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The Current State of White-Collar Crime in China's Commercial Sector and Governance Strategies

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Abstract

Statistical data based on judicial documents indicates that commercial corruption remains the most prominent type of white-collar crime in China. Corruption offences within the commercial sector exhibit distinct characteristics of “power-for-money deal”. Furthermore, “professionalization” white-collar crimes such as computer and internet fraud, financial securities fraud, and insider trading are becoming increasingly prevalent in China. Nationwide sample surveys and field experiments indicate that the prevalence of occupational offences, accounting for 90% of white-collar crimes in China, stems from deficiencies in corporate governance systems, inadequate oversight and constraints on senior management and key personnel, and the absence of preventive mechanisms addressing situations and conditions that may induce such offences. Corporate crime predominantly occurs in small and medium-sized enterprises (SMEs), rooted in the widespread operational challenges faced by such entities. Concurrently, the relative imbalance in the practical application of legal mechanisms between the public and private sectors constitutes a structural cause for the higher incidence of corporate crime among private enterprises. Empirical research indicates that, in the context of corporate management, establishing and effectively operating a compliance management system tailored to the enterprise's actual circumstances is a prerequisite for the effective prevention of white-collar crime. In the context of legal implementation, achieving substantive equal protection for private enterprises is key to enhancing the governance of white-collar crime in China. In the context of governmental governance, government-led optimisation of the business environment holds fundamental significance for the governance of white-collar crime.

Keywords: occupational crime; corporate crime; corporate compliance; anti-corruption; business environment.

Introduction

1. Background

Currently, the global landscape of white-collar crime exhibits a trend toward the “professionalization” of illicit activities. Particularly in the Commercial Sector, as traditional forms of white-collar crimes such as bribery and fraud—become increasingly embedded within complex organizational structures and parasitic on networked technological operations, they have created a high-risk environment for business activities worldwide. On one hand, occupational crimes committed by individuals remain the most prevalent form of white-collar crime. For instance, global businesses lose approximately 5% of their annual revenue to occupational fraud each year, amounting to \$4.7 trillion to \$5 trillion. These cases typically have an average incubation period of 24 months, coinciding with executives' tenure, and result in average losses exceeding \$800,000. On the other hand, corporate crimes committed by or for the benefit of organizational entity face significantly heightened regulatory challenges and complexity. For instance, corporate “greenwashing” practices—selective disclosure and obfuscation of information—exploit regulatory loopholes while continually testing the boundaries of fraud penalties; the healthcare sector sees widespread medical fraud exploiting “information asymmetry”; and globally persistent, increasingly covert commercial bribery. While occupational crimes pose severe internal threats to small and medium-sized enterprises, corporate crimes constitute potential systemic risks to socioeconomic development.

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Correspondingly, occupational crimes and corporate crimes in China's commercial sector have also shown a high incidence rate in recent years. In terms of the number of criminal cases and number of individuals prosecuted: In the first half of 2024, procuratorial organs prosecuted 62,000 individuals for crimes disrupting the market economic order, representing a year-on-year increase of 36.5%; 5,827 individuals in key positions at private enterprises were prosecuted for occupational crimes such as embezzlement and misappropriation of funds, marking a year-on-year rise of 41.1%. In 2025, procuratorial organs nationwide prosecuted over 12,000 individuals for occupational crimes related to key positions. Regarding the harmfulness of white-collar crimes: embezzlement and misappropriation crimes infringe upon organizational assets and rights; commercial bribery inflates corporate operating costs; financial fraud, bid-rigging, and monopolistic practices undermine fair competition and reduce market efficiency; illegal lending, insider trading, and money laundering can trigger chain reactions that threaten financial stability; tampering with backend data in the internet industry poses new challenges for regulation; false information disclosure by listed companies harms investor interests and disrupts capital flows. Overall, occupational and corporate crimes in the Commercial Sector have become structural issues that must be urgently addressed for China's economy to achieve high-quality development. Their severity is reflected not only in direct economic losses but also in the profound undermining of market rules, financial security, and social trust, which are highly intertwined with China's overall social governance and rule of law construction. Conducting systematic research on this issue holds significant practical importance.

2. Literature Review

2.1 Three stages of white-collar crime theory

Since Edwin Sutherland first challenged the assumption that crime was a “under-class” phenomenon in 1939, white-collar crime theory has evolved from simple sociological observation into a complex, data-driven governance science. Specifically regarding white-collar crime in the Commercial Sector, theoretical research from 1939 to 2026 has undergone three distinct phases: Phase I (1939–1970s) grounded in the “differential-association” theory, governance primarily focused on the personal traits of white-collar elites as offenders and their “social circles”; Phase II (1980s–2010s) centered on “deterrence theory,” leveraging the “fear effect of punishment”, governance emphasized intensifying penalties for white-collar crime, manifested through escalating corporate fines, longer individual sentences, and rising prosecution and incarceration rates; Phase III (2020s–present) emphasis on diversified governance models centered on “responsive regulation,” prioritizing technical governance mechanisms anchored in dynamic compliance management. This phase highlights AI-driven, process-oriented monitoring of white-collar crime.

2.2 Primary research focuses on the causes of crime

The evolution of these fundamental theories and governance approaches reflects the changing nature of white-collar crime in the Commercial Sector—from early physical theft of ledgers to today's algorithmic manipulation and systemic corporate misconduct. Regarding the evolution of occupational crime theory,

research on occupational crimes (crimes committed by individuals for personal gain) has shifted focus from early emphasis on “individual (personality) flaws” to examining “organizational (systemic) opportunities for crime.” A seminal theoretical contribution in this shift is Cressey's 1953 “Fraud Triangle” theory, long regarded as the gold standard for explaining occupational crime. This theory primarily examines how criminal pressure mechanisms, objective opportunities for crime, and rationalization mechanisms (e.g., “everyone does it” or “I'm just borrowing”) influence self-image and criminal behavior. Later research expanded this “triangle model” by incorporating the dimension of “individual (subjective) capability,” evolving it into the “fraud diamond model.” Regarding the evolution of corporate crime theory, research on corporate crime (crimes committed by corporate entities or for corporate gain) has shifted from early focus on accountability to organizational culture and systems theory. This transition can be vividly described as a shift from the “bad apple” to the “bad barrel.” Specifically, post-mid-20th-century theories abandoned the “bad apple” theory—which blamed corporate crime on individual rogue employees—in favor of the “bad barrel” theory. This theory directly attributes criminal causes to “institutional deviance” and “institutional disengagement” within the corporation. The theory posits that when corporate culture prioritizes “achieving business goals at any cost,” the company's social structure collapses, making crime a cultural norm. The latter argues that firms often establish “symbolic” compliance programs—akin to a set of ‘rhetoric’—that are fundamentally disconnected from actual daily operations (“practice”).

2.3 Key research areas of governance strategies

Currently, the theoretical framework for white-collar crime governance has evolved beyond a simple “judicial policing” approach toward a multidisciplinary framework emphasizing sustainable governance and facilitation theory. Research on occupational crimes and corporate crimes within the Commercial Sector particularly underscores that relying primarily on external deterrents like criminal penalties and control measures is insufficient. To achieve crime prevention, greater attention must be paid to the factual mechanisms of crime occurrences specifically, the ease with which offenders circumvent regulatory and control measures. The integration of traditional criminology with economic and behavioral theories aims to provide a more rational explanation for why white-collar crime persists at high levels despite public expenditures on oversight and punishment reaching historic highs.

Within this framework, core theoretical dimensions include on one hand, recent research on occupational crime phenomena focuses on agency crises. As wealth ownership becomes increasingly concentrated, conflicts between corporate ownership and managerial agency intensify. Agents (senior executives) increasingly prioritize short-term personal gains during their tenure over long-term shareholder interests over the company's lifetime—abstractly termed “breach of trust.” When examining specific occupational crimes, the facilitation theory centered on “occupational convenience” reveals that in today's fast-paced business environment, such crimes are often not passive cost-benefit decisions but rather routine shortcuts to wealth accumulation. On the other hand, regarding corporate crime phenomena, the opportunity

theory proposed by scholars such as Peter Gottschalk has largely supplanted the traditional “fraud triangle/diamond” theory as the mainstream criminal model. This theory posits that white-collar crime becomes a rational choice when individuals perceive illegal avenues as more convenient than legitimate ones. Furthermore, this model implicitly incorporates “economic rationality in goal setting,” “opportunistic spaces within organizations,” and “self-justification at the behavioral psychology level.”

Accordingly, in the governance strategy dimension: On one hand, as white-collar crime increasingly exhibits “professionalized” characteristics, corresponding countermeasures now place greater emphasis on “red flags in occupational conduct,” focusing more intensely on risk monitoring within routine business activities. On the other hand, as corporate crime attribution models increasingly emphasize the “duty of care” of executives and organizational entity, the occurrence of crime is characterized as “failure to prevent.” Consequently, embedding compliance programs into business software and workflows, and adopting “sustainable governance” approaches—such as incorporating “ESG metrics” (environmental, social, and governance) into executive compensation—are gaining wider adoption.

3. Research Questions

Overall, research on occupational crimes and corporate crimes within China's commercial sector exhibits two distinct characteristics: Firstly, relevant research questions are grounded in the “unit crime” theory within normative criminal jurisprudence, rather than emerging from criminological perspectives integrated with multidisciplinary theoretical frameworks. This results in theoretical debates remaining “legalistic,” centered on the adjustment and application of criminal law norms, the focus is confined to delineating and pursuing liability between individuals and organizational entity, while policy discussions concentrate on how to refine or supplement the existing criminal offense framework. Alternatively, they explore how to classify emerging criminal behaviors in the economic/commercial sector as criminal violations under existing norms to ensure accurate sentencing. This further prevents systematic consideration of how crime can be effectively governed through a “phenomenon-cause-countermeasure” governance logic. Consequently, foundational investigative research (qualitative studies) grounded in the actual circumstances of domestic white-collar crime remains scarce. Secondly, due to the relative weakness of foundational criminological research on white-collar crime, related studies inevitably grapple with the localization of Western criminological concepts and the transplantation of western theories and countermeasures into domestic contexts. However, whether these concepts, theories, or countermeasures align with China's specific governance needs often lacks quantitative validation grounded in locally designed research. For instance, China's judicial innovations in corporate crime governance drew from U.S. compliance programs, yet institutional reforms emphasized judicial discretion and prosecutorial discretion, while showing limited experience in the core aspect of crime governance—internal procedural oversight within enterprises.

Given this research landscape, this research focuses on the following specific issues:

Issue 1: The overall landscape, specific characteristics, and evolving trends of white-collar crime in China's commercial sector.

Issue 2: The subjective perceptions of China's commercial entities' internal managers (white-collar personnel) regarding the external business environment.

Issue 3: Summarizing the local characteristics of white-collar crime and identifying the direct and underlying causes behind such criminal phenomena, using corruption crimes in China's commercial sector as the observation object.

Issue 4: Exploring effective governance strategies that China may adopt to address white-collar crime in the commercial sector.

4. Data and Method

Following the research approach suggested by the aforementioned research questions, this research aims to construct a theory of white-collar crime tailored to China's local context and subsequently develop effective governance strategies. In terms of research design, this research approaches the subject from two dimensions—“overall crime situation” and “key crime types”—to reveal the current state of white-collar crime in China's commercial sector and the underlying mechanisms driving its occurrence. The data and materials supporting this research are sourced from three specific components:

4.1 Regarding white-collar crime phenomena

Firstly, to comprehensively grasp the overall landscape of white-collar crime in China's commercial sector, the research team (Criminology Research Institute, Law School, Beijing Normal University – Corporate Crime Research Team) builds upon a series of empirical studies since 2014 based on previously published annual reports themed “Criminal Risk Prevention for Entrepreneurs”, the research perspective was refocused on “white-collar crime”. Drawing on American theoretical classifications of white-collar crime, the study prioritized categorizing offenses into two subcategories: “occupational crimes committed by individuals” and “corporate crimes committed by or for the benefit of organizational entity.” The research methodology was consequently redesigned: the previous sampling basis of 42 (white-collar crime) related offenses was expanded to 209, aiming to encompass all occupational crimes and corporate crimes under China's Criminal Code; the “Peking University Legal Database” (judicial documents) was then employed as the retrieval tool. A search was conducted on 93,780 first-instance criminal judgments containing (white-collar crime) related offenses with final adjudication dates between January 1, 2023, and December 31, 2024. This yielded 22,557 judgments preliminarily screened as potentially involving occupational crimes and corporate crimes; Subsequent manual screening yielded a final research sample covering 104 white-collar crime-related offenses, comprising 4,342 judicial documents and 4,604 cases of occupational crimes and corporate crimes (Note: Case retrieval and data entry occurred between March 15 and April 23, 2025). Finally, in accordance with the research design, 44 variables of significant value for white-collar crime research and governance were extracted from the sample cases. Key data points with unique analytical value were identified, including asset recovery rates, proactive investigation rates by judicial authorities, and modus operandi. Overall, this

sample (2023-2024) provides a relatively comprehensive reflection of the current landscape of white-collar crime in China's commercial sector.

4.2 Causes of white-collar crime

Secondly, to uncover the direct drivers and underlying causes behind white-collar crime phenomena and gain deeper insights into the pain points and challenges in China's governance practices, the research team focused on corruption crimes in the commercial sector as the primary observation object. It reorganized the raw data (judicial documents) and case materials from the nine statistical years spanning 2014 to 2023. Using an adjusted indicator system, the team conducted a (secondary) content analysis on the portion involving corruption crimes within the private sector of the commercial domain. In research design, aligning with China's practice of "distinguishing white-collar crime into public and private sectors", the study uses state-owned enterprises as a control group to focus on empirical observations of corruption crimes in private enterprises. This comparative approach reveals the state of commercial corruption crimes and their governance, enhancing the insightfulness of causality research. Regarding crime classification, following white-collar crime conventions, "commercial corruption crimes" are subdivided into two categories: "occupational crimes - harming organizational interests" and "corporate crimes - benefiting organizations". This framework facilitates more objective and accurate reflection of the motivations, mechanisms, and harms of white-collar crime, thereby enabling the design of targeted and effective governance strategies. The former primarily encompasses bribery offenses involving the betrayal of organizational interests, as well as embezzlement and misappropriation crimes that infringe upon organizational assets. These can also be regarded as "insider corruption crimes" occurring within the organization. The latter mainly refers to bribery offenses committed for organizational gain. Since their harm primarily manifests as damage to public interests and fair market order, these can be viewed as "public corruption crimes" occurring during organizational operations.

4.3 Strategies for crime governance

Finally, to explore the domestic conditions for China to draw upon the American compliance programme in reforming its white-collar crime governance system, the research team conducted a specialised 17-month initiative from 2021 to 2022. This involved gathering crucial foundational data on anti-bribery compliance within China's commercial sphere. Focusing on the 'effectiveness

of compliance programmes', a stratified sampling approach was employed to select 171 enterprises across tier-one, tier-two, tier-three, and tier-four cities as terminal survey points, completing a nationwide sampling survey. The survey focused on "anti-bribery compliance" issues within Chinese enterprises, covering nine major sectors: manufacturing, construction and real estate, wholesale and retail (trade), finance and insurance, information technology, mineral resources and energy, agriculture, forestry, fisheries, and animal husbandry, services, and transportation, logistics, and warehousing. A total of 5,178 "corporate managers" were surveyed. In terms of sample quality, this survey holds a certain advantage among currently known surveys in the same field in China. The data and case information obtained from this survey constitute a vital resource for research on white-collar crime in China, particularly in presenting corporate managers' perceptions of the business environment. Furthermore, after completing the questionnaire distribution in September 2021, some team members conducted participatory "field investigation" within relevant enterprises, focusing on the construction of corporate compliance systems. The field research materials obtained also form the empirical foundation of this research.

5. Findings

5.1 Overall situation of white-collar crime in china's commercial sector

5.1.1 Corruption crimes remain the most prominent type of white-collar crime

Considering the nature of specific offenses and their interrelationships—while aligning with the offense classification system of China's Criminal Code—this research categorizes "white-collar crime" into 11 categories of offences. The proportion of corrupt crimes is detailed in Table 1. Specifically, "insider corruption crimes" such as embezzlement and misappropriation hold the highest proportion, ranking first among all 11 categories. Their share was 23.53% in 2023 and rose to 30.30% in 2024. Meanwhile, "public corruption crimes" like bribery and accepting bribes maintained relatively stable proportions, ranking sixth among all 11 categories at 8.60% in 2023 and 7.52% in 2024. This indicates that among all white-collar crimes, corruption offenses directly tied to the integrity of authority and official duties remain the most prominent and severe crime type.

Table 1: Proportion of Corruption Crimes.

	2023	2024
embezzlement, misappropriation, and other "insider corruption crimes"	23.53%	30.30%
"public corruption crimes" (bribery, accepting bribes, etc.)	8.60%	7.52%
other 9 categories of white-collar crimes	67.87%	62.18%

Considering that organizational entities in China's commercial sector are primarily categorized as "state-owned enterprises" and "private enterprises", comparing the proportion of each crime category occurring within these two types holds significant local criminal statistical value. Among the 3,686 cases where judicial documents clearly indicate enterprise type, white-collar crimes in state-owned enterprises and private enterprises accounted for 5.91% and 94.09% respectively, revealing the prominent

feature that white-collar crimes in the commercial sector predominantly occur in the private sector. Furthermore, the distribution of various crime categories within state-owned and private enterprises for 2023 and 2024 is detailed in Table 2. It reveals that white-collar crimes in the private sector constitute the overwhelming majority, with crimes involving intellectual property, computer networks, taxation, and environmental resources predominantly occurring in the private sector. simultaneously, "insider

corruption crimes” such as embezzlement and misappropriation, along with “public corruption crimes” like bribery and accepting bribes, also constitute a significant proportion within state-owned enterprises. This

suggests that corruption crimes remain the most complex and challenging category of white-collar crime within China's commercial sector.

Table 2: Proportion of Each Crime Category in State-Owned and Private Enterprises.

	2023		2024	
	crimes in state-owned enterprises	crimes in private enterprises	crimes in state-owned enterprises	crimes in private enterprises
bribery crimes	22.35%	77.65%	16.32%	83.68%
financial crimes	8.70%	91.30%	7.47%	92.53%
other corporate management crimes	10.29%	89.71%	3.77%	96.23%
embezzlement and misappropriation crimes	8.92%	91.08%	4.96%	95.04%
fraud crimes	7.36%	92.64%	5.62%	94.38%
workplace safety crimes	6.90%	93.10%	5.00%	95.00%
other illegal business operation crimes	3.67%	96.33%	2.74%	97.26%
environmental and resource crimes	3.39%	96.61%	0.00%	100.00%
tax-related crimes	1.07%	98.93%	0.68%	99.32%
computer and internet crimes	0.48%	99.52%	0.00%	100.00%
intellectual property crimes	0.00%	100.00%	0.00%	100.00%

5.2.2 Specialized white-collar crimes are becoming increasingly severe

Beyond traditional, most common forms of white-collar crime such as bribery, embezzlement, and misappropriation—which directly reflect “money-for-power transactions” and “abuse of official positions”—abuse of official position. In reality, China's white-collar crime landscape in recent years aligns significantly with

global trends, characterized by the growing prevalence of “specialized” white-collar crimes such as computer and network fraud, credit card fraud, economic espionage and trade secret theft, financial institution fraud, insider trading, insurance fraud, intellectual property theft/piracy, money laundering, securities fraud, and tax evasion. The proportion of these “specialized” white-collar crimes is detailed in Table 3:

Table 3: Total Crime Categories.

	2023	2024
embezzlement and misappropriation crimes	23.53%	30.30%
tax-related crimes	14.29%	11.66%
fraud crimes	11.27%	13.68%
other crimes related to enterprise management	6.97%	9.92%
Computer and cyber crimes	10.23%	6.43%
bribery offenses	8.60%	7.52%
financial crimes	8.16%	5.42%
workplace safety crimes	4.79%	5.39%
other illegal business activities crimes	6.23%	3.68%
environmental and resource crimes	3.81%	3.41%
intellectual property crimes	2.13%	2.60%

It is evident that while data reveals corruption crimes remain the most prominent type of white-collar crime, other subcategories involving more “specialized” criminal methods collectively accounted for 67.87% and 62.18% of cases over the two-year period. In terms of overall volume, these subcategories constituted 60-70% of all white-collar crimes, representing another major criminal trend. Among these, tax crimes—including issuing fake invoices for tax deductions, tax evasion, and tax refund fraud—accounted for 14.29% and 11.66% over the two years. Various commercial frauds—such as credit card fraud, insurance fraud, and bill fraud—accounted for 11.27% and 13.68% over the two years. These two traditional crime subcategories had the highest relative proportions. More significantly, white-collar crime types that were previously less prominent in China's commercial sector but exhibit higher levels of “professionalization”—such as computer network crimes, financial crimes, and intellectual property

crimes—have gradually become more prevalent in recent years. Collectively, these now account for approximately 20% of all white-collar crimes.

5.3.3 Commercial corruption exhibits distinct “power-for-money deal” characteristics

Notably, state-owned enterprises dominate China's commercial entities, meaning white-collar crimes in this sector—particularly corruption—often involve public corruption, manifesting as “government-business transaction-type” bidirectional corruption. Specifically, when examining corruption crimes through the structural lens of “public sector-private sector,” data from 2014 to 2022 reveals that embezzlement and misappropriation crimes committed by insiders accounted for a high 54% of corruption cases in private enterprises—a proportion even exceeding that of state-owned enterprises (50%). Simultaneously, bribery offenses within private enterprises also occurred in significant numbers. Although bribery

cases constituted only 12% of all corruption offenses in private enterprises and 27% of all bribery offenses within private enterprises, which is far smaller than the corresponding figures for state-owned enterprises at 44% and 89%. However, due to the much larger absolute number of private enterprises in China compared to state-owned enterprises, the total volume of bribery crimes in private enterprises is not necessarily smaller than that in state-owned enterprises. Furthermore, examining the structural characteristics of bribery crimes reveals that bribery crimes in private enterprises and state-owned enterprises exhibit a “mirrored state”. In SOE bribery crimes, bribe-taking accounted for 89%, while bribe-giving constituted only 11%. In contrast to the SOE pattern where bribe-taking dominates and bribe-giving is minimal, private enterprises exhibit a more pronounced tendency toward bribe-giving to secure corporate benefits, which accounted for 73% of their bribery crimes. Regarding the entities committing bribery in the Commercial Sector, state-owned

enterprises and their employees account for only 5%, while 95% of bribery offenses are perpetrated by private enterprises and their employees.

5.2 Current status and characteristics of occupational crimes in china's commercial sector

5.2.1 Overall situation of official duty crimes

As one of the primary forms of white-collar crime, the concept of “occupational crime” has gained widespread recognition and citation since the publication of Clinard and Quinney's influential work, *Criminal Behavior Systems: A Typology*. Subsequently, white-collar criminologist Braithwaite adopted “white-collar crime” as a superordinate concept, categorizing it into two types: “corporate crime” and “occupational crime.” In a research sample encompassing 4,604 cases of official misconduct and corporate crime (2023–2024), the vast majority of offenses adjudicated through judicial proceedings were attributed to individuals, with only a minority classified as corporate crimes, as detailed in Table 4:

Table 4: Proportion of Official Duty Crimes in White-Collar Crime.

	2023	2024
occupational crimes	87.79%	91.90%
corporate crimes	12.21%	8.10%

This overall distribution of criminal liability further diverges across enterprises of varying nature and scale. When categorized by enterprise type, official misconduct within state-owned enterprises accounted for over 90% in both years. In contrast, private enterprises consistently registered around 55%. Further, analyzing private enterprises by scale reveals that large private enterprises

exhibited a higher proportion of official misconduct for personal gain, reaching 74.77% and 67.21% respectively over the two years. The proportion of occupational crimes in small and medium-sized enterprises aligns with the overall trend for private enterprises, at 51.97% and 54.08% respectively over the two years. See Table 5 for details:

Table 5: Distribution of Occupational Crimes Across Enterprise Types.

	2023	2024
	occupational crimes	occupational crimes
state-owned enterprises	93.60%	92.47%
private enterprises	55.49%	55.41%
large private enterprises	74.77%	67.21%
small and medium-sized private enterprises	51.97%	54.08%

5.2.2 Identity characteristics of “white-collar professionals” Sutherland's 1939 concept of “white-collar crime” refers to criminal acts committed by individuals possessing respectable identities and elevated social status within their professional activities. This concept explains emerging criminal phenomena within industrial societies, contrasting with street (violent) crime, where “white-collar” serves as a vivid metaphor. Over the past two decades, China's commercial sector has long employed locally adapted concepts such as “entrepreneurial crime” and “internal key personnel”—terms describing individuals with substantial influence over corporate operations. These correspond

precisely to “white-collar crime,” referring to occupational offenses committed by corporate executives or social elites wielding critical authority, as defined in Western criminology. In the 2023 and 2024 white-collar crime samples, cases with clearly identified perpetrators numbered 1,939 and 2,488 respectively. Among these, occupational crimes committed by “key corporate executives” (including actual controllers) ranked first, accounting for 53.27% and 47.23% respectively. Other executives and department heads collectively accounted for 14.75% and 20.09%, respectively. Detailed distribution is shown in Table 6:

Table 6 Distribution of Perpetrator Identities.

	2023	2024
principal responsible persons of enterprises	53.27%	47.23%
other executives	7.53%	9.08%
Procurement and sales department heads	3.40%	6.15%
head of finance department	2.06%	1.93%
production department manager	1.50%	2.09%
technical department manager	0.21%	0.64%
Head of human resources department	0.05%	0.20%

Furthermore, focusing on corruption crimes within private enterprises reveals that “key corporate executives”

(including actual controllers) also constitute the largest proportion at 64%. This is followed by heads of core

departments such as finance, technology, and sales/procurement, accounting for 32%.

5.3.3 “Blue-collar crime” resurfaces

Notably, this investigation reveals another emerging feature of white-collar crime in China's commercial sector: it is not confined to traditional perpetrators such as key decision-makers, actual controllers, senior executives, or department heads within enterprises. In fact, a significant number of occupational crimes lurk within ordinary job duties, even

when no specific authority is involved. Among cases with clearly identified perpetrators, occupational crimes committed by “ordinary employees” ranked second, accounting for 30.12% and 31.19% respectively. Furthermore, some individuals judicially identified as perpetrators of occupational crimes did not even hold official positions but were shareholders or relatives with influence over occupational activities. See Table 7 for details:

Table 7 Distribution of Criminal Subjects.

	2023	2024
regular employees	30.12%	31.19%
shareholders	0.88%	0.88%
other persons with substantial influence over the enterprise	0.98%	0.60%

Statistical data on the “business segment” where occupational crimes occur corroborates this pattern. Among white-collar crime samples from 2023 and 2024, cases with clearly identified criminal segment numbered 1,841 and 2,485 respectively. Occupational crimes occurring within “routine business activities” accounted for 42.26% and

41.73% of these cases. This suggests that while governance of key personnel remains crucial in addressing white-collar crimes within China's commercial sector, equal emphasis should be placed on combating blue-collar crimes within ordinary business operations. See Table 8 for details:

Table 8: Distribution of Criminal Stages.

	2023	2024
daily business activities	42.26%	41.73%
internal management activities	27.21%	23.22%
trade activities	8.42%	15.05%
financing activities	8.15%	6.08%
bidding and tendering	6.36%	5.07%
product manufacturing	4.13%	3.62%
procurement of materials and services	2.93%	4.39%
company establishment and changes	0.54%	0.85%

5.3 Current status and characteristics of corporate crime in china's commercial sector

5.3.1 Overall situation of corporate crime

China's criminal legal system previously lacked normative concepts for corporate crime or occupational crime grounded in criminological research. Instead, it employed the dichotomy of “individual crime” and “organizational crime” based on the responsible entity, as defined in normative criminal jurisprudence. Refer to Table 4: Among the research sample of 4,604 cases involving official duty crimes and corporate crimes (2023 and 2024), only 12.21% and 8.10% respectively were classified as corporate crimes. This indicates that attributing criminal liability for individual acts to collective will or legal person

obligations—thereby establishing corporate crimes—remains uncommon in China's current judicial practice.

Similar to occupational crime, corporate crimes exhibit distinct patterns across enterprises of varying nature and scale. When categorized by enterprise type, corporate crimes in state-owned enterprises accounted for only 6.40% and 7.53% over the two years, whereas this figure reached 44.51% and 44.59% in the private enterprise sector. On the other hand, when distinguished by enterprise scale, from the perspective of private enterprises, large private enterprises accounted for 25.23% and 32.79% of corporate crimes, while small and medium-sized enterprises constituted 48.03% and 45.92% of corporate crimes. See Table 9 for details:

Table 9: Distribution of Corporate Crimes Across Different Types of Enterprises.

	2023	2024
	corporate crime	corporate crime
state-owned enterprises	6.40%	7.53%
private enterprises	44.51%	44.59%
large private enterprises	25.23%	32.79%
small and medium-sized private enterprises	48.03%	45.92%

5.3.2 The primary perpetrators are small and medium-sized enterprises

It is generally acknowledged that white-collar crime theory has undergone a three-stage evolution in its primary focus: from individual white-collar crimes to occupational crimes, and finally to corporate (organizational) crimes. In developed industrial nations like the United States, white-collar crime is currently in this third stage, primarily

manifesting as criminal issues within large enterprises. In contrast, China appears to be in the second stage, characterized mainly by occupational crimes. Although societal attention on corporate crimes has risen in recent years, the overall proportion of crimes committed by organizational entity remains low, with small and medium-sized enterprises (SMEs) being the primary perpetrators. Among white-collar crime cases with clearly defined

enterprise sizes in 2023 and 2024, there were 1,813 instances. Using registered capital (50 million yuan) as the benchmark, large enterprises accounted for only 357 cases, representing 19.69%, while SMEs constituted 80%. A significant portion of these SMEs were micro-enterprises with registered capital of merely tens of thousands of yuan. This indicates that the distinction between corporate crimes and individual occupational crimes in such companies is often blurred. Furthermore, it is noteworthy that most large enterprises in China's commercial sector are state-owned. In other words, among China's private enterprises, the proportion of SMEs and micro-enterprises is actually even higher.

Table 10: Industry Distribution of Crimes.

	2023	2024
wholesale and retail trade	19.81%	21.07%
manufacturing	17.88%	21.39%
construction	12.81%	15.19%
leasing and business services	8.01%	7.57%
transportation, warehousing, and postal services	5.34%	4.84%
financial services	5.20%	4.19%
real estate	4.40%	3.27%
agriculture, forestry, animal husbandry, and fisheries	4.27%	3.27%
information transmission, software, and information technology services	4.47%	2.72%
mining	4.00%	3.05%

In contrast, another survey examining the current state of anti-bribery compliance systems in Chinese enterprises revealed that when assessing compliance management frameworks from an industry perspective, four sectors with high corporate crime rates—trade, manufacturing, construction, and services—showed similarly unfavorable data across seven specific indicators evaluating corporate compliance management systems. These indicators include: “establishment of compliance departments” “employee handbooks and training programs” “gift and hospitality policies” “gift acceptance reporting systems” “conflict of interest rules” “complaint and reporting channels” “internal investigation units” “gift acceptance reporting systems” “conflict of interest rules” “complaint reporting channels” and “internal investigation bodies”. The data for these seven specific indicators assessing corporate compliance management systems was similarly unfavorable, falling below average levels.

6. Discussion

6.1 Analysis of causes of white-collar crime in china's commercial sector

6.1.1 Causes of occupational crime

As the theoretical focus of white-collar crime studies abroad shifted from individual criminality to organized crime, the primary research subject evolved from the individual perpetrator in traditional criminology to examining “the internal pressures within social and organizational structures that drive individuals to commit illegal acts”. However, in contrast, white-collar crime in China's commercial sector has not yet evolved into the “third stage” dominated by corporate crime. The vast majority of cases are still classified as occupational crimes committed by individuals. Regarding the underlying causes, relevant investigations generally point to three key areas:

Firstly, the internal governance system of the enterprise is deficient. Serious “insider crimes” motivated by personal

5.3.3 Current state of corporate compliance management systems

In the 2023 and 2024 white-collar crime samples, 1,499 and 1,837 cases respectively involved enterprises with clearly identified industries, categorized across 10 specific sectors. Among these, wholesale and retail trade (19.81%, 21.07%), manufacturing (17.88%, 21.39%), construction (12.81%, 15.19%), and business services (8.01%, 7.57%) ranked as the top four sectors. White-collar crime volumes across the remaining six sectors were relatively balanced. See Table 10 for details:

gain are prevalent across all commercial sectors, regardless of enterprise type or scale. This reflects systemic deficiencies in China's corporate governance frameworks that cannot be ignored. Specifically, insider corruption involving embezzlement or misappropriation of corporate funds constitutes the most prominent segment of white-collar crime in China, accounting for 23.53% to 30.30% of all such offenses. Furthermore, compared to state-owned enterprises with more robust financial systems, embezzlement and misappropriation crimes committed by insiders are more prevalent in private enterprises. These occupational crimes are characterized by multiple incidents, prolonged durations, and high recidivism rates, with the time between the first offense and detection often exceeding 12 months. This indicates significant gaps in the relevant business processes of the enterprises involved. Moreover, as private enterprises grow larger, their internal management structures become more complex, and the separation between ownership and management rights increases, the proportion of insider bribery crimes—where individuals betray corporate interests for personal gain—also rises. Data from 2024 alone shows that insider bribery crimes accounted for 64.78% of all bribery offenses in private enterprises, far exceeding the 35.22% share of bribe-giving crimes. These further highlights systemic deficiencies in the internal governance structures of private enterprises. Beyond bribery offenses, institutional failures within corporate governance systems can also trigger other forms of insider misconduct. Examples include employees with access to trade secrets disclosing them externally for personal gain, or former employees breaching confidentiality obligations by revealing trade secrets to competitors. Such insider crimes invariably inflict substantial losses on enterprises.

Secondly, Inadequate oversight and constraints on senior management and key operational personnel. Primary responsible persons and actual controllers of enterprises constitute high-risk groups for criminal liability, while

occupational crimes committed by heads of key functional departments are equally severe. From the perspective of occupational identity, the occurrence of occupational crimes remains significantly intertwined with the personal power and status of specific white-collar individuals. Specifically, crimes committed by chief executives and actual controllers account for 47.23%-53.27% of all occupational crimes, highlighting the relatively high criminal risk associated with top executives—particularly in small and medium-sized enterprises. This phenomenon is especially pronounced in computer network crimes (90.85%-92.50%), tax-related crimes (86.62%-88.62%), intellectual property crimes (66.67%-75.86%), environmental and resource crimes (68.60%-70.29%), and other corporate management-related crimes (68.31%-70.80%). This indicates that inadequate oversight and constraints on principal responsible persons and actual controllers remain a significant driver of white-collar crime in China today. Additionally, occupational crimes committed by ordinary employees account for 30.12%-31.19%, and these employees often hold critical, high-risk positions within enterprises. For instance, crimes involving embezzlement and misappropriation (53.24%-59.79%), workplace safety violations (43.38%-55.91%), and fraud (45.83%-46.46%) are commonly committed by ordinary employees who bear criminal liability. This reflects deficiencies in the enterprises involved' management, supervision, training, and risk control investments for key positions and personnel. Notably, the criminal risks of key position employees can also extend to the enterprise's principal responsible persons. For instance, in the event of a major responsibility accident-causing significant losses, the principal responsible persons of the enterprise will also face criminal prosecution, particularly in accidents resulting in the deaths of two or more persons.

Thirdly, Lack of preventive mechanisms for scenarios and conditions that may trigger occupational crimes. As mentioned above, in occupational crimes committed by key position managers or ordinary employees, specific critical business segments such as payment collection and disbursement, material procurement and allocation, and fund transfers—along with high-risk operational procedures, are typical scenarios where these crimes occur. Beyond oversight of “key personnel”, monitoring failures in these high-risk scenarios are equally significant causes of occupational crimes. Furthermore, with the widespread adoption of new technologies like information networks and the emergence of new economic models such as the digital economy, novel occupational crimes leveraging complex technical conditions and new technological means are becoming new challenges for internal corporate risk control. For instance, the crime of aiding and abetting information network crimes has become the most prevalent single offense within corporate computer network-related crimes, accounting for 92.77% to 95.65% of cases. This reflects how occupational crimes continue to evolve amid new technologies and economic trends. Providing corporate accounts to criminals, offering server hosting services, developing or maintaining mobile apps and mini-programs, or illegally bulk-selling phone cards—these actions, once easily overlooked by internal risk controls, can now become lucrative criminal methods. Similar trends are evident in insider corrupt crimes. New technological conditions have spawned a series of novel technical powers

within corporate operations. While these powers do not involve the management or allocation of traditional resources like funds, equipment, or personnel, they hold significant value in specific business scenarios and are easily monetized. For instance, ordinary employees at internet companies responsible for data management, traffic control, and ad delivery can leverage their operational privileges to assist others in boosting traffic, deleting posts, or providing high-value data in exchange for bribes. These examples highlight how specific contexts and technological conditions can catalyze occupational crimes.

6.1.2 Causes of corporate crime

Firstly, the widespread operational challenges faced by small and medium-sized enterprises (SMEs) are the core reason why SMEs constitute the primary perpetrators of corporate crime. Data reveals that corporate crimes motivated by business interests are relatively prominent among private enterprises, particularly small and medium-sized private enterprises. Such crimes account for 44.51% to 44.59% of all white-collar crimes within private enterprises, reflecting the disadvantaged position and operational difficulties of small and medium-sized private enterprises in the commercial sector. In contrast, white-collar crimes within state-owned enterprises predominantly involve individual occupational crimes motivated by personal gain, with corporate crimes driven by business interests being relatively rare (6.40%-7.53%). The disparity extends beyond the nature of enterprises. Even among private enterprises, large private enterprises exhibit significantly fewer corporate crimes motivated by corporate interests compared to small and medium-sized private enterprises. This partially reflects the market disadvantage and resource constraints faced by private enterprises relative to state-owned enterprises, and by small and medium-sized enterprises relative to large enterprises. Specifically, in financial (fraud) crimes, illegal public deposit absorption accounted for the highest proportion over two years (44.28%-62.42%). Over 90% of such cases occurred in private enterprises, with a significant portion directly motivated by addressing operational funding shortages—highlighting private enterprises' structural financing constraints. Similarly, both the crime of refusing to execute judgments or rulings and the crime of refusing to pay labor remuneration primarily involved private enterprises, with small and medium-sized private enterprises accounting for 92.15% of cases. Recidivism among some enterprises was also largely driven by the need to sustain daily operations and settle accounts payable, often linked to the financing and cash flow difficulties faced by small and medium-sized private enterprises.

Moreover, in the most typical bribery crimes, the vast majority of bribery offenses within state-owned enterprises (SOEs) involve insider bribery based on personal gain and the monetization of corporate resources (93.55%-94.74%), while bribery crimes committed by the corporate entity itself account for a relatively low proportion (5.26%-6.45%). In contrast, to overcome their weak market position and compensate for insufficient access to production factors, small and medium-sized private enterprises engage in more corporate-interest-driven bribery crimes (35.22%-52.27%). These further reveals that, driven by practical interests, the pervasive operational challenges faced by SMEs represent the underlying reason

why they resort to corporate crimes like bribery. By disrupting market order and harming public interests, these enterprises seek to secure resources, gain commercial opportunities, and obtain or maintain competitive advantages.

Secondly, the relative imbalance in the practical operation of legal mechanisms between the public and private sectors constitutes a potential structural reason for private enterprises committing more corporate crimes. In principle, equal legal protection for state-owned and private enterprises is both an intrinsic requirement for economic development and a fundamental solution to mitigate certain corporate crimes. However, in practice, systemic barriers to protecting the private economy persist. For instance, in terms of asset recovery rates, white-collar crimes harming state-owned enterprises achieve recovery rates of 72.13%-72.79%, significantly higher than those targeting private enterprises (57.50%-67.10%). For corporate crimes involving national or public interests—such as tax evasion or misappropriation of state assets, the recovery rate reaches 86.50%-90.60%, substantially exceeding the 54.23%-62.69% rate for crimes harming private enterprises or their owners. Similarly, regarding the manner in which corporate crimes are uncovered, state organs demonstrate significantly greater diligence in proactively investigating “corporate crimes committed by private enterprises that harm the interests of the state, society, or third parties for their own benefit” than in investigating “occupational crimes committed by employees that harm the interests of private enterprises for personal gain”. Correspondingly, state organs also demonstrate significantly greater proactive enforcement in investigating “occupational crimes that harm state-owned enterprises for personal gain” compared to “employees committing occupational crimes that harm private enterprises for personal gain”.

In summary, corporate crimes that harm state-owned enterprises or infringe upon state/public interests tend to face greater efforts in asset recovery and damage mitigation, along with more proactive investigations by state agencies. Conversely, corporate crimes that harm private enterprises or infringe upon individual interests receive relatively less attention in terms of asset recovery and damage mitigation, and state agencies are less proactive in investigating them. While this phenomenon undoubtedly stems from multiple complex factors, it reveals factual inequality in the operation of legal mechanisms under identical legal rules. This suggests that structural disparities in legal protection constitute a deep-seated reason for private enterprises committing corporate crimes.

6.2 Criminal policy recommendations

6.2.1 In the context of corporate management

This research indicates that corporate compliance systems within China's commercial sector have established preliminary organizational, institutional, and operational foundations. Over 70% of respondents reported that their companies have established dedicated departments responsible for compliance management; or have developed and distributed “compliance manuals” and “compliance policies”; or have set up specialized “whistleblowing channels”. However, the overall operational effectiveness of these compliance systems remains relatively low. Over 70% of respondents also indicated that their companies lack “approval procedures

for gifts and hospitality”; or that although reporting channels exist, “no one has ever been reported”; or that although compliance investigation bodies are established, “no internal investigations have been heard of”. This suggests that Chinese enterprises currently require improvements in the effectiveness of their compliance structures, compliance system development, and the actual operation of their compliance frameworks.

Further analysis across enterprises of varying ownership structures, industries, and sizes reveals significant gaps in compliance system development. Private enterprises, industries without resource advantages or monopolistic positions, and small-to-medium-sized enterprises lag substantially behind state-owned enterprises and resource-intensive sectors like finance and mining in seven key dimensions: “compliance organisation structure” “employee handbook and training programmes” “gift and hospitality policy” “gift acceptance declaration system” “conflict of interest rules” (revolving door prohibition rules) “complaint and reporting channels” “compliance investigation body”. Specific comparisons reveal: only 7.6% of SOE respondents “had never heard of compliance work”, compared to 36.7% of private enterprise respondents; A substantial 78.6% of respondents in the financial and insurance sectors indicated their companies had “distributed compliance manuals”, compared to only 32.1% in logistics and transportation. Among large enterprises, just 6.9% reported having “no regulations on entertainment expenses and gift-giving”, while this figure rose to 11.6% for medium-sized enterprises and reached 22.2% for small enterprises. Overall, regarding the governance of white-collar crime in China's commercial sector, from the perspective of enterprises themselves—particularly private enterprises, “non-dominant industries”, and small-to-medium enterprises—the key focus should be on exploring how to effectively establish and operate compliance management systems tailored to their actual circumstances. This involves not only managing “key personnel” within corporate internal controls and strengthening oversight and constraints on principal responsible persons but also building robust compliance frameworks. This represents the critical path to achieving effective prevention of white-collar crime.

6.2.2 In the context of legal implementation

Given that China's economic sectors are broadly categorized into “state-owned economy” and “private economy”, mainstream theories typically attribute the “insufficient legislation” in crime governance within the private sector as the primary cause of “inadequate criminal governance” for white-collar crimes occurring in the private domain. This is also seen as clear evidence of the “unequal legal status and lack of equal legal protection” between private enterprises and state-owned enterprises. Based on this causal analysis, bridging the “differential treatment” between private and state-owned enterprises in areas such as the establishment of criminal charges, thresholds for criminal liability, and sentencing configurations naturally becomes the direction for refining white-collar crime governance strategies. For instance, extending the application of “enterprise-specific offenses”—such as dereliction of duty, abuse of power, malfeasance in undervaluing shares, illegal sale of state assets, and fraud in contract execution—from state-owned enterprises to private enterprises. This effort to address

differential treatment through criminal legislation and secure equal legal provisions for private enterprises undoubtedly holds positive legal significance. However, following the adjustments made by the Eleventh Amendment to the Criminal Law, the governance landscape for these three most typical categories of insider corruption crimes within private enterprises has not fundamentally changed. The persistent challenges faced by private enterprises—such as difficulties in initiating criminal cases and protecting their rights—remain unresolved.

Furthermore, based on the field observations from this research, what private enterprises and their managers truly prioritize is not the “equivalent” provisions in criminal law articles regarding charges and statutory penalties for state-owned and private enterprises. Their most common, urgent, and intense demand is actually for the police to lawfully investigate and prosecute common “insider” offenses such as embezzlement and misappropriation. Whether severe penalties are applied is secondary; the key is to promptly initiate criminal proceedings, avoid situations where cases “should be filed but are not” or “should not be filed but are”, and help enterprises protect their rights and recover losses—in other words, to ensure that existing legal norms are effectively implemented. In other words, to elevate the governance of white-collar crime in China, formal equality through legal provisions alone is insufficient. What matters more is ensuring that when corporate crimes occur and enterprises require criminal protection, state criminal justice resources can lawfully “be present”—thus achieving substantive equality in protecting private enterprises at the operational level of the law. Following this governance approach, relevant countermeasures should encompass at least three directions: First, strengthen internal case filing oversight within public security organs and prosecutorial agencies to streamline rights redress channels for victimized private enterprises. Second, foster discourse in public opinion spheres that supports private economic development, firmly establishing societal and judicial concepts of equal legal protection for private enterprises. Third, actively explore funding mechanisms for white-collar crime investigations and incentive systems for safeguarding private enterprises' legitimate rights—ensuring robust material support for case handling while effectively preventing risks of law enforcement and judicial corruption.

6.2.3 In the context of government governance

Chinese corporate managers generally perceive the business environment as suboptimal, with private enterprises, “non-dominant industries”, and small-to-medium enterprises facing relatively harsher conditions. Taking corruption investigations as an example, only 34.1% of private enterprise respondents believed that “acceleration fees are completely unnecessary” when interacting with government departments or other public institutions; 23.0% of private enterprise respondents stated that “without sufficient public relations expenses, it is basically impossible to secure major projects”, while 12.6% of state-owned enterprise respondents gave similar answers. Among respondents in the financial and insurance sectors, 46.2% stated that “facilitation payments are completely unnecessary”, while only 22.8% of respondents in disadvantaged industries like agriculture, forestry, animal husbandry, and fisheries agreed. Only 9.2% of large

enterprise respondents selected “without sufficient public relations expenses, it's nearly impossible to secure major projects”, compared to 17.8% of medium-sized enterprises and 23.4% of small enterprises. Enhancing corporate compliance relies not only on self-discipline but also cannot be divorced from the business environment in which enterprises operate. How to further improve the business environment for enterprises—particularly for private enterprises, “non-advantaged industries”, and small businesses—is a key prerequisite for advancing the construction of China's corporate compliance system. It also serves as a critical indicator for measuring the effectiveness of white-collar crime governance in the Commercial Sector.

Furthermore, data reveals a negative correlation between the “White-Collar Crime Index” and the “Business Environment Index” (spearman correlation = -0.517, $p < 0.01$). The numerical values and ranking logic of the two indices are inversely related: the more severe the white-collar crime, the higher the value of the White-Collar Crime Index and the higher its ranking, while a better business environment corresponds to a higher Business Environment Index value and a higher ranking. This negative correlation indicates that a higher Business Environment Index value signifies a better business environment, which in turn correlates with a lower White-Collar Crime Index value and potentially better management of white-collar crime. This implies that, from a government governance perspective, government-led optimization of the business environment holds foundational significance for managing white-collar crime.

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