

Change and Predicament: Theoretical Guide and Path Choice of Corruption Crime under the View of Criminology

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Abstract: Since the 18th CPC National Congress, the Chinese Communist Party has taken the anti-corruption struggle as an important element of its solemn ruling party. Anti-corruption and ruthlessness are the mainstays of the anti-corruption campaign, and efforts are made to establish an institutional mechanism that "people cannot rot, and does not want to rot." As a high crime, corruption crime can not be effectively checked only from the perspective of punishment. It should be systematically reviewed, mechanism dissected and path design of corruption crime governance from the perspective of criminology. This paper focuses on criminological prevention and governance framework analysis tools to study many vicious circles and chaos in China's anti-corruption work and puts forward some views.

1. Introduction

Since the 18th CPC National Congress, the party Central Committee with Comrade Xi Jinping as general secretary has referred to the new height of the party's work style and building a clean and honest government and the fight against corruption, insisting on corruption and opposing corruption, The deterrent effect of not daring to turn into full play, can not be rotted, the effect of not wanting to rot initially appears, and the overwhelming situation of the struggle against corruption is taking shape. The Central Commission for Discipline Inspection pays great attention to the top-level design of system construction and political posts. From adhering to the leadership of the party, strengthening the building of the party and starting from an overall strict control of the party, Regulations and systems, efforts to build "not rot, can not rot, do not want to rot" institutional mechanisms, made new progress, new results.

This article, from the perspective of criminology, applies the theory of criminology to discuss and analyze the scientific anti-corruption system of "not decaying, not corrupting, not corrupt".

2. The causes of corruption crime in criminology

On the causes of corruption crime, although western scholars have done a lot of research and provided many theoretical tools and coping strategies for the governance of corruption crimes, we should note that the corruption crime in China has the local characteristics and can not be done by one single reason As explained clearly, the political, economic, cultural and personal subjective reasons behind the two are interdependent, and our country is in a great transformation of economic and social transformation. This also requires that we must conduct the governance of corruption crimes in an all-round, multi-level and broad areas Consideration.

First, the political factors of corruption. My country is in the initial stage of political system reform and the socialist market economic system. There are many deficiencies in system construction and mechanism operation. First of all, in the socialist market economic system, there are many state-owned enterprises and collective enterprises. Many state-owned enterprises shoulder the administrative functions, fulfill their administrative duties, and also bear economic tasks. The state-owned enterprises are the most powerful leaders in the management of enterprises. Supervision. Second, prior to the 18th CPC National Congress, the lack of effective supervision

over the exercise of power by administrative organs and public officials at all levels led to a larger "corrupt stock" and a continuous increase in the "growth rate" of corruption, resulting in the loss of power. In the end, the power of party and government organs in our country is too concentrated. Many of the leaders have a "one-word building" phenomenon. Many leading officials lack effective supervision and restriction and the implementation of the main responsibility is not in place.

Second, the economic factors of corruption crime. In the mid-to-late 1980s, the state implemented a "two-track system" of partial production and living materials and loan prices. As a result, the special groups enjoyed a total of 600 billion yuan in wealth. This is because under the conditions of a planned economy, power can be exchanged directly for the difference money. During the transition from a planned economy to a market economy, there is still room for rent-seeking of power and the gold content of power is still very high. In the market allocation of resources, the "invisible hand" of the market has not yet fully played its role. However, the "potential adversary" of power is still intervening in normal daily economic activities. Many industries that allow private capital to enter still have serious monopolies. In addition, commercial bribery is universal. Entrepreneurs gain business opportunities and resources by bribing officials, while officials conduct power rent-seeking and gaining large amounts of illegal wealth through their hands, thereby breeding corrupt and economic crimes and undermining the socialist market economic order.

Third, social customs factors. Since ancient times, China has formed a harsh custom of giving top priority to common people, giving gifts to the public, making neither public or private interests a favorite, and has seriously damaged the party's style of government and political ecology. Since ancient times, China has always attached importance to relations and always wants to "hitch-hike" or "go back the door." By illegally giving officials gifts of gifts, the rules are considered dispensable. Under the long-term culture of this culture, officials can not withstand the long-term "sugar-coated bullets" bombing, which will lead to corruption crimes. In addition, officials have more prerogatives and strong public privilege. Corruption is both a product of the pursuit of privilege and a product of the pursuit of privilege.

Fourth, ideological education factors. In the great turning point of social transformation, ideological and political education of officials is particularly important in the face of the serious challenge of feudalism, capitalist ideology and the principle of profit-seeking of the market economy. However, in some places and units over the years, the ideological and political education has been greatly weakened and the construction of spiritual civilization has become weak. As a result, there have been serious problems of corruption in some areas and units.

3. The evolution of corruption crime in criminology

According to the basic principles of criminology, we can set the variables of corruption crime as the following three items: (1) the ontology factor: the corrupt criminal psychology of officials; (2) the culpable factors: the environmental impact and System defects; (3) catalyst: anti-corruption struggle is not in place.

According to the basic principles of criminology, everyone may be potential criminals, that is, every official may be potential corrupt criminals, may have the criminal psychology of corruption, it is impossible to fundamentally eliminate corruption officials Psychological, but we can take effective measures to reduce the possibility of corrupt criminal psychology of party members and cadres. In 2017, the National Discipline Inspection and Supervision Office accepted a total of 2.73 million reports of petitions and letters, 1,251,000 clues on disposal issues, 284,000 intercepted interviews, and 527,000 petitions and 527,000 malpractices (including 443,000 for party discipline disposal). Discipline 58 provincial and ministerial level cadres, bureau level cadres 3300 people, county level cadres 21000, township level cadres 78000 people, general cadres 97000 people, rural areas, enterprises and other personnel 327000 people. According to common sense, the higher the general level of leading cadres, the more self-demanding their work and life will be, and the more firm they will be in the party's accomplishments and prevention of corruption. However, the above data reflect the seriousness of our top leading cadres Corruption criminal psychology, resulting in

"not right under the beam crooked" phenomenon. With the promotion of the rank, the leading cadres may produce some pride and complacency. If the party spirit cultivation and ideological and political education are not kept up with the situation at this time, many leading cadres will make mistakes in their work and life and eventually lead to big mistakes. Violation of party discipline and state law. [2]

The culprit here mainly refers to the environmental impact and institutional defects. If the variable of ontological factor encounters the factor of guilt, this variable will lead to a substantial increase in the possibility of corruption crime.

First, the environmental impact. Mentally, everyone should have faith. Faith, rooted in one's heart, is the moral restraint of action. First of all, some communist party members and cadres do not have a firm belief in communism. Money worship and superstition prevail. They are not firm and vulnerable to corruption on a large scale. They seriously affect the purity of the party, weaken the party's fighting capacity and shake the party's ruling position. Because some party members and cadres do not have the correct and firm belief, this will lead to individuals being easily influenced by the external environment, especially the influence of some corrupt ideas, thus triggering corruption crimes. Second, the traditional culture of corruption and malfeasance. The traditional culture of our country has always emphasized the dross of culture such as "reciprocity between courtesy and reciprocity", "law does not blame the public" and "people do not act their part". Some leading cadres of party members think that traditional culture is so comfortably comforted by corruption and bribery and abuses of power. Lucky or psychology, resulting in an endless stream of corruption and corruption. [3]

Second, the system defects. Although China has been pushing forward with the reform of its political system and has achieved some remarkable achievements, its administrative power is still huge, its powers are overly concentrated and the lack of effective restrictions still has not been fundamentally improved. Montesquieu pointed out in his book *The Spirit of Law*: "All people who have power love the abuse of power, which is an everlasting experience. The way to prevent abuse of power is to use power to restrict power. Constraints will inevitably lead to corruption. "From the point of view of criminological prevention, the lack of a rigorous anti-corruption system design, that is," supervision at the higher level is too far, supervision at the same level is too soft and supervision at the lower level is too difficult" Abuse and omission.

The variable of the "catalyst" factor of corruption crimes lies in the fact that the anti-corruption struggle is not in place and the punishment lacks of certainty. At present, anti-corruption has effectively controlled the increase and made efforts to reduce its stock, but the number of corruption crimes is still high. From the type of crime point of view, corruption crimes belong to the crime of high number of black. Why must the penalty lead to corruption crime "catalyst" factor? Although the inspection team of the Central Government visited a batch of batches of party members and cadres through full coverage patrols, the grassroots masses have less sense of gain and cleanliness in the anti-corruption struggle. Especially before the 18th CPC National Congress, party members and party members have lost their control over the party and lost control over the economy. This has greatly weakened the happiness and sense of gain of the people at the grass-roots level, weakened the authority of the party and the government, Relationship between cadres and the tensions. [4]

4. The social reaction of corrupt crime and the center of gravity in criminology

The social response to corruption crime refers to the process of defining a certain act of corruption as a crime and treating the perpetrator as an offender and taking the corresponding response measures. Corrupt criminals criminal behavior will have a formal social response and informal social response. Among them, the formal social response is divided into the judicial response and the legislative response. The judicial response is mainly criminal prosecution at all levels of the criminal prosecutions and penalties for corruption, embodies the country's denial and corruption of criminal acts; legislative response will be in a certain space-time Within the framework of the crime of corruption that provides a unified form of standards, and in terms of the type of punishment, time and other aspects provide a legal basis. In addition, the informal social

response refers to the reactions of other social restraint mechanisms other than formal social reactions, such as industry regulations, local rules and regulations, internal disciplines, customary practices and so on, which will cause some corrupt criminal acts Impact and constraints.

Formal social responses such as law enforcement, judiciary and legislation, which strongly react to corrupt criminal behavior, deny and punish the corrupt criminal acts of corrupt criminals at the official level, and this will give the criminal criminals a "criminal label" Reduce their social evaluation and the possibility of realizing their own value through social channels, so that Party members and cadres can know "what can be done and what can not be done when faced with the red line of discipline". In addition, informal social responses such as the family, social groups and the news media, as an unofficial form of social response, criticize, accuse and expose corrupt criminals. Although such responses do not have legal significance, the nature of the criminal act and the identity of the perpetrator have substantive significance. [5]

The final definition of the legal nature of corrupt criminal acts and the application of penalties depend on the formal social reaction, which does not make the perpetrator of corruption get the status of perpetrator and can still work and live normally. Only when the formal social reaction When their actions are evaluated, law enforcement, judicial and legislative bodies will intervene and a series of legal proceedings will be initiated. Since ancient times, people have abhorred corruption crimes. Once corruption crimes are exposed, the political career and the path of life of corrupt criminals come to an end. This also makes officials "afraid to rot and not rot at the edge of corruption crimes", do not want to rot.

In the thousands of years of history in which human society is fighting corruption, its main methods are nothing more than two categories: "punish" and "prevent". We have already analyzed the "punishment" level from the two perspectives of formal social reaction and informal social reaction. The following will analyze the "prevention" of corruption crimes to reveal the science of "dare not rot, not rot, no want to rot" The inherent scientific, rational and systematic anti-corruption mechanism.

To prevent corruption and corruption among leading cadres is a complicated systematic project. Therefore, all subjective and objective conditions of the corruption and corruption of leaders and cadres should be completely eradicated from subjective and objective reasons, only from the internal and external causes and leading points in the corruption and corruption of leading cadres. Dare to corrupt, objectively can not be corrupt, not to allow corruption, in order to effectively control and prevent corruption and corruption in leading cadres.

A large number of "tigers" and "flies" sacked one after another in a strong anti-corruption campaign, initially resolving the issue of "dare not rot". Under the background that the overwhelming situation in the current anti-corruption struggle has been formed, it is necessary to shift from "treating the symptoms" mainly to "treating both the symptoms and the root causes." On the premise of effective control and elimination of the total amount of corruption, our party's anti-corruption work is moving forward with the reform of the special anti-corruption legislation and the state supervisory system so as to promote the sustained and steady development of anti-corruption work. First, strengthen the anti-corruption special legislation. At present, the anti-corruption legislation in our country belongs to the decentralized legislative model. The existing laws and regulations have set up the basic framework in terms of restricting the government's power, restricting the behavior of public servants, standardizing anti-corruption work procedures, establishing a scientific corrupt administration and criminal responsibility system, the anti-corruption work has been gradually deepened and the anti-corruption achievements need institutional consolidation. They should gradually decentralize and decentralize within the framework of the Constitution, speed up the revision of the budget law, establish an open, transparent and standardized budget system and step up revision of the administrative procedural law. Second, it scientifically arranges key aspects such as the functions, responsibilities and powers of the national commission of inspection. As a core reform measure in the fight against corruption in our country, the State Commission of Supervision has perfected relevant supervisory systems by setting up a unified, authoritative and efficient national monitoring commission, and accelerating

the establishment of a system of supervising the efficient operation of corrupt practices by combining the discipline of the entire party with the legal system as a whole System so as to establish and improve a sound mechanism of operation that is reasonably structured, well-equipped, well-disciplined and effective in power. It lays a solid political foundation for the formation and optimization of a clean and honest political atmosphere and a united solid work of political ecology. [6].

The party and the government have focused their efforts on system construction and the promotion of innovation in anti-corruption institutional mechanisms. In this system of systems, power will be effectively restricted and supervised. Institutions and mechanisms that are not corrupt, non-corrupt, and non-corrupt may be effectively constructed. The self-supervision of the state can be realized and the governing system of the party and the state can be more complete. Only in this way can the Party and the country be formed with a positive political ecology.

5. Conclusions

Since the 18th CPC National Congress, the CPC Central Committee has made a series of outstanding achievements in deepening the rule of law in accordance with the law and pushing forward the anti-corruption rule of law. Through a series of anti-corruption measures, party members and cadres have been able to "scare off corruption" in the face of the red line of party discipline and state law, effectively promoted scientific and legislative, administration according to law, and fair judiciary to ensure that all economic, administrative and social affairs are on the track of the rule of law Run. Under the current complex situation of diversified forms and complicated interests, the state, social governance and leading cadres urgently need to improve their governance and management capabilities. Only by using a single means of punishment can not effectively control the development of corruption crimes. Adhere to the use of criminology tools to analyze the crime and crime mechanism, comprehensive use of political, economic, administrative, legal, cultural, educational and other means, by strengthening the combat, prevention, education, management, construction and transformation And other aspects of work to fundamentally eliminate the incidence of corruption crime, reduce the space for corruption and corruption, building a long-acting mechanism against corruption and building a clean government, looking for anti-corruption "greatest common divisor", the political ecology and social ecology play a two-way Purification.

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