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Practical Observation and Reflection on Emotional Investment-Type Bribery

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Abstract
As economic and social growth enters a transitional period and anti-corruption operations intensify, it is likely that new types of bribery offenses will continue to arise. the emotional investment kind is a somewhat common form among these new ones. The offender tries to hide the true nature of power-for-money deals by disguising bribery offenses as normal and fair human interaction transactions. This paper attempts to conduct a more thorough judicial examination of emotional investment-type bribery by screening nine typical cases from a particular province over the past ten years, interpreting the specific details of the cases, and discussing the contentious and prevalent issues in individual case verdicts.

Keywords
Emotional Investment-Type Bribery, Bribery Crime, Case Analysis

1 Raising of the Issue

As the high-pressure anti-corruption stance becomes more accepted in the current era of sustained economic and social development and increasingly diverse social interaction modes, state functionaries have gradually abandoned the traditional “one-event, one-bribe” model in order to avoid penalties from party discipline and laws. This has resulted in more complex forms of bribery solicitation and acceptance. Emotional investment bribery is one example of how criminals try to hide and evade detection by disguising bribery offenses under a legal garb in a growing number of instances that are examined and handled these days.Known as the Interpretation on Embezzlement and Bribery Cases, the Supreme People’s Court and Supreme People’s Procuratorate released the Interpretation on Several Issues Concerning the Application of Law in Handling Criminal Cases of Embezzlement and Bribery in 2016. This interpretation’s Article 13(2) states that taking property under the guise of emotional investment is illegal, giving the nation institutional protections and regulatory tools to fight power-for-money deals that continue to occur in the gray area. According to Article 13(2) of the Interpretation on Embezzlement and Bribery Cases, accepting property under the guise of emotional investment qualifies as a bribery offense under three conditions: First, there must be a superior-subordinate or administrative management relationship between the parties accepting and giving the property. The accepting party can use their authority to seek benefits for the giving party. Secondly, the property must be worth more than RMB 30,000 under the guise of emotional investment. Lastly, accepting the property may influence the accepting party’s use of their authority.

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These days, news media frequently feature typical instances of bribery of the emotional investment kind. For example, consider Hu Xiaohua, who was the previous head of the Jing County National Taxation Bureau in Xuancheng City, Anhui Province. After a trial, the Jing County People's Court found him guilty of bribery and sentenced him to seven years and six months in jail. In accordance with the law, his illicit earnings of RMB 275,000 were seized and sent to the public treasury. Liu Jiawen, the bribe-giver, visited Hu Xiaohua with holiday gift packs at festivals during his term. He gave him cash ranging from RMB 10,000 to 20,000 each time, for a total of ten visits, which by the time the crime was uncovered amounted to RMB 170,000.During the Spring Festival, other bribe-givers traveled to Hu Xiaohua with shopping cards, renowned wine, and other presents worth RMB 3,000 to 5,000 apiece, for a total of RMB 105,000. Because of China's lengthy history of human interactions, emotional investment-type bribery frequently lurks amid these customs, creating serious barriers to evidence and decision-making in the legal system. In order to identify such behavior in judicial practice, this paper chooses nine typical cases from a particular province over the last ten years, interprets and evaluates the particular circumstances of each case, discusses the controversies and common issues in individual verdicts, comments on the implementation status of judicial interpretations, and investigates the legislative and judicial challenges.The aim is to conduct a more comprehensive judicial examination of the specific identification of emotional investment-type bribery.

2 Interpretation of Specific Case Details

Case 1*: From 2010 until 2015, the defendant, Mr. Wu, was the mayor and municipal party secretary of City A. His staff gave him cash presents on several occasions during festivals and holidays during this time. Following the trial, it was discovered that he had accepted cash presents 45 times, amounting to almost RMB 2,350,000 in bribes. Principals of nearby middle schools, hospital directors, executives and employees of different government departments, owners of private businesses, etc. were among the bribe-givers. The Spring Festival, the Mid-Autumn Festival, and the period of the bribe-givers' employment transitions were the main times when the bribing occurred.The number of bribe occurrences usually ranged from four to twelve, and the bribe sums varied from RMB 2,000 to 10,000. The defendant's attorney contended that although the defendant had accepted the aforementioned financial gifts, he had not asked for any favors or benefits for these people. He specifically pointed out that all of the job changes involving leaders of government agencies were completed in compliance with standard hiring and firing practices. In the end, the court determined that Mr. Wu should be held criminally accountable for bribery since his actions of accepting presents of money on 45 separate occasions satisfied the requirements for bribery.

Case 2**: From 2008 to 2014, Mr. Hu, the defendant, was the director of the Standing Committee of the People's Congress in Region B. He illegally accepted a total of RMB 7 million in cash, including Chinese yuan, US dollars, and Hong Kong dollars, among other properties, and repeatedly abused his positional advantages to obtain benefits for others. He committed the crime of bribery with his acts, and the amount of bribery was very large. Mr. Hu unlawfully accepted monetary presents totaling RMB 1.5 million from 55 people between the Spring Festivals in 2008 and 2015, in violation of Article 97 of the Regulations***. He

* Case Number: (2016) Yu 08 Criminal Initial 23

** Case Number: (2015) Zhengzhou Criminal Second Instance Initial 49

*** Disciplinary Regulations of the Communist Party of China, hereinafter referred to as the Regulations.

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was subject to disciplinary punishment from the local disciplinary committee. Regulations provide that judicial authorities will not be given access to the part of the case that has been examined and concluded and does not contain any legal infractions.

Case 3*: The defendant, Mr. Zhang, misused his positional advantages to help others in areas such project collaboration, engineering development, money coordination, and personnel changes while serving as chairman of a state-owned firm in Region C from 2007 to 2016. He unlawfully took bribes of RMB 30 million, which is a disproportionately high sum for a criminal conduct. Furthermore, there were instances of bribery, which the law stipulates calls for harsh penalty. In this instance, Mr. Zhang got most of his bribes around the Spring and Mid-Autumn festivals. Additionally, the bribe-givers made repeated offers of bribes when they visited Mr. Zhang in the hospital when he was unwell and when they visited his elders at home.

Case 4**: During his tenure as the county party secretary and mayor of Region D from 2010 to 2016, the defendant, Mr. Zhu, accepted and solicited a total of RMB 10 million in property from others in exchange for seeking benefits for them in areas such as business operations, land exchanges, and personnel adjustments. After hearing the case and examining the evidence, the court found that Mr. Zhu had committed the crime of bribery, with an exceptionally large amount of bribery received, and that he should be dealt with severely. In this case, the bribe-givers not only presented cash gifts and red envelopes to Mr. Zhu around the Mid-Autumn Festival and Spring Festival but also gifted his daughter, who was studying abroad and working in Beijing, with cash, red envelopes, cars, and other property. Most of the bribe-givers were local private enterprise owners. According to the testimonies of witnesses in this case, their main reason for giving gifts to Mr. Zhu and his relatives was to seek his support and assistance for their businesses' local development. However, some bribe-givers did not put forward specific requests to Mr. Zhu before or after giving the gifts.

Case 5***: During his tenure as the chairman of a state-owned enterprise in Region E from 2013 to 2017, the defendant, Mr. Wang, abused his positional advantages as a state functionary to illegally accept and solicit a total of RMB 10 million in property from others in exchange for seeking benefits for them in areas such as project contracting, job promotion, and work transfers. After hearing the case and examining the evidence, the court found that Mr. Wang's actions constituted the crime of bribery. The prosecution's charge that Mr. Wang committed the crime of bribery was upheld by the court. The defense lawyer for Mr. Wang argued that around the Spring Festival in 2013, Mr. Wang had a job transfer, and some of the individuals involved in the case, as charged by the prosecution, were no longer his subordinates at the time they gave him cash gifts and red envelopes. There was no administrative supervision or hierarchical relationship, and there was a temporal contradiction. Therefore, these cash gifts and red envelopes should not be classified as bribery. However, the court held that Mr. Wang received the aforementioned funds based on his positional advantages and the assistance he provided to these individuals in their work processes. Therefore, the defense lawyer's opinion was ultimately not accepted.

Case 6****: During his tenure as the county chief of Region F and the mayor of Region G from 2010 to

* Case Number: (2017) Yu 07 Criminal Initial 15

** Case Number: (2017) Yu 08 Criminal Initial 13

*** Case Number: (2018) Yu 0481 Criminal Initial 60

**** Case Number: (2018) Yu 1622 Criminal Initial 112

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2017, the defendant, Mr. Han, provided assistance to others in areas such as land exchanges, business operations, job adjustments, and rank promotions, and illegally accepted a total of RMB 800 (note: this amount seems unusually low for a bribery case, but I'm translating it as provided) in cash and property from the recipients. One of the bribe-givers in this case, in order to receive favorable treatment from Mr. Han in terms of work and job adjustments, visited Mr. Han in his office on 11 occasions, using excuses such as festive greetings, condolences, and congratulations on promotions, to give him a total of RMB 60,000. Multiple bribe-givers in this case gave Mr. Han property interests such as cash gifts and gold bars, using various excuses such as festive greetings, visiting him when he was hospitalized, and celebrating the birthdays of his relatives, after receiving assistance from Mr. Han.

Case 7*: During his tenure as the chairman of the Political Consultative Conference in Region H from 2009 to 2016, the defendant, Mr. Deng, as a state functionary, abused his positional advantages to illegally accept and solicit property from others for their benefit, with the amount being particularly huge, constituting the crime of bribery. After hearing the case and examining the evidence, the court found that the main factual allegations, charges, and reasons put forward by the prosecution were established, and that Mr. Deng was convicted of the crime of bribery, with the amount of bribery being RMB 3 million. In this case, one of the bribe-givers gave cash gifts to Mr. Deng multiple times. However, for the first two times (RMB 3,000 each), no specific requests for favors were made. After a few years, the bribe-giver again gave cash gifts to Mr. Deng. Mr. Deng provided assistance to the bribe-giver in their work and in the job transfer of their relatives. The court held that, according to Article 15** of the "Interpretation of Laws on Bribery Cases", the first two instances, which did not reach RMB 10,000, would not be considered as bribery payments.

Case 8***: During his tenure as the director of a bureau in Region I from 2008 to 2017, the defendant, Mr. Huang, was sentenced to three years of imprisonment for crimes of embezzlement and bribery. Notably, the involved individual Mr. Li gave Mr. Huang cash gifts totaling RMB 20,000 in two separate instances before the Spring Festival in 2008 and 2009, respectively. Another involved individual, Mr. Dong, gave Mr. Huang cash gifts totaling RMB 15,000 in two separate instances before the Spring Festival in 2010 and 2011, respectively. Regarding the involved amount of RMB 35,000, the court pointed out in its verdict that the prosecution's allegations against Mr. Huang for accepting bribes in these two instances lacked evidence to prove specific requests for favors. Therefore, the court deemed these acts as disciplinary violations and will transfer the case to the supervisory authority for handling according to the law.

Case 9****: During his tenure as the mayor and member of the Standing Committee in Region J from 2005 to 2017, the defendant, Mr. Wei, committed the crime of bribery, with the amount of bribery being RMB 2.6 million. In this case, one of the bribe-givers, Mr. Liu, gave a red envelope containing RMB 50,000 to Mr. Wei before the Mid-Autumn Festival in 2009, hoping that Mr. Wei would provide support for the operation and development of his enterprise. However, due to poor management, Mr. Liu's enterprise soon closed down, and Mr. Wei did not actually provide any significant help to Mr. Liu. The court ultimately determined that the RMB 50,000 was a bribery payment.

* Case Number: (2018) Yu 1081 Criminal Initial 1

** According to Article 15 of the Interpretation of Bribery Cases, if a state functionary, taking advantage of his position, accepts others' property multiple times before and after seeking benefits for the requester, and the amount of property accepted before being requested exceeds RMB 10,000, it shall be counted as part of the amount of bribery.

*** Case Number: (2018) Yu 0821 Criminal Initial 335

**** Case Number: (2018) Yu 1725 Criminal Initial 169

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3 Analysis and Evaluation of Difficult Issues in Cases

Based on the aforementioned cases, it is evident that there are distinct commonalities in the phenomenon of emotional investment bribery. Firstly, there is a remarkable consistency in the timing of emotional investments made by bribe-givers. Almost invariably, they choose to do so around traditional Chinese festivals such as the Spring Festival, Mid-Autumn Festival, and Lantern Festival. Furthermore, bribe-givers seize every opportunity, such as when the recipient moves into a new home or is promoted, is hospitalized due to illness, or when the recipient's children go abroad for studies or get married, or when the recipient's elders celebrate their birthdays, to make their emotional investments appear plausible and create the illusion that the recipient "has to" accept out of a sense of obligation or embarrassment at refusing. Secondly, the amount of money gifted as emotional investments follows a certain pattern depending on the identity of the bribe-giver. When the bribe-giver is also a state functionary, the amount is usually below RMB 30,000, relatively small. However, if the bribe-giver is a private enterprise owner, the amount tends to rise sharply. Thirdly, regardless of the identity of the bribe-giver, emotional investments exhibit characteristics of being long-term, continuous, and frequent. Over the course of several years, the bribe-giver may present "gifts" to the recipient dozens of times under various pretexts. The cumulative amount of these "gifts" is comparable to or even exceeds that in ordinary bribery crimes. However, as observed from the aforementioned cases, there are still numerous controversies surrounding the determination of emotional investment bribery in judicial practice. The following discussion will address this issue from four aspects.

3.1 Distinguishing Bribery from Disciplinary Sanctions

In the aforementioned Case 2 and Case 8, the defendants, Mr. Hu and Mr. Huang, respectively, received gifts in the form of emotional investments that were not recognized as bribery in the final court judgments but were instead handled by supervisory organs, with corresponding disciplinary sanctions imposed in accordance with Article 97 of the Regulations. Specifically, Mr. Hu illegally received gifts 55 times totaling RMB 1.5 million in Case 2, while Mr. Huang illegally received gifts four times totaling RMB 35,000 in Case 8. Then, why were the actions of Mr. Hu and Mr. Huang, which also involved receiving gifts in the name of interpersonal exchanges, punished with disciplinary sanctions for illegally receiving gifts in accordance with Article 97 of the Regulations, while the defendants in other cases were all dealt with under the charge of bribery? In judicial practice, what are the criteria for determining whether emotional investment constitutes a bribery offense or a violation of the Party's integrity discipline?

Firstly, it should be clarified that the subjects regulated by the Interpretation of Cases Involving Bribery and Corruption are state functionaries as stipulated in China's Criminal Law, while the subjects regulated by the Regulations encompass Party and state functionaries, as well as other personnel engaged in public affairs or Party leaders and cadres, among which "other personnel engaged in public affairs or Party leaders and cadres" refer to those holding management positions in institutions such as hospitals and schools, as well as in state-owned enterprises. Therefore, whether applying judicial interpretations or Party discipline regulations, the subjects of Mr. Hu in Case 2 and Mr. Huang in Case 8 are both eligible and appropriate, without any improperness.Secondly, during the specific investigation and evidence collection process of

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the cases, some bribe-takers, due to the long duration and numerous instances of illegally accepting gifts, often fail to clearly state the specific time, reason, source, and usage of each gift. Consequently, it becomes difficult for investigators to determine whether there were corresponding instances of using their positions to seek benefits for others before or after the illegally accepted gifts. In judicial practice, investigators tend to handle such situations in accordance with Article 97 of the Regulations.Thirdly, since Article 97 of the Regulations does not clearly delineate the amount of gifts received and the corresponding severity of Party disciplinary sanctions, nor does it stipulate whether reaching a certain numerical threshold constitutes a criminal act, the lack of a unified standard for determining the amount inevitably leads to inconsistent verdicts in similar cases. Supervisory organs and judicial authorities in various regions will handle cases based on local economic development levels and specific case circumstances. Hence, the situation arises where Mr. Hu in Case 2 received "gifts" totaling RMB 1.5 million, while Mr. Huang in Case 8 received "gifts" totaling RMB 35,000—despite the vast disparity in the amount of "gifts," both were dealt with for violating the Party's integrity discipline.Lastly, when investigating whether state functionaries have violated Party discipline or laws and regulations, supervisory organs and judicial authorities typically consider the work performance of the state functionaries during their tenure and their degree of cooperation during the investigation. If, during the investigation, individuals harbor a sense of luck or confrontation, they often remain silent, avoid addressing serious issues, present obviously unreasonable defenses, or even make false statements and conceal or misreport information, objectively increasing the difficulty in determining the facts of the case and burdening the evidence collection process for case handlers. By using various means to refuse to confess their disciplinary violations, alleged crimes, and other issues, supervisory organs and judicial authorities will consider the aforementioned circumstances to determine the severity of their behavior in a more severe and rigorous manner. Additionally, supervisory organs will also assess their past work attitudes and performance, comprehensively evaluating the social harmfulness of their behavior and their subjective malice, ensuring that the outcome of the case serves as a deterrent to the underlying corruption among Party leaders and cadres, and achieving the warning and educational effect of "using cases as mirrors and promoting reform through cases" among Party leaders and cadres.

3.2 Whether the "Gift Giving" Is Related to Official Duties

In the aforementioned Case 1, the defendant Wu received gifts in violation of regulations neither from subordinates with a superior-subordinate relationship nor from those under administrative management, but rather as part of "reciprocal gift-giving" among friends. This does not fall within the scope of Article 13, Paragraph 2, of the Interpretation of Cases Involving Bribery and Corruption. Wu also argued that the job transfers of his subordinates (i.e., the bribe-givers) were all in accordance with legal procedures. In Case 5, the defendant Wang received gifts in violation of regulations from subordinates of his previous unit, and Wang's lawyer argued that the job changes of his former subordinates were all part of normal personnel appointment and removal procedures, and that the gifts were given without prior attempts to seek favor from Wang in their job adjustments, but rather as a gesture of visiting an old leader during holidays. In Case 6, some of the involved bribe-givers argued that although the defendant Han had provided them with assistance, they had not approached Han beforehand to request favors. They claimed that the gifts were given to Han during reasonable times such as holidays, when Han was hospitalized, or at Han's relatives' birthday

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banquets, and were part of normal social exchanges. In these three cases, the gift-givers believed their actions were based on normal human emotions and social interactions, unrelated to the defendant's status as a state functionary or the conveniences brought by their official duties. On the other hand, the defendants believed they had neither actually nor promised to "seek benefits for others." Therefore, how to determine whether the "gift giving" is related to official duties becomes a key factor in establishing the guilt of emotional investment-type bribery.

According to the provisions of the Interpretation of Cases Involving Bribery and Corruption, for emotional investment-type bribery to constitute a crime, the gift-giving behavior of the bribe-giver must be related to the official duties of the recipient. Regarding the meaning of official duties, Japanese scholar Nishida Noriyuki believes, "Since it is impossible for the law to exhaustively regulate all duties, it suffices to recognize a duty as within a public official's authority based on a reasonable interpretation." In the aforementioned Case 1, although some of the bribe-givers did not have an administrative management relationship with the defendant Wu, as the local mayor and municipal party secretary, Wu's official duties encompassed not only his primary job responsibilities but also the influence of his powers in the local area. The government agencies that had management authority over some of the bribe-givers were subordinate to Wu, meaning that the defendant Wu could indirectly use his official convenience to seek benefits for the bribe-givers. In Case 5, although the bribe-giver did not promise to give benefits to the defendant Wang before his job transfer nor immediately afterward to express gratitude, Wang, as the leader during the period of the bribe-giver's personnel changes, held a position that brought him power and influence. During his tenure at the original unit, Wang undoubtedly had decision-making power and a certain degree of say in personnel appointments and removals. To take a step back, if the bribe-giver and Wang did indeed have good personal relationships, why did the gift-giving behavior only occur after Wang was transferred out of the original unit? Obviously, this situation was actually an attempt to avoid their former superior-subordinate relationship and enhance the concealment of the bribe-giving behavior.

3.3 Whether the "Gift Giving" Bears Consideration for Official Acts

In the aforementioned Case 3, the defendant Zhang received bribes mostly around the Mid-Autumn Festival and Chinese New Year, and the bribe-givers also offered bribes multiple times when visiting Zhang who was ill in hospital and visiting Zhang's elders at home, but did not actually propose specific requests to Zhang. In Case 4, based on the testimony of witnesses in the case, it can be seen that the bribe-givers gave gifts to Zhu and his relatives mainly in the hope that Zhu would support and assist the operation and development of their enterprises locally. However, some of the bribe-givers did not propose specific requests to Zhu before or after giving the gifts. In Case 7, one bribe-giver gave gifts of money to the defendant Deng multiple times. The first two times (3,000 yuan each) were given without proposing any specific requests. Several years later, the bribe-giver gave Deng another gift of money, and Deng provided assistance to the bribe-giver in job placement and the job transfer of his relatives. The court held that, according to Article 15 of the Interpretation of Cases Involving Bribery and Corruption, [*]the total amount of the first two gifts did not reach 10,000 yuan, and the cumulative amount was relatively small, which did not meet the provision

* Article 15 of the Interpretation on Bribery Cases stipulates that if a state functionary, taking advantage of his or her position, accepts others' property multiple times before and after seeking benefits for the requester, and the amount of property accepted before being requested exceeds RMB 10,000, the entire amount shall be counted as part of the bribery amount.

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of the judicial interpretation that such amounts should be aggregated. Furthermore, there was a long interval between the initial two gift-giving instances and the subsequent proposal of specific requests, indicating that the initial two instances were indeed exchanges of gifts based on personal relationships and should not be considered as bribes. The common issue reflected in these three cases is whether the recipient of "gifts" can be deemed to constitute emotional investment-type bribery when the cumulative amount of gifts given by the bribe-giver does not reach 30,000 yuan or when the bribe-giver does not propose specific requests, i.e., when the "gift giving" does not bear consideration for official acts.

In the context of emotional investment-type bribery, once the cumulative amount of gifts exchanged between two parties with a specific relationship reaches 30,000 yuan, it can be presumed that the gift-giving behavior of the bribe-giver exceeds the normal equivalency of social etiquette and norms, and can be regarded as the bribe-taker's "promise to seek benefits for others." At this point, a consideration relationship is established between the bribe-giver's gift-giving behavior and the bribe-taker's potential future use of their position. In Cases 3 and 7, the amounts of gifts given by the bribe-givers exceeded 30,000 yuan. Although the bribe-givers did not immediately request favors in return at the time of giving the gifts, the amounts of the gifts already exceeded the reasonable scope of social activities, indicating that the bribe-givers were seeking benefits at some uncertain future time, possibly even greater benefits far exceeding the consideration for official acts. In contrast, in Case 7, the amount of gifts given by the bribe-giver was only 6,000 yuan, which did not meet the 30,000 yuan threshold specified in Article 13 of the Interpretation of Cases Involving Bribery and Corruption, nor did it fall within the scope of amounts that should be aggregated as bribery receipts according to Article 15. Therefore, the gifts given were indeed part of normal social activities, conforming to social customs, and did not bear consideration for the official acts of the recipient.

3.4 How to Determine "May Affect the Exercise of Powers and Functions"

The bribe-giver Liu gave defendant Wei money in Case 9 with the intention of getting future support and help for his business. However, Liu's business went into insolvency soon after the present was provided. From an objective standpoint, Wei was no longer able to use his official position to make things easier for Liu. The court nevertheless considered Liu's 50,000 yuan gift to be bribery money, and Wei's acceptance of the gift was considered emotional investment-type bribery. Therefore, how can we ascertain if a gift-giving conduct satisfies the requirement that it "may affect the exercise of powers and functions" as stated in Article 13 Paragraph 2 of the Interpretation of Cases Involving Bribery and Corruption?It should be made clear that bribery crimes were first classified as actual harm offenses. The potential of "affecting the exercise of powers and functions," as opposed to having already impacted or unavoidably affecting the exercise of powers and functions in the future, is what the judicial interpretation demands. By creating a specific hazard, this clause changes the character of bribery charges to that of special danger offenses. The burden of proof is lessened by this provision, which also considers the practical challenges of gathering and substantiating evidence by include the potential to influence the performance of authorities and functions as one of the constituent factors. Abstract risk offenses are not the same as specific danger offenses. Professor Zhang Mingkai contends that a conduct can be classified as an abstract hazard crime if it presents a risk of damage, without the necessity for judicial judgment, and that the sole need for its composition is general

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societal experience. On the other hand, the assessment of particular hazard offenses needs to be paired with the real-life situation at the moment of the conduct, and there needs to be a strong sense of urgency for negative outcomes to occur at that moment. Judges must so thoroughly evaluate the seriousness of the threat in particular risk offenses depending on each situation.

Despite the fact that the "gift of money" in Case 9 covered in this research lacked a clear tie to "official acts," the sum of 50,000 yuan was more than the equivalent of typical social contacts. Wei, the defendant, should have anticipated that Liu would make particular requests. In actuality, the power-for-money exchange between the bribe-giver and the bribe-taker had already been established by implicit agreement, even if neither party said it officially. Crimes involving bribery are different from those that violate people' personal rights since the detrimental conduct and its effects take time to develop.Given the facts of the case, the bribe-giver had the right to make specific demands on Wei at any point prior to the company's bankruptcy. It implied a promise to seek benefits for Wei, who had already accepted the gift that exceeded social equivalency. At that point, the possibility of "affecting the exercise of powers and functions" had already existed, and the risk of violating the legal interests safeguarded by bribery crimes had become urgent.

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