that is, one per hour.

The leader of the employers' sector pointed out that the incidence of crime could be almost 10 times higher, which means the prelude to impunity.

This is equivalent to an increase of 8.3% compared to the same period in 2023. In 2023, 10,975 victims of extortion were registered, virtually identical to the all-time high of 2022 with 11,039.

With data from #DataCoparmex during 2023, 54.5% of the members were victims of some crime, which means, one in two, the main one being robbery of businesses and extortion the second most frequent, 70% was by telephone or social networks and 30% in the form of floor collection, a factor that inhibits the arrival of investments in the country.

According to Coparmex calculations, the cost of crimes for companies amounts to 120,000 million pesos.

José Medina Mora, national president of Coparmex, said: "We are interested in making this situation visible because without public security, without legal security and without infrastructure (i.e., water, energy, ports, roads, industrial parks, etc.), Mexico will lose the opportunity to attract new investments for an amount close to 35 billion dollars thanks to the phenomenon of company relocation or Nearshoring. But it must also be said: without security for citizens and without a frontal fight against extortion, there will be no effective transformation of society." (COPARMEX, 2024)

"The National Alliance of Small Merchants (ANPEC) reports that extortion by organized crime against small, medium and large businesses represents at least 20 percent of their profits since



in many cases they reach 50 thousand pesos per month and in many cases represent the disappearance or bankruptcy of the establishments." (Di Costanzo, 2024)

"Mexican criminal groups rely heavily on extortion as a source of income, targeting individuals, small, medium and large enterprises. The rate of extortion has increased substantially in some Mexican states, while in others it has decreased. Extortion can also involve private citizens, who falsely claim to belong to criminal groups in order to obtain small extortion payments. Territorial extortion, known as "cobro de piso," has become a low-cost source of income for criminal groups. The food industry has become an increasingly frequent target, leading to food crises and supply chain disruptions. Extortion remains a major problem in almost all Mexican cities, with municipalities in the states of Michoacán, Guanajuato, Zacatecas, Morelos, Nuevo Laredo, and Mexico having the highest rates." (GI-TOC, 2023)

Organized crime in Mexico has taken over brands, products and goods. This phenomenon distorts the market and generates control of territory throughout the country and corrupts state institutions through bribery and intimidation.

Organized crime is no longer only dedicated to drug trafficking, but has expanded its activities to illegal businesses, such as extortion, the collection of rent also called "criminal tax", oil theft, human trafficking, kidnapping, with which they obtain billions of dollars a year. Criminal cells also have legal businesses, although the vast majority have generally been acquired the hard way, or work with criminals in money laundering.

This would not be possible without the complicity of people from the business, financial or government sectors.

Mexican cartels foment violence throughout the country, using various firearms, including those for military use, which causes brutal confrontations with rival cartels for territorial control and with different state public security institutions.

"Weapons for organized crime arrive in Mexico mainly from the United States, since between 70% and 90% of the pistols that appeared at crime scenes in the country were manufactured in the United States. Drug cartels get guns in Texas and Arizona and smuggle them across the border." (Pacheco Ortiz, 2024)

Criminal groups go to businesses and establishments to demand, under threats, that the owners pay a certain amount of money periodically. The objective is to offer "protection" against the threat of damaging the business or the person who owns the establishment. The extortionist is presented as "the protector", while the criminal can exercise violence if the fee is not paid.

"For criminals there is no longer any activity, line of business or formal or informal business that they do not extort, in addition to also controlling entire markets in the country for products such as chicken, tortillas, eggs, construction materials and many other activities that can no longer operate



quietly and legally if they do not pay fees and taxes to criminals. And those who refuse to pay outright are murdered, see their businesses burn in flames or, the bravest, prefer to close their family businesses, companies or harvests, so as not to have to pay taxes to organized crime, in addition to those they already pay to the government." (García Soto, 2024)

CONCLUSION

"The social and economic impact of extortion is devastating, disproportionately affecting the most vulnerable sectors of society and hindering economic and social development. Therefore, a comprehensive approach to combat it is imperative in Mexico.

This must include reforms in the justice system, community prevention strategies, and greater transparency and accountability in public institutions.

Only by addressing both the causes and manifestations of this phenomenon can a sustainable and effective solution be achieved." (Cabeza de Vaca Hernández, 2024)

Although the government is making an effort to combat the crime of extortion, experts suggest implementing a comprehensive strategy that attacks the underlying causes that are causing this phenomenon, such as the lack of economic opportunities, corruption and the weakness of the rule of law in some regions of the country.

Coparmex is promoting the inclusion of the crime of extortion in article 73, section XXI of the Constitutional Reform, whose opinion was approved in the Chamber of Deputies on October 5, 2023.

The ruling seeks to toughen the penalties for those responsible for extortion and that it be typified in all the country's Penal Codes and without contemplating modalities, such as sentencing extortionists to prison of 15 to 60 years in prison.

Claudia Sheinbaum, virtual winner of the Presidency of the Republic in Mexico 2024-2030, proposes to classify extortion as a serious crime and that it be established both in the Federal Code and in the Penal Codes of each state. In addition, the conditions have to be met so that it is not the victim who denounces directly to the Prosecutor's Office, but through a third party such as the National Guard.

In addition to strengthening the development of the investigative capacities of the National Guard to know who are those who commit the crime of extortion and to be able to disintegrate criminal gangs.

As well as the creation of the "National Intelligence and Investigation System that will have a link between public security and state prosecutors' offices to address the crimes with the greatest impact." (Corona, 2024)



"The federal government has allowed the crime of extortion to grow due to the lack of a clear strategy to combat it, deficiencies in management and investigation, and lack of support for the states." (Baranda, 2024)

"The crime of extortion is incorporated both in the Federal Penal Code and in the penal codes of each state. However, this crime is largely investigated by local authorities because federal crimes are only those related to weapons for the exclusive use of the army and explosives, with theft of hydrocarbons, those that are committed against health, those that attack communication routes or are committed in federal areas.

In some states, this crime is investigated in specialized prosecutors' offices. However, any prosecutor's office can receive your complaint and the police can do it too." (Kühne Peimbert, 2023)

In order to have greater transparency regarding the security situation in the country, it is proposed to promote citizen complaints through campaigns and increase the channels for reporting and improve the accompaniment for vulnerable people, since the low percentage of complaints and the high percentage of impunity show that the justice system is not functioning properly.

"The complaint is only part of the solution if it meets two conditions. First, it has to immediately trigger an alternative offer of protection that allows the victim to dispense with the 'original' offer, the criminal one. That is, if the police have the capacity to provide protection against extortion and other threats, the complaint becomes the demand for "relief protection."

Second, the complaint has to trigger an investigation and eventually a judicial process that guarantees the reparation of the damage for the victim and the neutralization of these violent actors. According to ENVIPE (2022), considering only the cases of extortion that have an investigation folder (i.e., 2.6%), we know that in 60% of the cases nothing has happened; in 26%, the investigation is in process, 0.3% recovered their assets and only in 1% there was reparation of the damage. In short, as long as the prosecutors' offices do not assume their role, it is useless for the population to take the risk of denouncing." (Le Cour Grandmaison, 2022)

Organized crime in the Mexican economy is a challenge that requires comprehensive solutions and the collaboration of all sectors of society.

If the extortion is by telephone, the following recommendations are suggested: Identify what they are demanding; In the event that the extortion falls on a family member, try to locate them immediately to find out if they are okay. If the family member was located, it must be hanged; write down the number they are calling from, characteristics of the voice of the person who is holding the call and all the data that can be noticed, if there is noise, if the voice has a particular accent; if possible, record the call; avoid as much as possible confronting or questioning the caller so that violence does not increase in their demands; if a threatening call is received to make deposits, hang



up; immediately contact 089 to report the call that was received, no matter where in the Mexican Republic the victim is.

If the extortion is through the internet: Do not click on any link that is not recognized; copy the URL of the profile or email you are extorting; To avoid continuing to receive these emails, you can block the email address and mark the sender as spam; if you have access to backup accounts, change passwords, to prevent them from trying to access the accounts and use personal information; take screenshots or record the profile and message screen; Immediately contact 089 to report the message that was received.

If the offender goes directly to the business to request a payment in exchange for not harming the property or family, the following recommendations should be followed:

Do not immediately give in to demands and remain calm; not to express a direct refusal to the offender; ask for a deadline to get the money requested, which will allow the scenario to be analyzed and request help from the authorities of the State Prosecutor's Office, where specialist personnel will attend to the case and report any intimidation, threat and collection of economic fees.



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