Executive DBA, Université Paris-Dauphine

Feasibility Study for Prevention of Bribery Crime, Misappropriation Crime of Non-public Servant by Preventing Property Deviant Behavior in Non-SOEs – A Case Study of Non-SOEs in Beijing

(For the Application of Executive DBA, Université Paris-Dauphine)

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Abstract

Abuse-of-power crimes are not only found in state organs, state-owned enterprises (SOEs), public utilities, non-governmental organizations, but also in private enterprises, but some abuse-of-power crimes in Chinese private enterprises such as crime of misappropriation, bribery crime of non-public servant are not paid with due attention from law circles. With the development of Chinese economy, abuse-of-power crimes in private enterprises have caused greater damage to the society, and law practitoners become aware that abuse-of-power crimes in private enterprises should be prevented. In fact, with respect to the prevention of abuse-of-power crimes, the management methods tend to be more effective than the law methods.

Some evidence has revealed that deviant behaviors in private enterprises especialy property deviant behavior and abuse-of-power behavior can be converted into each other. In this sense, the ability of preventing deviant behaviors in an enterprise will play a role in the prevention of abuse-of-power behavior. Compared to crime prevention through legal punishment, the crime prevention through prevention of deviant behaviors tends to be more thorough and straightforward.

This thesis intends to examine the main causes of deviant behaviors through in-depth interview, questionnaire, case study and other investigation methods, and summarizes the applicable methods for prevention of deviant behaviors in practice from the perspective of management and staff. Based on the surveyed results and business realities, this thesis proposes a three-level system for prevention of deviant behaviors. The core part of this system classifies the personnel of private enterprises into senior managers, middle managers and general staff, and designs the preventive measures specifically for each personnel level, depending on the characteristics and causes of their deviant behaviors. Of these preventive measures, some are only applicable to a certain level, while some are applicable to all three levels. All preventive measures are complementary and functional to establish an effective prevention system, targeting at the goal of preventing deviant behaviors and abuse-of-power behaviors.

Key Words: Prevention and Reduction; Property Deviant Behaviors; Crime of Misappropriation; Bribery Crime of Non-public Servant

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