

Strategic Aspects of Voluntary Disclosure Programs for Corruption Offences

- Towards a Design of Good Practice -

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Appendix III: Provisions in Penal Codes (Abstracts)¹

Albania (+)

Article 244. Proposals for remuneration made to officials holding a public office

The proposal for remuneration, gifts or other benefits made to an official holding a state duty or public service, if the latter undertakes to act or refrains from acting on an action connected to his duty or service, or to use his influence toward other authorities in order to ensure favors, courtesies and any other benefits, is punishable by a fine or up to three years of imprisonment.

Article 245. Remuneration given to officials holding a public office

Remunerating or awarding other benefits to an official holding a state duty or public service to have him act or refrain from acting on an action connected to his duty or service, or to use his influence toward other authorities in order to ensure favors, courtesies and any other benefits, is punishable by a fine or up to five years of imprisonment.

Article 259. Asking for bribes

A person holding state functions or public service who asks for or demands remuneration to which he is not entitled or which exceeds the amount allowable by law, is punishable by a fine or up to seven years of imprisonment.

Article 260. Receiving a bribe

Receiving remuneration, gifts or other benefits by a person holding state functions or public service and during their exercise, in order to carry out or to avoid carrying out an act related to the function or service, or to exercise his influence toward different authorities in order to provide to any person favors, gratuities, jobs and other benefits, is punishable by three to ten years of imprisonment.

¹ Omissions indicated by [...]. (*)...penal code provided by legal scholars and practitioners (survey). (+)...penal code available online, via <http://www.worldlii.org/catalog/215.html>. (#)...penal code available at the Max-Planck-Institute for Foreign and International Criminal Law, Freiburg, Germany. (°)...own translation.

Algeria (#) (°)

Art. 126. Anyone who, in the following cases, requests or accepts offers or promises, or requests or accepts donations, gifts or other advantages, is culpable of corruption and will be punished with imprisonment for 2 years and a fine of between 500 and 5.000 DA:

1° Being a magistrate, official, or elected representative; in order to accomplish or abstain from accomplishing an act within his duties, righteous or unrighteous, but not subject to remuneration, or an act which, although beyond his personal attribution, is or could have been facilitated by his position;

2° being an arbitrator or a designed expert, be it by the administrative or the judicial authority or the parties; in order to pronounce a decision or an opinion in favor or to the detriment of one party;

3° being a magistrate, assessor or a member of a jurisdiction; in order to decide either in favor or to the detriment of one party:

4° being a doctor, surgeon, dentist, or midwife; in order to falsely certify or dissimulate the existence of illnesses or a pregnancy, or to provide untrue indications on the origin of an illness or the reason of a decease.

Art. 127. The paid clerk, employee or civil servant who, directly or indirectly, or through an intermediary, without the knowledge and consent of his employer, requests or accepts offers or promises, or requests or accepts donations, gifts, commissions, discounts or allowances, in order to perform or to abstain from performing an act within his duties, or an act which, although beyond his personal attributions, is or could have been facilitated by his office, is subject to

Art. 128. Any person who requests or accepts offers or promises, requests or accepts donations, gifts or other advantages, in order to let someone obtain or to intent to let someone obtain decorations, medals, distinctions or recompenses, or employments, or any favors granted by the public authority, business deals, companies or other benefits resulting from contracts concluded with the public authority or an operation under the control of the public governance, or, generally, a favorable decision of such an authority or administration, and thus abuses of his real or alleged influence, is culpable of trade on influence and will be punished by imprisonment between 1 and 5 years and a fine of between 500 and 5.000 DA.

If the defendant is a magistrate, official or elected representative, the penalties will be doubled.

Art. 129. Anyone who, in order to obtain, either the accomplishment of or the abstention from an act, or one of the favors or advantages provided for in Art. 126 to 128, has used force, menaces, promises, offers, donations or gifts, or other advantages, or given in into requests aiming at corruption, even if he has not taken the initiative, is, whether or not the corruption has produced its effect, punished with the same penalties the corrupted person is subject to in the previous articles.

Art. 133. The objects given or their value is never reimbursed to the bribe-giver; they will be confiscated and declared acquired by the Treasury by judgment.

Argentina (#) (°)

Section 256. Any public official who personally or by means of an intermediary, receives money or any other gift, or directly or indirectly accepts promise of such in order to carry out, delay, or not to do something in relation to his duties, shall be punished with imprisonment or jailing from one to six years and special disqualification for life.

Section 256 (b). Anybody who personally or through an intermediary, requests or receives money or any other gift, or directly or indirectly accepts promise of such in order to make unlawful use of his influence before a public official, with the purpose of having such official do, delay or not do something in relation to his duties, shall be punished with imprisonment or jailing from one to six years and special disqualification for life regarding the exercise of any public office.

Section 258. Any person who personally or through an intermediary gives or offers any gift for the purpose of obtaining any of the conducts punished by Sections 256 and 256 (b) paragraph 1 shall be punished with jailing from one to six years. [...] If the perpetrator is a public official, special disqualification from two to six years shall also be imposed in the first case [...].

Section 259. Any public official who, while in public office, accepts any gifts by reason of that office, shall be punished with jailing from one month to two years and complete disqualification from one to six years.

The person who presents or offers the gift shall be punished with jailing from on month to one year.

Armenia (*)

Article 311. Taking bribes.

1. Taking bribes by a state official, personally or through a proxy, in the form of money, property right, securities or other property benefits, for implementation or not implementation of actions within his authority, in favor of the briber or briber's representative, by using official position, to commit or not to commit such actions for permission, service favoring or connivance, is punished with a fine in the amount of 300 to 500 minimal salaries, or with imprisonment for the term of up to 5 years, with deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

2. Receipt of a bribe by an official for implementation or not implementation of obviously illegal actions within his authority, in favor of the briber or briber's representative, is punished with imprisonment for 3-7 years, with deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

[...]

Article 312. Giving a bribe.

1. Giving a bribe, personally or through a proxy, to a state official, in the form of money, property, property right, securities or other property benefit, so that this state official performs or does not perform actions in favor of this person or the ones he represents, within his authority, or by using one's official position this person would commit or not commit actions favoring or permitting or conniving, is punished with a fine in the amount of 100 to 200 minimal salaries, or correctional labor for 1-2 years, or with arrest for the term of 1-3 months, or with imprisonment for the term of up to 3 years.

[...]

4. The person who gave a bribe is exempted from criminal liability, if he was subjected to extortion, or if this person voluntarily informed the law enforcement bodies about giving the bribe.

Article 313. Bribery mediation.

1. Bribery mediation, i.e. promotion of the agreement between the briber and bribe taker or implementation of previously reached agreement, is punished with a fine in the amount of 100-200 minimal salaries or with arrest for up to 2 months or imprisonment for up to 3 years.

Article 350. Entrapment for bribe or commercial bribe.

Entrapment for bribe or commercial bribe, i.e. to create artificial evidence or to blackmail an official or an executive or a manager of a commercial or other organization, an attempt to impose on them money, securities, other property or property services, is punished with a fine in the amount of 300-500 minimal salaries, or imprisonment for up to 5 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

Australia (*)

82. Bribery of public officer

Any public officer who obtains, or who seeks or agrees to receive, a bribe, and any person who gives, or who offers or promises to give, a bribe to a public officer, is guilty of a crime and is liable to imprisonment for 7 years.

99. Bribery

Any person who

(1) Gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person any property or benefit of any kind on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector or on account of any person acting or joining in a procession during an election, or in order to induce any person to endeavor to procure the return of any person at an election, or the vote of any elector at an election;

[...]

is guilty of a misdemeanor, and is liable to imprisonment for 9 months, or to a fine of \$200.

Austria (°)

§ 304

(1) A public official [...] who solicits, agrees to accept or accepts, for himself or for another person, an advantage for the performance or omission, contrary to duty, of a public duty, is to be sentenced to a prison term of up to three years.

(2) A public official who solicits, agrees to accept or accepts, for himself or for another person, an advantage for the performance or omission, in duty bound, of a public duty, is to be sentenced to a prison term of up to one year.

(3) If the value of the advantage exceeds 2.000 Euro, the offender is to be sentenced in case of paragraph (1) to a prison term of up to five years and in case of paragraph (2) of up to three years.

(4) The one accepting or agreeing to accept only a small advantage is not to be punished according to paragraph (2), unless the act is committed commercially.

§ 307

(1) The one who offers, promises to give or gives an advantage for the performance or omission, contrary to duty, of a public duty to a public official or another person, is to be sentenced to a prison term of up to two years.

(2) The one who offers, promises to give or gives not only a small advantage to a public official for the performance or omission, in duty bound, of a public duty, is to be sentenced to a prison term of up to six months or to a fine of up to 360 daily rates, unless the one cannot, under the circumstances, be blamed for offering, promising to give or giving the advantage.

Azerbaijan (*)

Article 311. Reception of a bribe

311.1. Reception by official personally or through intermediary of a bribe as money, securities, other property or benefits of property nature on actions (inaction) for the benefit of the briber or person represented by him, if such actions (inaction) are included into service powers of the official or it by virtue of official position can promote such actions (inaction), as well as for the general protection or indifference on service –

is punished by imprisonment for the term from two up to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.

311.2. Reception by official of a bribe for illegal actions (inaction) –

is punished by imprisonment for the term from five up to ten years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

[...]

Article 312. Presentation of a bribe

312.1. The presentation of a bribe to official personally or through the intermediary –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit or imprisonment for the term up to five years with the penalty at a rate from five hundred up to one thousand of nominal financial unit or without it.

312.2. The presentation of a bribe to official for commitment of obviously illegal actions (inaction) by him or repeated presentation of a bribe –

is punished by the penalty at a rate of from two up to four thousand of nominal financial unit or imprisonment for the term from three up to eight years with confiscation of property or without it.

NOTE: The person giving a bribe shall be released from a criminal liability if presentation of a bribe took place by threats of official or if the person has voluntarily informed the appropriate state body about a presentation of a bribe.

Bolivia (#) (°)

Art. 145 (Personal corruptibility). The office holder or authority who, in order to perform or omit an act relating to his functions or contradictory to his duties, directly or through another, receives, for himself or for a third person, bestowments or any other advantage or accepts offers or promises, will be subject to penitentiary between 2 and 6 years and a fine equivalent to between 30 and 100 daily rates.

[...]

Art. 158 (Bribery). He who, directly or through another, gives or promises to an office holder or an authority, bestowments or any other advantage, in order for the latter to omit or perform an act related to his functions, will be subject to the penalty mentioned in Art. 145, lessened by a third.

Bosnia and Herzegovina (*)

Article 217. Accepting Gifts and Other Forms of Benefits

(1) An official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit in order to perform within the scope of his official powers an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him, shall be punished by imprisonment for a term between one and ten years.

(2) An official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, who demands or accepts a gift or any other benefit or who accepts a promise of a gift or a benefit in order to perform within the scope of his official powers an act, which ought to be performed by him, or for the omission of an act, which ought not to be performed by him, shall be punished by imprisonment for a term between six months and five years.

(3) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, who demands or accepts a gift or any other benefit following the performance or omission of an official act referred to in paragraphs 1 and 2 of this Article and in relation to it.

(4) The gifts or any other benefits shall be forfeited.

Article 218. Giving Gifts and Other Forms of Benefits

(1) Whoever gives or promises a gift or any other benefit to an official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, in order that he performs within the scope of his official powers of an act, which ought not to be performed by him, or abstains from performing of an act which ought to be performed by him, or whoever mediates in such bribing of the official or responsible person, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever gives or promises a gift or any other benefit to an official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, in order that he performs within the scope of his official powers an act, which ought to be performed by him, or abstains from performing of an act, which ought not to be performed by him, shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 and 2 of this Article who had given a bribe on request of the official or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person, but reported the deed before it being discovered or before knowing that the deed has been discovered, may be released from punishment.

(4) The gifts or any other benefits shall be forfeited, while in case referred to in paragraph 3 of this Article, they can be returned to the giver.

Bulgaria (*)

Art. 301

(1) An official who accepts a present or any other property benefit whatsoever, which is not due, in order to perform or not an act on business or because he has or has not performed such an activity shall be punished for bribery by imprisonment of one to six years.

(2) If the official has received the bribe in order to offend or because he has offended his office, if this offence does not represent a crime, the punishment shall be imprisonment of one to eight years.

(3) If the official has received the bribe in order to commit or because he has committed another crime related to his office, the punishment shall be imprisonment of one to ten years.

(4) In the cases under the preceding paragraphs the court shall also rule revoking the right according to art. 37, item 6 and 7.²

[...]

Art. 304

(1) Who gives a present or any other property benefit whatsoever to an official in order to fulfill or not an activity related to his office, or because he has fulfilled or not such an activity, shall be punished by imprisonment of up to six years.

(2) The punishment under paragraph 1 shall also be imposed to those who give a bribe to a foreign official.

(3) If, in connection with the bribe, the official has violated his official duties the punishment shall be imprisonment of up to seven years if this offence does not represent a more seriously punishable crime.

Article 304a.

(1) Who promises or proposes a bribe to an official shall be punished by imprisonment of up to one year.

(2) The punishment under paragraph 1 shall also be imposed to those who promise or offer a bribe to a foreign official.

(3) An official who requests or agrees to receive a bribe shall be punished by imprisonment of up to five years.

[...]

² Article 37 (1) reads: “The punishments are: [...] 6. revocation of the right to occupy definite state or public position; 7. revocation of the right to practiced a definite profession or activity; [...]”

Article 305a.

Who mediates the giving or receiving of a bribe, unless the act represents a more severe crime, shall be punished by imprisonment of up to three years.

Article 306

Not punished shall be those who have given a bribe:

- a) if [they have] been blackmailed by the official [...] or
- b) if [they have] informed the authorities voluntarily.

[...]

Article 307a.

The subject of the crime under art. 301 – 307 shall be seized in favor of the state, and if it is missing its equivalence shall be adjudicated.

Burkina Faso (#) (°)

Art. 158. Anyone who has requested or accepted offers or promises, requested or accepted donations or gifts in the following cases, will be punished by imprisonment between 2 and 10 years and a fine of twice the amount of the value of the advantages received or asked for, without this fine being inferior to 150.000 francs:

[...]

The paid clerk, employee or civil servant, who, directly or through an intermediary, without the knowledge and consent of his employer, requests or accepts offers or promises, or requests or receives donations, presents, commissions, discounts or allowances; in order to perform or abstain from performing an act within his duties, will be punished with imprisonment between 1 and 3 years and a fine of between 50.000 and 250.000 francs, or one of those two penalties only.

If the offers, promises, donations or requests aimed at the accomplishment of or abstention from an act which, even though beyond the personal attributions of the corrupted person, was or would have been facilitated by the function or the office he holds, the penalty will be, in the case of the first paragraph, imprisonment between 1 and 3 years and a fine of 50.000 francs; and in the case of the second paragraph, imprisonment between 6 months and 2 years and a fine of between 50.000 and 200.000 francs, or one of those two penalties only.

Art. 159. Anyone who requests or accepts offers or promises, or requests or accepts donations or gifts in order to let someone obtain or intent to let someone obtain decorations, medals, distinctions or recompenses, employments, or any other favors granted by the public authority, business deals, companies or other benefits resulting from contracts with the public authority or an administration under the control of the public governance, or, generally, a favorable decision of such an authority or administration, and thus abuses of a real or alleged influence, will be punished by imprisonment between 1 and 5 years and the fine provided for in the first paragraph of Art. 158.

If the defendant is one of the persons mentioned in the first subsection of the first paragraph of Art. 158 and he has abused of the real or alleged influence granted by his office, the penalty will be imprisonment of at least 2 years and not more than 10 years.

Art. 160. Anyone who, in order to obtain the accomplishment or abstention from an act, favours or advantages provided for in Art. 158 and 159, uses violence or menaces or promises, offers, donations or gifts or gives in into requests aiming at corruption, even if he has not taken the initiative, and whether or not the coercion or corruption has produced its effects, will be punished with the same penalties as provided for in the previous articles for the corrupted person.

Burundi (#) (°)

Art. 300. Any public official, person in charge of a public service, arbitrator, or expert in a pending case, who has accepted offers or promises, received donations or gifts in order to perform an act within his duties, his office or his mission, even if righteous, but not subject to salary, will be punished with custody of between 1 month and 1 year and a fine of between 1000 and 20.000 francs, or one of these penalties only.

Art. 301. Any public official, person in charge of public services, arbitrator, or expert in a pending case, who, after having accepted offers or promises, or received donations or gifts, has, within the exercise of his duties, his office or his mission, performed an unrighteous act, or has abstained from performing an act within his duties, will be punished with custody of 5 years and a fine of between 2000 and 30.000 francs, or one of these penalties only.

Art. 302. The defendant will be subject to custody between 2 and 10 years and a fine of between 5000 and 50.000 francs or one of these penalties only, if he has accepted offers or promises or received donations or gifts in order to commit, while exercising his official duties, an offence.

Art. 303. Those who have constrained a public official, a person in charge of a public service, an arbitrator or an expert in a pending case, by violence or menace, or corrupted by promises, donations, or gifts, in order to obtain an act of his office, even if righteous and not subject to salary, or the abstention of an act within his duties, will be punished with the same penalties as the person culpable of having been corrupted.

Canada (*)

119-120. [...], **123. (1)** [...], **125** [...].

Frauds on the government

121. (1) Every one commits an offence who

(a) directly or indirectly

(i) gives, offers or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or

(ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person,

a loan, reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with

(iii) the transaction of business with or any matter of business relating to the government, or

(iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,

whether or not, in fact, the official is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

(b) having dealings of any kind with the government, pays a commission or reward to or confers an advantage or benefit of any kind on an employee or official of the government with which he deals, or to any member of his family, or to any one for the benefit of the employee or official, with respect of those dealings, unless he has the consent in writing of the head of the branch of government with which he deals, the proof of which lies on him;

(c) being an official or employee of the government, demands, accepts or offers or agrees to accept from a person who has dealings with the government a commission, reward, advantage or benefit of any kind directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the head of the branch of government that employs him or of which he is an official, the proof of which lies on him;

[...]

Punishment

(3) Every one who commits an offence under this section is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

§ 9 Corruption

Art. 248. The public employee who requests, or accepts to receive, rights beyond those appointed to him by reason of his office, or an economic benefit, for himself or for a third person, in order to execute, or for having executed an act within his function, for which he has not been appointed the necessary rights, is subject to suspension in all degrees, and a fine of between half and the entire equivalent of the rights or benefit requested or accepted.

Art. 248bis. The public employee who requests or accepts to receive an economic benefit, for himself or for a third person, in order to omit a due act within his function, or in order to execute or for having executed an act in violation of his duties, is subject to minor custody in minor and medium degree and special or complete temporary disqualification regarding his public office and duties in all degrees, and a fine of the amount of twice the benefit requested or accepted.

If the violation of the duty consists of exercising influence on a public official in order to obtain a decision which can generate a benefit for an interested third person, he will be subject to special or total disqualification for life with regard to any public office or duty, in addition to the penalty of custody and fine established in the previous paragraph.

Art. 249. The public employee who requests or accepts to receive an economic benefit, for himself or for a third person, in order to commit any of the crimes or simple offences expressed in this Title, or in paragraph 4 of Title II, will be punished with complete disqualification for life regarding public offices and duties, and a fine of three times the amount of the benefit requested or accepted.

What is established in the previous paragraph, applies regardless of the penalty applying to the offence committed by the public official, which will in any case not be inferior to minor custody of a medium degree.

Art. 250. Anyone who offers or agrees to give an economic benefit to a public official, to the benefit of this official or a third person, in order for the latter to realize, or for having realized, the acts or omissions indicated in Art. 248, 248bis and 249, will be penalized with the fines and disqualifications established in those dispositions.

In the case of the benefit agreed upon or offered in relation to the acts or omissions indicated in Art. 248bis, the bribe-giver will additionally be sanctioned with minor custody in minimum or medium degree, in the case of benefit offered, or with minor custody in minimum degree, in the case of benefit agreed upon.

In the cases of benefit agreed upon or benefit offered in relation to the crimes or simple offences indicated in Art. 249, the bribe-giver will additionally be sanctioned with minor custody in medium degree, in the case of benefit offered, or with minor custody in minimum or medium degree, in the case of benefit agreed upon. In these cases, the bribe-giver cannot be sanctioned additionally for the responsibility laid upon him for the crime or simple offence committed by the official.

Art. 250bis. In the cases in which the offence provided for in the previous article has the object of a realization or an omission, as indicated in Art. 248 or 248bis, which benefits the defendant in a criminal case, and has been committed by his spouse, one of his

consanguineous or related ascendants or descendants, a relation up the second degree inclusive, or by a person related to him through adoption, only the fine which corresponds to the dispositions formerly mentioned will be imposed on the responsible.

[...]

Art. 251. The goods received by the public employee are subject to confiscation.

[...]

China (*)

Article 385. Any state functionary who, by taking advantage of his office, asks for other persons' property, or illegally accepts other persons' property and secures advantages for them, shall be guilty of a crime of acceptance of bribes.

Any state functionary who, in his economic activities, in violation of state's stipulations, accepts commissions and service charges offered in various names for their own possession shall be punished for acceptance of bribes.

Article 386. Whoever commits a crime of acceptance of bribes shall, in accordance with the amount of bribes and the seriousness of the circumstances, be punished according to the provisions of Article 383 of this Law. Whoever extorts bribery shall be given a heavier punishment.

Article 389. Whoever, for the purpose of seeking unlawful profits, gives property to a state functionary shall be guilty of bribing.

Whoever, in economic activities, violating the state's stipulations, gives property of a large quantity or value to a state functionary or gives, in violation of the state's stipulations, commissions and service charges to a state functionary shall be punished for the crime of bribing.

Whoever being extorted gives property to a state functionary and gains no unlawful profits shall not be deemed to have bribed.

Article 390. Whoever commits the crime of bribing shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Whoever seeks unlawful interests by bribing shall, if the circumstances are serious or heavy losses of the state's interests have been caused, be sentenced to fixed-term imprisonment of not less than five years and not more than ten years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and may concurrently be sentenced to confiscation of property.

Those bribers who voluntarily confess their bribery before being prosecuted may be given a mitigated punishment or be exempted from punishment.

Article 383. Whoever commits the crime of embezzlement shall, in accordance with the seriousness of the circumstances, be respectively punished according to the following provisions:

(1) An individual who embezzles not less than 100,000 yuan shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and may concurrently be sentenced to confiscation of property. If the circumstances are especially serious, the offender shall be sentenced to death, and concurrently be sentenced to confiscation of property.

(2) An individual who embezzles not less than 50,000 yuan and not more than 100,000 yuan shall be sentenced to fixed-term imprisonment of not less than five years, and may concurrently be sentenced to confiscation of property. If the circumstances are especially serious, the offender shall be sentenced to life imprisonment, and concurrently be sentenced

to confiscation of property.

(3) An individual who embezzles not less than 5,000 yuan and not more than 50,000 yuan shall be sentenced to fixed-term imprisonment of not less than one year and not more than seven years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than seven years and not more than ten years. An individual who embezzles not less than 5,000 yuan and not more than 10,000 yuan, and after committing the crime, shows signs of repentance and gives up the embezzled money of his own accord may be given a mitigated punishment or be exempted from criminal punishment, but shall be given a disciplinary sanction by his unit or competent authorities at higher level.

(4) An individual who embezzles not more than 5,000 yuan shall, if the circumstances are relatively serious, be sentenced to fixed-term imprisonment of not more than two years or criminal detention. If the circumstances are relatively minor, the offender shall be given a disciplinary sanction according to the circumstances by his unit or competent authorities at higher level.

Whoever repeatedly commits crimes of embezzlement and goes unpunished shall be punished according to the accumulated amount of money he has embezzled.

Colombia (#) (°)

Art. 405. The public servant who receives for himself or for another person, directly or indirectly, money or another utility, or accepts a remunerated promise, in order to delay or omit an act within his duties, or in order to execute an act contrary to his official duties, is subject to imprisonment between 5 and 8 years, a fine between 50 and 100 valid minimum monthly wages, and disqualification of the exercise of public rights and offices for between 5 and 8 years.

Art. 406. The public servant who accepts for himself or for another, directly or indirectly, money or another utility, or a remunerated promise, for an act he is obliged to execute in fulfillment of his duties, is subject to imprisonment between 4 and 7 years, a fine between 50 and 100 valid minimum monthly wages, and disqualification of the exercise of public rights or offices for between 5 and 8 years.

The public servant who receives money or another utility from a person who has an interest in any matter under his jurisdiction, is subject to imprisonment between 2 and 5 years, a fine between 30 and 50 valid minimum monthly wages, and disqualification of the exercise of public rights and offices for 5 years.

Art. 407. Bribery by giving or offering. He who gives or offers money to a public servant, in the cases provided for in the two previous articles, is subject to imprisonment between 3 and 6 years, a fine between 50 and 100 valid minimum monthly wages, and disqualification of the exercise of public rights and offices for between 5 and 8 years.

Costa Rica (#) (°)

Art. 338. The public official who, for himself or an intermediary, receives a gift or any other undue advantage, or accepts the promise of a remuneration of this nature, in order to perform an act within his function, will be subject to jailing for between 6 months and 2 years.

Art. 339. The public official who, for himself or an intermediary, receives a gift or any other advantage or accepts the direct or indirect promise of a remuneration of this nature, in order to perform an act contrary to his duties, or in order not to perform or to delay an act within his duties, will be subject to jailing between 2 and 6 years.

Art. 340. If the acts referred to in the two previous articles, aim at the awarding of public offices, superannuations or pensions, or the completion of contracts of interest to the official's administration, the jailing penalties will be:

1 to 5 years, in the case of Art. 338; and

3 to 12 years, in the case of Art. 339.

Accepting gifts for an accomplished act

Art. 341. The public official who, without a prior promise, accepts a gift or any other undue advantage for an act accomplished or omitted in his quality as public official, will be subject to the penalties established in Art. 338 and 339, lessened to a third, depending on the case.

[...]

Art. 343. The penalties established in the 5 previous articles also apply to those who give or allow the public official a gift or the undue advantage.

Croatia (*)

Accepting a bribe

Article 347

(1) An official or responsible person who solicits or accepts a gift or some other benefit, or who agrees to accept a gift or some other benefit for performing within the scope of his authority an official or other act which he should not perform, or for omitting an official or other act which he should perform, shall be punished by imprisonment for six months to five years.

(2) An official or responsible person who solicits or accepts a gift or some other benefit, or who agrees to accept a gift or some other benefit for performing within the scope of his authority an official or other act which he should perform, or omitting an official or other act which he should not perform, shall be punished by imprisonment for three months to three years.

(3) An official or responsible person who, following the performance or omission of an official or other act referred to in paragraphs 1 and 2 of this Article, and in relation to which he solicits or accepts a gift or some other benefit, shall be punished by a fine or by imprisonment not exceeding one year.

(4) The gift or other pecuniary gain received shall be forfeited.

Offering a bribe

Article 348

(1) Whoever confers or promises to confer a gift or other benefit upon an official or responsible person so that he performs within the scope of his official authority an official or other act which he should not perform, or omits an official or other act which he should perform, or whoever intermediates in so bribing an official or responsible person, shall be punished by imprisonment for three months to three years.

(2) Whoever confers or promises to confer a gift or other benefit upon an official or responsible person so that he performs within the scope of his official authority an official or other act which he should perform, or omits an official or other act which he should not perform, or whoever intermediates in so bribing an official or responsible person, shall be punished by a fine or imprisonment not exceeding one year.

(3) The court shall remit the punishment of the perpetrator of the criminal offence referred to in paragraphs 1 and 2 of this Article, provided that he gives the bribe on the request of an official or responsible person and upon giving the bribe reports the offence before it is discovered or before he realizes that the offence has been discovered.

(4) The gift or the pecuniary gain given under the circumstance referred to in paragraph 3 of this Article shall be restored to the person who gave them.

Czech Republic (*)

§ 160 Receiving Bribes

(1) Whoever in connection with procuring affairs in the public interest accepts a bribe or the promise of a bribe shall be sentenced to imprisonment for up to 2 years or to the interdiction of activity.

(2) Whoever under the circumstances given in paragraph 1 asks for a bribe shall be sentenced to imprisonment for 6 months to 3 years.

(3) An offender shall be sentenced to imprisonment for 1 year to 5 years if he commits the act given in paragraph 1 or 2

a) with the intent of procuring a substantial benefit for himself or for another person or

b) if he commits such act as a public official.

(4) An offender shall be sentenced to imprisonment for 2 to 8 years, if he commits the act given in paragraph 1 or 2

a) with the intent of procuring a major benefit for himself or for another person or

b) if he commits such act as a public official with the intent of procuring a substantial benefit for himself or for another person.

§ 161 Offering Bribes

(1) Whoever in connection with procuring affairs of public interest provides, offers or promises a bribe, shall be sentenced to imprisonment for up to 1 year or to a monetary punishment.

(2) A perpetrator shall be sentenced to imprisonment for 1 to 5 years or to monetary punishment

a) if he commits the act given in paragraph 1 with the intent of procuring a substantial benefit for himself or for another person or of inflicting substantial damage or other particularly serious after effect to another person or

b) if he commits the act given in paragraph 1 vis-à-vis a public official.

§ 162 Indirect Bribery

(1) Whoever requests or accepts a bribe for exerting his influence on the execution of the authority (*competency*) of a public official or for having done so, shall be sentenced to imprisonment for up to 2 years.

(2) Whoever shall provide, offer or promise a bribe to another person for the reason given paragraph 1 shall be sentenced to imprisonment for up to 1 year.

§ 162a Joint Provision

(1) A bribe means an unwarranted advantage consisting in direct material enrichment or other advantage received or having to be received by the person bribed or with its consent to another person, and to which there is not entitlement.

[...]

§ 163 Special Provision on Effective Repentance

The criminal nature of bribery (§ 161) and indirect bribery (§ 162) shall disappear if the offender has provided or promised a bribe solely because he/she has been requested to do so and reported the fact voluntarily and without any delays to the prosecutor or police authority.

Estonia (*)

§ 293. Accepting of gratuities

(1) An official who consents to a promise of property or other benefits or who accepts property or other benefits in return for a lawful act which he or she has committed or which there is reason to believe that he or she will commit, or for a lawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

[...]

§ 294. Accepting bribe

(1) An official who consents to a promise of property or other benefits or who accepts property or other benefits in return for an unlawful act which he or she has committed or which there is reason to believe that he or she will commit, or for an unlawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by 1 to 5 years' imprisonment.

[...]

§ 297. Granting of gratuities

(1) Granting or promising a gratuity is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[...]

§ 298. Giving bribe

(1) Giving or promising a bribe is punishable by 1 to 5 years' imprisonment.

[...]

Ethiopia (*)

Art. 423

(1) Any public servant who, in consideration for the performance of an act of his office, solicits or exacts a promise of a gift, a sum of money or any other undue advantage,

is punishable with a fine not exceeding five hundred dollars, or with simple imprisonment not exceeding three months.

[...]

Art. 425

(1) Any public servant, who in consideration for the performance of or omission of an act, in violation of the duties proper to his office, seeks, exacts a promise of or receives a gift or any other advantage to which he is not entitled,

is punishable with simple imprisonment for not less than three months, and fine.

[...]

Art. 437

Whosoever, with the intent to procure a public servant to commit a breach of the duties imposed upon him by his office or service, offers, promises or hands over to such public servant or causes him to keep, even subsequent to the act expected of him, a sum of money, a gift or an advantage, of any kind,

is punishable with simple imprisonment or fine.

Finland (*)

Chapter 13

Section 13 – Bribery (604/2002)

(1) A person who promises, offers or gives to a public official or gives a public official in exchange for his/her actions in service a gift or other benefit intended for him/her or for another, that influences or is intended to influence or is conducive to influencing the actions in service of the public official, shall be sentenced for *bribery* to a fine or to imprisonment for at most two years.

(2) Also a person who, in exchange for the actions in service of a public official, promises, offers or gives the gift or benefit referred to in subsection 1 shall be sentenced for bribery.

Section 14 - Aggravated bribery (563/1998)

If in the bribery

(1) the gift or benefit is intended to make the person act in service contrary to his/her duties with the result of considerable benefit to the briber or to another person or of considerable loss or detriment to another person; or

(2) the value of the gift or benefit is considerable and the bribery is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated bribery*.

Chapter 40 - Offences in office (604/2002)

Section 1 – Acceptance of a bribe (604/2002)

(1) If a public official, for his/her actions while in service, for himself/herself or for another,

(1) asks for a gift or other unjustified benefit or otherwise takes an initiative in order to receive such a benefit,

(2) accepts a gift or other benefit which influences, which is intended to influence or which is conducive to influencing him/her in said actions, or

(3) agrees to the gift or other benefit referred to in paragraph 2 or to a promise or offer thereof,

he/she shall be sentenced for *acceptance of a bribe* to a fine or to imprisonment for at most two years.

(2) A public official shall be sentenced for acceptance of a bribe also if for his/her actions while in service agrees to the giving of the gift or other benefit referred to in subsection 1(2) to another or to a promise of offer thereof.

(3) A public official may also be sentenced to dismissal if the offence demonstrates that he/she is manifestly unfit for his/her duties.

Section 2 - Aggravated acceptance of a bribe (604/2002)

If in the acceptance of a bribe

(1) the public official stipulates the bribe as a condition for his/her actions or it is his/her intention, because of the gift or benefit, to act in a manner contrary to his/her duties to the considerable benefit of the party giving the gift or of another, or to the considerable loss or detriment of another, or

(2) the gift or benefit is of significant value and the acceptance of a bribe is aggravated also when assessed as a whole, the public official shall be sentenced for *aggravated acceptance of a bribe* to imprisonment for at least four months and at most four years and in addition to dismissal from office.

Section 3 – Bribery violation (604/2002)

If a public official, for himself/herself or for another

(1) asks for a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or

(2) accepts or agrees to a gift or other benefit or agrees to a promise or offer of such a gift or other benefit so that the actions are conducive to weakening confidence in the impartiality of the actions of authorities, he/she shall be sentenced, if the act is not punishable as the acceptance of a bribe or aggravated acceptance of a bribe, for a *bribery violation* to a fine or to imprisonment for at most six months.

Germany (°)

§ 331 Acceptance of a Benefit

(1) A public official or a person with special public service obligations who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of a duty, shall be punished with imprisonment for not more than three years or a fine.

(2) A judge or arbitrator who demands, allows himself to be promised or accepts a benefit for himself or a third person in return for the fact that he performed, or would in the future perform a judicial act, shall be punished with imprisonment for not more than five years or a fine. An attempt shall be punishable.

(3) The act shall not be punishable under subsection (1), if the perpetrator allows himself to be promised or accepts a benefit which he did not demand and the competent public authority, within the scope of its powers, either previously authorizes the acceptance, or the perpetrator promptly makes a report to it and it authorizes the acceptance.

§ 332 Taking a Bribe

(1) A public official or person with special public service obligations who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or would in the future perform an official act, and thereby violated or would violate his official duties, shall be punished with imprisonment from six months to five years. In less serious cases the punishment shall be imprisonment for not more than three years or a fine. An attempt shall be punishable.

(2) A judge or an arbitrator, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or would in the future perform a judicial act, and thereby violates or would violate his judicial duties, shall be punished with imprisonment from one year to ten years. In less serious cases the punishment shall be imprisonment from six months to five years.

(3) If the perpetrator demands, allows himself to be promised or accepts a benefit in return for a future act, then subsections (1) and (2) shall already be applicable if he has indicated to the other his willingness to:

1. violate his duties by the act; or
2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.

§ 333 Granting a Benefit

(1) Whoever offers, promises or grants a benefit to a public official, a person with special public service obligations or a soldier in the Federal Armed Forces, for that person or a third person, for the discharge of a duty, shall be punished with imprisonment for not more than three years or a fine.

(2) Whoever offers promises or grants a benefit to a judge or an arbitrator, for that person or

a third person, in return for the fact that he performed or would in the future perform a judicial act, shall be punished with imprisonment for not more than five years or a fine.

(3) The act shall not be punishable under subsection (1), if the competent public authority, within the scope of its powers, either previously authorizes the acceptance of the benefit by the recipient or authorizes it upon prompt report by the recipient.

§ 334 Offering a Bribe

(1) Whoever offers, promises or grants a benefit to a public official, a person with special public service obligations, or a soldier of the Federal Armed Forces, for that person or a third person, in return for the fact that he performed or would in the future perform an official act and thereby violates or would violate his official duties, shall be punished with imprisonment from three months to five years. In less serious cases the punishment shall be imprisonment for not more than two years or a fine.

(2) Whoever offers, promises or grants a benefit to a judge or an arbitrator, for that person or a third person, in return for the fact that he:

1. performed a judicial act and thereby violated his judicial duties; or
2. would in the future perform a judicial act and would thereby violate his judicial duties,

shall be punished in cases under number 1 with imprisonment from three months to five years, in cases under number 2 with imprisonment from six months to five years. An attempt shall be punishable.

(3) If the perpetrator offers, promises or grants the benefit in return for a future act, then subsections (1) and (2) shall already be applicable if he attempts to induce the other to:

1. violate his duties by the act; or
2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.

§ 335 Especially Serious Cases of Taking or Offering Bribes

(1) In especially serious cases:

1. an act under: a) Section 332 subsection (1), sent. 1, also in conjunction with subsection (3); and b) Section 334 subsection (1), sent. 1, and subsection (2), respectively also in conjunction with subsection (3), shall be punished with imprisonment from one year to ten years; and
2. an act under Section 332 subsection (2), also in conjunction with subsection (3), shall be punished with imprisonment for not less than two years.

(2) An especially serious case within the meaning of subsection (1) exists, as a rule, when:

1. the act relates to a benefit of great magnitude;

2. the perpetrator continuously accepts benefits which he demanded in return for the fact that he would perform an official act in the future; or
3. the perpetrator acts professionally or as a member of a gang which has combined for the continued commission of such acts.

§ 336 Failure to Perform an Official Act

The failure to act shall be equivalent to the performance of an official act or a judicial act within the meaning of Sections 331 to 335.

Honduras (#) (°)

Art. 361. The public official or employee who requests, receives or accepts, for himself or through another person, gifts, presents, offers, promises or any other undue advantage, in order to execute an act contrary to his duties which would constitute an offence, will be subject to custody between 5 and 7 years, additionally complete disqualification for twice the time of the custody, regardless of the penalty applying to the offence committed for the present or promise.

(Comment: independent of actual execution of the offence)

Art. 362. The public official who requests, receives or accepts, directly or indirectly, gifts, presents, offers, promises or any other undue advantage, in order to realize an unjust act which does not constitute an offence in relation to the exercise of his duties, will be subject to custody between 2 and 5 years. If the act is not accomplished, the offender will be subject to custody between 1 and 3 years. In both cases, complete disqualification applies for twice the time of the custody.

Art. 363. If the gift or present requested, received or promised, aims at the public official or employee abstaining from the execution of an act he is obliged to perform in the fulfilment of his legal duties, the punishment will be custody between 2 and 5 years and special disqualification for twice the amount of time of the custody.

[...]

Art. 365. The public official or employee who accepts a present or a benefit of any nature from anyone who is subject to his jurisdiction in any matter, will be subject to custody between 1 and 4 years, and special disqualification for twice the amount of time of the custody.

Art. 366. He who corrupts or tries to corrupt a public official or employee with gifts, presents, offers, or promises, will be subject to the same penalties as applying to corruptibility, increased by two thirds.

Art. 368. The gifts or presents the previous articles refer to, will be confiscated and issued to the municipal corporation which has jurisdiction where the offence was committed, for works of social interest.

[...]

Hungary (*)

Section 250

(1) Any public official who requests an unlawful advantage in connection with his action in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between two to eight years if the crime is committed

a) by a public official in a high office, or by one entrusted to take measures in important affairs,

b) by another public official in an important matter of great importance.

(3) The perpetrator shall be punished by imprisonment between two to eight years, or between five to ten years in accordance with the distinction contained in Subsections (1) and (2), if he breaches his official duty in exchange for [an] unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of criminal profiteering.

Section 253

(1) Any person who gives or promises [an] unlawful advantage to a public official or to another person on account of such official's actions in an official capacity is guilty of a felony punishable by imprisonment not to exceed three years.

(2) The person committing bribery shall be punished for a felony by imprisonment between one to five years, if he gives or promises the advantage to a public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position.

[...]

Section 255/A

(1) The perpetrator of a criminal act defined in Subsections (1) and (2) of Section 250 [...] shall be exonerated from punishment if he confesses the act to the authorities first hand, surrenders the obtained unlawful financial advantage in any form to the authorities, and reveals the circumstances of the criminal act.

(2) The perpetrator of a criminal act defined in Section 253 [...] shall be exonerated from punishment if he confesses the act to the authorities first hand and reveals the circumstances of the criminal act.

India (*)

171B. Bribery

(1) Whoever-

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right;

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171E. Punishment for bribery

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation- "Treating" means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

Iraq (*)

Paragraph 307

(1) Any public official or agent who seeks or accepts for himself or for another a gift, benefit, honor or promise thereof to carry out any duty of his employment or to refrain from doing so or to contravene such duty is punishable by a term of imprisonment not exceeding 10 years or by detention plus a fine which should not be less than the amount he sought, was given, or was promised but should not, under any circumstances, exceed 500 dinars.

(2) The penalty will be a term of imprisonment not exceeding 7 years or detention if such request, acceptance or receipt occurs with the intent to receive remuneration after such duty is or is not carried out or following contravention of such duty.

Paragraph 308

Any public official or agent who seeks or receives for himself or for another a gift, benefit, privilege or promise thereof to carry or refrain from carrying out an act that does not fall within the duties of his office but he claims or considers that such act was carried out in error is punishable by a term of imprisonment not exceeding 7 years or by detention plus a fine of not less than the amount he sought, was given or was promised. The fine should not, under any circumstances, exceed 500 dinars.

Paragraph 309

The provisions of the preceding two Paragraphs apply even though that public official or agent intend not to carry out such act or refrain from doing so or contravene the duties of his office.

Paragraph 310

Any person who gives, offers or promises a public official or agent anything stipulated in Paragraph 308 is considered to be offering a bribe.

Any person who mediates for a person who offers or accepts a bribe, is considered to be an intermediary.

The person who offers a bribe as well as the intermediary is punishable by the penalty prescribed by law for a person who accepts a bribe.

Paragraph 311

A person who offers a bribe as well as the intermediary is exempt from penalty if he undertakes to notify the legal or administrative authorities or confesses to the offence before an action is brought. It is considered a mitigation excuse if such notification or confession occurs after an action is brought but before the end of the proceedings.

[...]

Paragraph 313

Any person who offers a bribe to a public official or agent and he does not accept it is punishable by detention or by a fine.

Paragraph 314

In addition to the penalties stipulated in the Paragraphs of this Section, an order for the confiscation of the gift received by or offered to the public official or agent will be issued.

Japan (*)

Article 197. (Acceptance of Bribes; Acceptance upon Request; Acceptance in Advance of Assumption of Office)

(1) A public officer or arbitrator who accepts, solicits or promises to accept a bribe in connection with his/her duties shall be punished by imprisonment with work for not more than 5 years; and when the official agrees to perform an act in response to a request, imprisonment with work for not more than 7 years shall be imposed.

(2) When a person to be appointed a public officer accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, the person shall be punished by imprisonment with work for not more than 5 years in the event of appointment.

Article 197-2. (Passing of Bribes to a Third Party)

When a public officer, agreeing to perform an act in response to a request, causes a bribe in connection with the official's duty to be given to a third party or solicits or promises such bribe to be given to a third party, imprisonment with work for not more than 5 years shall be imposed.

Article 197-3. (Aggravated Acceptance; Acceptance after Resignation of Office)

(1) When a public officer commits a crime proscribed under the preceding two Articles and consequently acts illegally or refrains from acting in the exercise of his or her duty, imprisonment with work for a definite term of not less than 1 year shall be imposed.

(2) The same shall apply when a public officer accepts, solicits or promises to accept a bribe, or causes a bribe to be given to a third party or solicits or promises a bribe to be given to a third party, in connection with having acted illegally or having refrained from acting in the exercise of the official's duty.

(3) When a person who resigned from the position of a public officer accepts, solicits or promises to accept a bribe in connection with having acted illegally or having refrained from acting in the exercise of his or her duty with agreement thereof in response to a request, the person shall be punished by imprisonment with work for not more than 5 years.

Article 197-4. (Acceptance for Exertion of Influence)

A public officer who accepts, solicits or promises to accept a bribe as consideration or the influence which the official exerted or is to exert, in response to a request, upon another public officer so as to cause the other to act illegally or refrain from acting in the exercise of official duty shall be punished by imprisonment with work for not more than 5 years.

Article 197-5. (Confiscation and Collection of a Sum of Equivalent Value)

A bribe accepted by an offender or by a third party with knowledge shall be confiscated. When the whole or a part of the bribe cannot be confiscated, a equivalent sum of money shall be collected.

Article 198. (Giving of Bribes)

A person who gives, offers or promises to give a bribe provided for in Articles 197 through 197-4 shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 2,500,000 yen.

Kazakhstan (*)

Article 311. Receipt of a Bribe

1. Receipt by [a] person authorized to perform state functions, or by a person equated to such person, personally or through an intermediary of a bribe in the form of money, securities, other property, the right to property, or benefits of a material nature for the commission (omission) of actions in favor of the briber or persons represented by him, if such actions (omission of actions) are within the authority of a given person authorized to perform state functions, or a person equated to such person, or if he, by virtue of his official position, may contribute to such actions (omission of actions), as well as for general protectorate or connivance in service,

shall be punished by a fine in an amount from seven hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by restriction of freedom for a period up to five years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years with confiscation of property or without such confiscation.

2. Same acts committed by an official and equally the receipt of a bribe for illegal actions (omission of acts), -

shall be punished by imprisonment for a period from three to seven years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to seven years with confiscation of property or without such confiscation.

[...]

Article 312. Giving a Bribe

1. Giving a bribe to [a] person authorized to perform state functions, or to a person equated to such person, personally or through an intermediary, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labor for a period up to two years, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to three years.

2. Giving a bribe to an official, and equally giving a bribe for the commission of deliberately illegal actions (omission of actions), or such actions committed repeatedly, or by an organized group, -

shall be punished by a fine in an amount from seven hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by restriction of freedom for a period up to five years, or by imprisonment for the same period.

[...]

Notes.

1. [...]

2. A person having given a bribe shall be exempt from criminal liability, if with regard to him there was extortion of a bribe on behalf of a person authorised to perform state functions, or a person equated to such person, or if that person voluntarily communicated the fact of having given a bribe to the body which has the right to institute a criminal case concerning giving a bribe.

Kuwait (*)

Article -114-

Any public official who asks or accepts, to himself or to third party, money or advantage or a mere promise of the like, in lieu of the performance of any of the duties of his job even if the duty is rightful or the abstention from any of the said duties even if it is unrightful, shall be penalized by incarceration for a period not exceeding seven years and a fine equivalent to what he receives or is promised, even if it is proved that the official has intended to perform the duty he promised to do or not to abstain from doing the duty he promised to abstain therefrom.

Likewise, any public official who asks for himself or for third parties money or advantage or a mere promise of suchlike, to perform or to abstain from a duty not included within the jurisdiction of his job, yet he states falsely that it is included therein, shall be penalized by the preceding penalties.

The special benefit received by the official or third parties from the sale of a property or a real estate at a higher price than its value or from the purchase thereof at a lower price than its value or from any contract concluded between the briber and receiver, shall be considered a bribe.

[...]

Article -115-

Any person who gives the public official money or advantage or a promise thereof and the official accepts what is given or promised, shall be penalized by the penalties provided in the preceding Article. Likewise, the intermediary between the briber and receiver, shall be penalized by the same penalties.

The briber and intermediary shall be exempted from the penalty if they inform the public authorities of the crime.

[...]

Article -116-

Any person who uses force, violence or threats against a public official, and obtains therefrom an unrightful matter or avoids the performance of any of the duties of his job, shall be penalized by the penalties determined for bribe.

Article -117-

Any person who attempts to give bribe yet not accepted therefrom, or attempts duress by beating, threatening and suchlike and does not reach his purpose, shall be penalized by incarceration for a period not more than one year and a fine not exceeding one thousand Rupees or either of both penalties.

[...]

Article -118-

Any public official who performs to a person any of the duties of his job or abstains from the performance of any of the duties thereof and accepts from him after the performance of the duty or abstention therefrom, money or advantage as a bonus therefore, shall be penalized by incarceration for a period not exceeding three years and a fine equivalent to the money or the advantage.

Likewise, the person who gives the money or the advantage and the person who mediates in giving same shall be penalized by the same penalties.

[...]

Article -119-

Any person who asks for himself or for third parties, accepts or takes a promise or a gift to use actual or false power to obtain or trying to obtain an advantage whatsoever from any public authority, shall be considered as a receiver and penalized by the penalty provided in Article (114) if he is a public official; and if he is not an official, he shall be penalized by incarceration for a period not exceeding three years and a fine equivalent to what he gave or promised.

[...]

Latvia (*)

Section 320. Accepting Bribes

(1) For a person who commits accepting a bribe, that is, intentionally illegally accepting the offer of material value, property or benefits of another nature, where commission thereof is by a State official personally or through an intermediary, for the performing or failure to perform some act in the interests of the giver or offerer of the bribe or the interests of other persons by using his or her official position, the applicable sentence is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

[...]

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if they are associated with extortion of a bribe, or if commission thereof is by a group of persons pursuant to prior agreement, or by a State official holding a responsible position, the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property.

[...]

Section 322. Intermediation in Bribery

(1) For a person who commits intermediation in bribery, that is, of acts manifested in the providing of a bribe received from the giver of the bribe to a person accepting the bribe, or the bringing together of these persons, the applicable sentence is deprivation of liberty for a term not exceeding six years.

[...]

Section 323. Giving of Bribes

(1) For a person who commits giving of bribes, that is, the providing or offering of material value, property or benefits of another nature, if the offer is accepted, personally or through intermediaries to a State official in order that he or she, using his or her official position, performs or fails to perform some act in the interests of the giver or offerer of the bribe, or in the interests of other persons, the applicable sentence is deprivation of liberty for a term not exceeding six years.

[...]

Section 324. Release of a Giver of a Bribe and Intermediary from Criminal Liability

(1) A person who has given a bribe shall be released from criminal liability if this bribe is extorted from this person or if, after the bribe has been given, he or she voluntarily informs of the occurrence. A person who has given a bribe shall be released from criminal liability if he or she voluntarily informs of the occurrence.

(2) Extortion of a bribe shall be understood to be the demanding of a bribe in order that legal acts be performed, as well as the demanding of a bribe associated with threats to harm lawful

interests of a person.

(3) An intermediary or abettor respecting a bribe shall be released from criminal liability if, after commission of the criminal act, he or she voluntarily informs of the occurrence.

Section 321. Misappropriation of a Bribe

(1) For a person who commits misappropriation of a bribe which a person has received in order to provide to a State official, or which he or she has accepted, pretending to be a State official, the applicable sentence is deprivation of liberty for a term not exceeding four years, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits misappropriation of a bribe which a State official has received in order to provide it to another State official, or which he or she has accepted claiming to be another State official, the applicable sentence is deprivation of liberty for a term not exceeding six years.

Macedonia (*)

Receiving a bribe

Article 357

(1) An official person who requests or receives a present or some other benefit, or receives a promise for a present or some other benefit, in order to perform an official act within the framework of his own official authorization which he should not perform, or not to perform an official act which he otherwise must do, shall be punished with imprisonment of one to ten years.

(2) An official person who requests or receives a present or some other benefit, or receives a promise for a present or some other benefit, in order to perform an official act within the framework of his own official authorization which he must perform, or not to perform an official act which he otherwise should not perform, shall be punished with imprisonment of six months to five years.

(3) An official person who, after the official act listed in item 1 and 2 of this article is committed or not committed, requests or receives a present or some other benefit in connection with this, shall be punished with imprisonment of three months to three years.

(4) [...]

(5) The received present or acquired property gains shall be confiscated.

Giving a bribe

Article 358

(1) A person who gives or promises an official person a present or other benefit, so that he would perform an official act within the framework of his official authorization which he should not perform, or not to perform an official act which he should perform, or a person who mediates for this, shall be punished with imprisonment of six months to five years.

(2) A person who gives or promises an official person a present or other benefit, so that he would perform an official act within the framework of his official authorization which he must perform, or not to perform an official act which he should not perform, or a person who mediates for this, shall be punished with a fine, or with imprisonment of up to three years.

(3) The offender from items 1 and 2, who gave [a] bribe upon the request from the official person, and who reports this before he finds out that the crime was discovered, shall be acquitted from punishment.

(4), (5) [...]

(6) The given present or property gain shall be confiscated, and in the case of item 3, they shall be returned to the person who gave the bribe.

Malta (*)

115. Any public officer or servant who, in connection with his office or employment, requests, receives or accepts for himself or for any other person, any reward or promise or offer of any reward in money or other valuable consideration or of any other advantage to which he is not entitled, shall, on conviction, be liable to punishment as follows:

(a) where the object of the reward, promise or offer, be to induce the officer or servant to do what he is in duty bound to do, the punishment shall be imprisonment for a term from six months to three years;

(b) where the object be to induce the officer or servant to forbear from doing what he is in duty bound to do, the punishment shall, for the mere acceptance of the reward, promise or offer, be imprisonment for a term from nine months five years;

(c) where, besides accepting the reward, promise, or offer, the officer or servant actually fails to do what he is in duty bound to do, the punishment shall be imprisonment for term from one year to eight years

120. (1) In the cases referred to in articles 115, 116, 117 and 118, the person who bribes the public officer or servant or the member of the House of Representatives, or the person to whom any of the said articles applies in accordance with any provision under this Code or under any other law, as the case may be, shall be deemed to be an accomplice.

(2) Where the public officer or servant or other person does not commit the crime, the person who attempts to induce such officer or servant or other person to commit the crime shall, on conviction, be liable to imprisonment for a term from six months to three years.

(3) Where the member of the House of Representatives does not commit the crime, the person who attempts to induce such member to commit the crime shall, on conviction, be liable to imprisonment for a term from six months to four years.

[...]

121A. (1) Any person who promises, gives or offers, directly or indirectly, any undue advantage to any other person who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person referred to in the preceding articles of this sub-title, in order to induce such other person to exercise such influence, whether such undue advantage is for such other person or anyone else, shall on conviction be liable to the punishment of imprisonment for a term from three months to one year.

(2) Any person who receives or accepts any offer or promise of any undue advantage for himself or for anyone else with the object of exercising any improper influence as is referred to in subarticle (1) shall on conviction be liable to the punishment laid down in that subarticle.

[...]

Mexico (*)

Article 221. – A public servant commits the crime of trading in influence:

1. The public servant, per se or through a third party, promotes or arranges for the illicit negotiation or resolution of public businesses unrelated to the responsibilities inherent to his/her employment, post or commission, and
2. Any person promoting the illicit conduct of the public servant or makes him/herself available to promote or negotiate public businesses referred to in the previous section.
3. The public servant, that per se or through a third party, unduly requests or promotes any resolution or the execution of any activity inherent to the employment, post or commission of another public servant, which will produce economic benefits for him/her or for any person described in the first section of article 220 of this Code.

Those who commit the crime of trading in of influence, shall be punished with two to up to six years, fine of thirty to up to three hundred times the daily minimum salary for the Federal District at the time of the commission of the crime and dismissal and disqualification to carry out any other public employment, post or commission for a term of two to up to six years.

Article 222. – A public servant or any other person commits the crime of bribery whenever:

1. The public servant, per se or through a third party, requests or receives for his/her benefit or that of a third party, money or any other gift, or accepts a pledge, in order to do or to refrain from doing something, whether is just unjust, related to his/her function, and
2. Any one who spontaneously gives or offers money or any other gift to any person described in the previous section, in order to cause any public official to carry out any activity, whether is just or unjust, related to his functions.

Thos who commit the crime of bribery shall be punished with the following penalties:

Three months to up to two years of imprisonment, fine of thirty to up to three hundred times the daily minimum salary for the Federal District at the time of the commission of the crime and dismissal and disqualification to carry out any other employment, post or public commission for a term of three months to up to two years, whenever the amount or value of the gifts is not assessable or does not exceed the equivalent of five hundred times the minimum daily salary for the Federal District at the time of the commission of the crime.

Two to up to twelve years of imprisonment, fine of thirty to up to three hundred times the daily minimum salary for the Federal District at the time of the commission of the crime the crime and dismissal and disqualification to carry out any other employment, post or public commission for a term of two years to up to twelve years, whenever the amount or value of the gifts exceeds the equivalent of five hundred times the minimum daily salary for the Federal District at the time of the commission of the crime.

In no case the money or gifts surrendered shall be returned to the delinquent, and such money and gifts shall be applied for the benefit of the State.

Moldova (*)

Article 324. Passive Corruption

(1) The act of an official person, who pretends or receives offers, money, securities, gifts, other goods or advantages with a real estate character, accept services, privileges, or other profits, which do not due to him, for the purpose of carrying out (or not carrying out), to delay the fulfilment of an act which regards to his professional duties, or for the purpose of performing an act against his professional duties, as well as for the purpose to obtain distinctions, functions, opened markets or other favorable decision by an authority,

Is to be punished with a fine in the amount of one thousand up to three thousand conventional units or by imprisonment of three years up to seven years, in the both cases depriving the right to occupy certain functions or to execute a certain activity for the period of two up to five years.

[...]

Article 325. Active corruption

(1) Promise, offer or giving, personally or by an intermediary, to a person with responsibility position any goods or services, enumerated in article 324 of the present Code, for the purposes indicated in the same article,

Is to be punished with a fine in the amount of two thousand up to four thousand conventional units or by imprisonment of two years up to five years.

[...]

(4) Person who has been offering or who has been given goods or services is exempted from criminal responsibility when goods or services were extorted or when the person self denounced, not knowing that the criminal investigation authorities, the investigator, prosecutor are informed about the crime committed by him.

Article 326. Traffic of influence

(1) Receiving or extorting money, securities, other goods or advantages with a real estate character, accepting services or promises for goods and advantages, personally or through intermediary for him or for other person, committed with intention by a person who have the influence or who support to have such an influence on a public servant, for the purpose of making the public servant to carry out or to fail to carry out actions regarding his professional duties, not taking into consideration if these actions were committed or not,

Is to be punished by a fine in the amount of five hundred up to one thousand conventional units or by imprisonment of two up to five years.

Mongolia (*)

268.1 If a public official, in the interest of the one giving a bribe, does not fulfill his duties or if he promises to perform illegitimate tasks, or, without promising, himself or through third parties accepts a bribe, then a ban from profession of up to three years and a fine amounting to 51 to 250 times the monthly minimum wage or a prison sentence of up to five years is imposed.

269.1 A person giving a bribe himself or through third parties is sentenced to a fine amounting to 51 to 250 times the monthly minimum wage or a prison sentence of up to three years.

[...]

Note: The one who voluntarily reports the giving of a bribe to the responsible authorities is exempted from prosecution.

270.1 A person mediating in the delivery and the receipt of the bribe is sentenced to a fine amounting to 5 to 50 times the monthly minimum wage or a prison sentence of one to three months.

[...]

Note: The intermediary who voluntarily reports the giving of a bribe to the responsible authorities is exempted from prosecution.

Montenegro (*)

Passive bribery

Article 423

(1) A person acting in an official capacity who requests or receives a gift or any other benefit, or who accepts a promise of gift or any benefit for himself/herself or another for agreeing to perform within the scope of his/her official powers an act he should not perform, or not perform an official act which he should perform, shall be punished by imprisonment for a term of two to twelve years.

(2) A person acting in an official capacity who request or receives a gift or other benefit or who accepts a promise of gift or any other benefit for himself/herself or another for agreeing to perform within the scope of his/her official powers an official act he must perform, or not perform an official act he should otherwise not perform, shall be punished by imprisonment for a term of two to eight years.

(3) [...]

(4) An official who requests or accepts a gift or other benefit after having performed or omitted to perform an official act referred to in Paragraphs 1, 2 and 3 of this Article or in relation with it, shall be punished by imprisonment for a term of three months to three years.

(5), (6) [...]

(7) Accepted gift or property gain shall be seized.

Active bribery

Article 424

(1) Anyone who gives or promises a gift or other gain to an official who agrees to perform an official act within his/her official powers that he ought not to perform or to omit to perform an official act he ought to perform, or a person who mediates in bribery of an official, shall be punished by imprisonment for a term of six months to five years.

(2) Anyone who gives or promises a gift or other gain to an official who agrees to perform an official act within his/her official powers that he is obliged to perform or to omit to perform an official act he must not perform or who mediates in such a bribery of an official, shall be liable to imprisonment for a term not exceeding three years.

[...]

(4) The offender referred to in Paragraphs 1 and 2 of this Article who had reported the criminal offence before he found out that the crime was detected, can be acquitted from punishment.

[...]

(6) A gift or other benefit seized from a person who has received a bribe can be returned to the person giving the bribe under conditions referred to in Paragraph 4 of this Article.

Nicaragua (#) (°)

Art. 421. The public official or employee who, for a gift or a promise, commits one of the offences mentioned in this Title, will, in addition to the penalties indicated for those, pay a fine equivalent to twice the value of the gift or promise.

Art. 422. The public official or employee who, for a gift or a promise, omits an act within his function, will be penalized with a fine equivalent to twice the value of the gift or promise, and special disqualification for between 1 and 3 years.

Art. 423. If the public official or employee, although having tolerated the gift or promise, has not executed the act contrary to his duties, or has not abstained from doing what he was obliged to, for this simple fact he will be subject to the fine of the former article and special disqualification between 6 months and 1 year.

[...]

Art. 425. In any case, the gifts are subject to confiscation.

[...]

Art. 427. The penalties indicated for the bribery also apply to those who propose them.

[...]

Nigeria (*)

521 Any person who –

(1) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, not being a duty touching the administration of justice, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office; or

(2) corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person, or to, upon, or for any other person, any property or benefit, of any kind on account of any such act or omission on the part of the person so employed, is guilty of a felony, and is liable to imprisonment for seven years.

[...]

523 Any person who, being employed in the public service, takes or accepts from any person, for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of a felony, and is liable to imprisonment for three years.

[...]

525 Any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favor the person giving the property or conferring the benefit, or any one in whom that person is interested, in any transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he is interested, and any person employed in the public service, is guilty of a misdemeanor, and is liable to six months' imprisonment.

Panama (#) (°)

Art. 160. The public official who, for his own account, or on account of a third person, receives, for an act within his duties, an undue remuneration, in money or in species, or who accepts the promise of a payment or gift of this kind, will be subject to custody between 1 month and 1 year, prohibition to exercise any public office for between 1 and 2 years, and a fine of between 10 and 200 balboas.

Art. 161. The public official who, in order to delay or omit an act within his duties, or in order to execute an act contrary to those, receives or forces the promise of money or other objects, for himself or others, will be subject to custody between 4 and 40 months, prohibition of the exercise of public functions for 5 years, and a fine of between 20 and 500 balboas.

The custody will be between 2 and 6 years, if the act committed results in the following:

awarding public employments, or subsidies, forcing consent in contracts of interest to the official's administration;

procure benefit or cause detriment to a litigant or a defendant in a criminal or civil trial.

The custody will be between 3 and 12 years, and the fine between 200 and 1000 balboas, if the act results in condemnation or deprivation of liberty for more than 1 year.

Art 162. He who persuades a public official to commit one of the offences provided for in the previous articles, will be subject to, in the cases of Art. 160, a fine of between 10 and 200 balboas, and in the case of Art. 161, the fine indicated.

Art. 163. In the cases provided for in the previous articles, the confiscation of the money and the objects received will be decreed.

Peru (#) (°)

Art. 393. The public official or servant who requests or accepts donations, promises or any other advantage, in order to realize or omit an act in violation of his obligations, or he who accepts them in consequence of having failed his duties, will be subject to deprivation of liberty for not less than 3 and not more than 6 years.

Art. 394. The public official or servant who requests or accepts donations, promises or any other undue advantage, in order to execute an act within his duties, without failing his obligations, will be reprimanded with deprivation of liberty for not less than 2 and not more than 4 years.

[...]

Art. 399. He who corrupts a public official or servant with donations, promises or advantages of any kind, in order for him to do or omit anything in violation of his duties, will be subject to deprivation of liberty for not less than 3 and not more than 5 years.

If the offender corrupts in order for the public official or servant to do or omit an act within his duties, without failing his obligations, the penalty will be not less than 2 and not more than 4 years.

Philippines (*)

Art. 210. Direct bribery. — Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of prison mayor in its medium and maximum periods and a fine [of not less than the value of the gift and] not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of prison correccional, in its medium period and a fine of not less than twice the value of such gift.

If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do, he shall suffer the penalties of prison correccional in its maximum period and a fine [of not less than the value of the gift and] not less than three times the value of such gift.

In addition to the penalties provided in the preceding paragraphs, the culprit shall suffer the penalty of special temporary disqualification.

The provisions contained in the preceding paragraphs shall be made applicable to assessors, arbitrators, appraisal and claim commissioners, experts or any other persons performing public duties. (As amended by Batas Pambansa Blg. 872, June 10, 1985).

Art. 211. Indirect bribery. — The penalties of prison correccional in its medium and maximum periods, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office. (As amended by Batas Pambansa Blg. 872, June 10, 1985).

Art. 212. Corruption of public officials. — The same penalties imposed upon the officer corrupted, except those of disqualification and suspension, shall be imposed upon any person who shall have made the offers or promises or given the gifts or presents as described in the preceding articles.

Romania (*)

Bribe-taking

Art. 308

(1) The act of a public servant who, either directly or indirectly, for oneself or for another, claims or receives money or other undue benefits, or accepts the promise of such benefits or does not reject it, in order to perform, not to perform or to delay the accomplishment of an act with regard to his/her service duties or in order to perform an act that is contrary to these duties, shall be punished by strict imprisonment from 3 to 15 years and the prohibition of certain rights.

(2), (3), (4) [...]

(5) The money, values or any other goods that were the object of the bribe-taking shall be confiscated, and if they cannot be found, the convict shall be obliged to pay their equivalent in money.

Bribe-giving

Art.309

(1) The act of promising, offering or giving, either directly or indirectly, money or other benefits to a public servant or to an employee, for him/herself or for another, in order to perform, not to perform or to delay the accomplishment of an act with regard to his/her service duties or in order to perform an act that is contrary to these duties, shall be punished by strict imprisonment from one to 5 years.

(2), (3) [...]

(4) The act in para.(1), (2) or (3) shall not be an offence when the bribe-giver was coerced by any means by the bribe-taker.

(5) The bribe-giver shall not be punished if he/she denounces the act to the authorities before the body of prosecution is notified for that offence.

(6) Art.308 para.(5) shall apply accordingly, even if the offer was not followed by acceptance.

(7) The money, values or any other goods shall be returned to the person who gave them, in the cases provided in para.(4) and (5).

Receipt of undue advantage

Art.310

(1) The act committed by a public servant of receiving, either directly or indirectly, money or other benefits after having accomplished an act by virtue of his/her office and which was incumbent upon him/her because of his/her office, shall be punished by strict imprisonment

from one to 7 years.

(2), (3) [...]

(4) The money, values or other goods shall be confiscated, and if they cannot be found, the convict shall be obliged to pay their equivalent in money.

Influence Peddling

Art.312

(1) The receipt of or request for money or other benefits, or the acceptance of promises, gifts, be it directly or indirectly, for oneself or for another, committed by a person who is influential or who gives to believe that he/she is influential over an employee in order to determine him/her to perform, not to perform or to delay an act included within his/her service prerogatives or to perform an act contrary to these prerogatives, shall be punished by strict imprisonment from 2 to 10 years.

(2) The same penalty shall sanction also the act of promising, offering or giving money, gifts or other benefits, be it directly or indirectly, to a person who is influential or who gives to believe that he/she is influential over an employee in order to determine him/her to perform, not to perform or to delay an act included within his/her service prerogatives or to perform an act contrary to these prerogatives.

(3) The act in para.(2) shall not be punished if the perpetrator denounces the act to the authorities before the body of criminal prosecution is notified with regard to that act.

(4) The money, values or other goods that were the object of offences in para.(1) and (2) shall be confiscated, and if they cannot be found, the convict shall be obliged to pay their equivalent in money.

(5) The money, values or other goods shall be returned to the person who gave it in the case provided in para.(3).

(6) For the purposes of para.(1) and (2), „employee” shall mean also any of the persons in Art.308 para.(3).

Russia (*)

Article 290. Bribe-taking

1. Bribe-taking by a functionary, in person or through an intermediary, in the form of money, securities, or other assets or property benefits, for actions (inaction) in favour of a bribe-giver or the persons he represents, if the functionary then takes actions (inaction) which are part and parcel of the functionary's official powers, or if the latter, by virtue of his official position may further such actions (inaction), and also for overall patronage or connivance in the civil service,

shall be punishable by a fine in the amount of 100 thousand to 500 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of one to three years, or by deprivation of liberty for a term of up to five years, with deprivation to hold specified offices or to engage in specified activities for a term of up to three years.

2. Bribe-taking by a functionary for illegal actions (inaction)

shall be punishable by deprivation of liberty for a term of three to seven years, with disqualification to hold specified offices or to engage in specified activities for a term of up to three years.

3. [...]

4. [...]

Article 291. Bribe-giving

1. Bribe-giving to a functionary, in person or through a mediator,

shall be punishable by a fine in the amount up to 200 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to 18 months, or by corrective labor for a term of one to six months, or by arrest for a term of three up to six months, or by deprivation of liberty for a term of up to three years.

2. Bribe-giving to a functionary for the commission of known illegal actions (inactions),

shall be punishable by a fine in the amount of 100 thousand to 500 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of one to three years, or by deprivation of liberty for a term of up to eight years.

Note: A person who has given a bribe shall be released from criminal responsibility if the bribe has been extorted by a functionary or if the person has informed of his own free will the body possessing the right to institute criminal proceedings about the fact of the bribe-giving.

Senegal (#) (°)

Art. 159

Whosoever requests or accepts offers or promises, or requests or accepts donations or gifts in the following cases, will be punished with imprisonment between 2 and 10 years and a fine of twice the amount of the value of the advantages received or asked for, without this fine being inferior to 150.000 francs:

[...]

If the offers, promises, donations or requests aimed at the accomplishment of or abstention from an act which, even though beyond the personal attributions of the corrupted person, was or would have been facilitated by the function or the office he holds, the penalty will be, in the case of the first subsection of the first paragraph, imprisonment between 1 and 3 years and a fine of between 5000 and 50.000 francs; and, in the case of the second paragraph, imprisonment between 6 months and 2 years and a fine of between 25.000 and 75.000 francs, or one of those two penalties only.

Art. 160

Anyone who has requested or accepted offers or promises, requested or accepted donations or gifts in order to let someone obtain or intent to let someone obtain decorations, medals, distinctions or recompenses, employments, or any other favors granted by the public authority, business deals, companies or other benefits resulting from contracts with the public authority or an administration under the control of the public governance, or, generally, a favorable decision of such an authority or administration, and thus abuses of a real or alleged influence, will be punished with imprisonment between 1 and 5 years and the fine provided for in the first paragraph of Art. 159.

If the defendant is one of the persons mentioned in the first subsection of the first paragraph of Art. 159 and he has abused of the real or alleged influence granted by his office, the penalty will be imprisonment of at least 2 years and not more than 10 years.

Anyone who, before the commencement of criminal prosecution concerning Art. 159 and 160, revealed to the authorities the acts of the corrupted person, will not be prosecuted.

Art. 161

Anyone who, in order to obtain the accomplishment of or abstention from an act, favors or advantages provided for in Art. 159 and 160, uses violence, menaces or promises, offers, donations or gifts or gives in into requests aiming at corruption, even if he has not taken the initiative, and whether or not the coercion or corruption has produced its effects, will be punished with the same penalties as provided for in the previous articles for the corrupted person.

Art. 162

The tribunal can decree the restitution of the objects given or the value thereof to the person exempt from prosecution. Else, they will be confiscated for the account of the Treasury.

Serbia (*)

Unlawful Mediation

Article 366

(1) Whoever accepts a reward or other advantage to use his official or social position or influence to intercede for performance or failure to perform an official act, shall be punished by imprisonment of three months to three years.

(2) Whoever promises, offers or gives a reward or other benefit to another to intercede through use of his official or social position or influence for performance or failure to perform of an official act, shall be punished by imprisonment of six months to five years.

(3) Whoever by abusing his official or social position or influence intercedes for performance of an official act that should not be performed or not to perform an official act that should have been performed, shall be punished by imprisonment of six months to five years.

(4) Whoever promises, offers or gives a reward or other benefit to another to intercede through use of his official or social position or influence for performance or an official act that should not be performed or to not to perform an official act that should be performed, shall be punished by imprisonment of three months to five years.

(5) If any reward or advantage has been received for exerting influence specified in paragraph 3 of this Article, the offender shall be punished by imprisonment of one to eight years.

(6) A foreign official whom commits the offence specified in paragraphs 1 through 4 of this Article shall be punished by the penalty prescribed for that offence.

(7) The reward and material gain shall be seized.

Soliciting and Accepting Bribes

Article 367

(1) An official who solicits or accepts a gift or other benefit, or promise of a gift or other benefit for himself or another to perform an official act within his competence that should not be performed or not to perform an official act that should be performed, shall be punished by imprisonment of two to twelve years.

(2) An official who solicits or accepts a gift or other benefit or a promise of a gift or benefit for himself or another to perform an official act within his competence that he is obliged to perform or not to perform an official act that should not be performed, shall be punished by imprisonment of two to eight years.

(3) [...]

(4) An official who after performing or failure to perform an official act specified in paragraphs 1, 2 and 3 of this Article solicits or accepts a gift or other benefit in relation thereto, shall be punished by imprisonment of three months to three years.

(5), (6) [...]

(7) The received gift or material gain shall be seized.

Bribery

Article 368

(1) Whoever makes or offers a gift or other benefit to an official, to within his official competence perform an official act that should not be performed or not to perform an official act that should be performed, or who acts as intermediary in such bribing of an official, shall be punished by imprisonment of six months to five years.

(2) Whoever makes or offers a gift or other benefit to an official to, within his official competence, perform an official act that he is obliged to perform or not to perform an official act that he may not perform or who acts as intermediary in such bribing of an official, shall be punished by imprisonment up to three years.

(3) [...]

(4) The offender specified in paragraphs 1, through 3 of this Article who reports the offence before becoming aware that it has been detected, may be remitted from punishment.

(5) [...]

(6) A gift or other benefit seized from the person accepting the bribe may, in case specified under paragraph 4 of this Article, be returned to the persons giving the bribe.

Slovakia (*)

Accepting of Bribe or Other Undue Advantage

Section 160

(1) Who in exchange for the bribe or other undue advantage misuse his employment, position or function to provide the advantage to any person or to give priority to any person in relation to others, shall be punished by the imprisonment up to two years or by the monetary sanction.

(2) Imprisonment for one year up to five years shall be imposed to the offender if he by the offence referred to in para. 1

a) causes damage of a large extent or if he obtains for himself or anybody else the benefit of a large extent

b) infringes the specific duty resulting from the law, his employment, position or function or duty to the fulfilment of which he engaged himself.

Section 160a

(1) Who, in connection with providing the thing of public interest, whether directly or through intermediary, for himself or for a third party, accepts or requests the bribe or other undue advantage or the promise thereof, shall be punished by the imprisonment up to three years or by the ban on activity or by the monetary sanction.

(2) Imprisonment for one year up to five years shall be imposed to the offender who committed the offence referred to in para. 1 as public official.

[...]

Giving the Bribe

Section 161

(1) Who provides the bribe or other undue advantage or promise thereof to other person, in order that that person misuse his employment, position or function, to provide advantage to any person or to give the priority to any person in relation to others, shall be punished by the imprisonment up to one year or by the monetary sanction.

(2) Imprisonment for one year up to five years shall be imposed to the offender if he by the offence referred to in para. 1

a) causes damage of a large extent or if he obtains for himself or anybody else the benefit of a large extent

b) infringes the specific duty resulting from the law, his employment, position or function or duty to the fulfilment of which he engaged himself.

Section 161a

(1) Who, in connection with the providing of a thing of public interest, whether directly or through intermediary, gives, offers or promises a bribe or other undue advantage, shall be punished by imprisonment up to two years or by the monetary sanction.

(2) The offender shall be punished by the imprisonment up to three years if he commits the offence referred to in para. 1 in relation to the public official.

(3) Imprisonment from one year up to five years shall be imposed to the offender, if he commits the offence referred to in para. 1 as a member of the organised group or if he obtains the benefit of large extent by such offence.

Section 161b

(1) Who offers, promises or gives a bribe or other undue advantage, whether directly or through intermediary, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties with the intention to obtain or retain business or other improper advantage in the conduct of international business, shall be punished by the imprisonment up to two years or by the monetary sanction.

(2) The offender shall be punished by the imprisonment for one to five years, if he commits the offence referred to in para. 1 as the member of the organised group or if he through such offence obtains the advantage of large extent. [...]

Section 162

Trading in influence

(1) Who, whether directly or through the intermediary, accepts or requests the bribe or other undue advantage or the promise thereof, in exchange for his influence directed to the fulfilment of powers of person referred to in sections 160, 160a, 160b or 160c or in exchange for doing so already, shall be punished by the imprisonment up to three years or by the monetary sanction.

(2) Who, whether directly or through intermediary, gives, offers or promises the bribe or the undue advantage to other person, in exchange for his influence directed to the fulfilment of powers of person referred to in sections 160, 160a, 160b or 160c or in exchange for doing so already, shall be punished by the imprisonment up to two years or by the monetary sanction.

Section 163

Effective Regret

Giving the bribe under sections 161, 161a, 161b and 161c and trading in influence under section 162 para. 2 is not considered as the offence if the offender has given the bribe or other undue advantage or the promised thereof only because he was requested to do so and he reported it without delay to the prosecutor, investigator or police; a soldier can instead of this report to his commander or chief.

Slovenia (*)

Acceptance of bribes

Article 267

(1) An official who solicits or accepts for himself/herself or for any another person a reward, a gift or any other benefit, or a promise or an offer of such a benefit, in order that he/she performs within the scope of his/her official authority an official act which he/she should not have performed or not to perform an official act which he/she should or could have performed shall be punished by imprisonment of one to eight years and a fine.

(2) An official who solicits or accepts for himself/herself or for any another person a reward, a gift or any other benefit, or a promise or an offer of such a benefit in order that he/she performs within the scope of his or her official authority an official act which he/she should or could perform or not to perform an official act which he/she anyhow may not perform shall be punished by imprisonment of one to five years.

(3) An official person who, following the commission or omission of an act provided for in paragraph 1 or 2, solicits or accepts a reward, a gift or any other benefit for himself/herself or for any other person shall be punished by a fine or by imprisonment of up to three years.

(4) The reward, gift or other benefit received shall be confiscated.

Giving a Bribe

Article 268

(1) Whoever promises, offers or gives a reward, a gift or any other benefit to an official either for him/her or for any other person, in order that such official performs within the scope of his/her official authority an official act which he/she should not have performed or not to perform an official act which he/she should or could have performed shall be punished by imprisonment of one to five years and a fine.

(2) Whoever promises, offers or gives a reward, a gift or any other benefit to an official either for him/her or for any other person, in order that such official performs within the scope of his or her official authority an official act which he/she should or could perform or not to perform an official act which he/she anyhow may not perform shall be punished by imprisonment of six months to three years.

(3) The perpetrator of the offences provided for in preceding two paragraphs that gave a reward, a gift or any other benefit on the request of an official and subsequently reported the offence before it was discovered or before knowing that the offence was discovered is criminally liable, but the court may waive the punishment.

(4) The reward, gift or other benefit given shall be confiscated; in the case of the previous paragraph the court may decide to restore them to the person who gave it.

Accepting a Gift to Secure Unlawful Intervention

Article 269

(1) Whoever solicits or accepts for him/her or for any other person a reward, a gift or any

other benefit, or a promise or a an offer of such a benefit, in order to exploit his/her position or influence and to intervene with the purpose that an official act is or is not performed shall be punished by imprisonment of up to three years.

(2) Whoever exploits his/her position or influence and intervenes with the purpose that an official act that should not have been performed is performed, or that an official act that should or could have been performed is not performed shall be subject to the same punishment as under previous paragraph.

(3) A perpetrator who accepts a reward, a gift or any other benefit for him/her or for any other person, for the intervention under the preceding paragraph shall be punished by imprisonment of one to five years.

(4) The reward, gift or other benefit received shall be confiscated.

Giving a Gift to Secure Unlawful Intervention

Article 269a

(1) Whoever promises, offers or gives to another person a reward, a gift or any other benefit for that person or for another person, in order that such person exploit his/her position or influence and to intervene for the purpose that an official act is or is not performed shall be punished by imprisonment of up to three years.

(2) Whoever promises, offers or gives to another person a reward, a gift or any other benefit for that person or for another person, in order that such person exploit his/her position or influence and to intervene for the purpose that an official act that should not have been performed is performed, or that an official act that should or could have been performed is not performed shall be punished by imprisonment of one to five years.

(3) The perpetrator of the offences provided for in preceding two paragraphs who gave a reward, a gift or any other benefit on the request of the person who intervened and subsequently reported the offence before it was discovered or before knowing that the offence was discovered is criminally liable, but the court may waive the punishment.

(4) The reward, gift or other benefit given shall be confiscated; in the case of the previous paragraph the court may decide to restore them to the person who gave it.

Sweden (*)

Chapter 17 – Section 7

A person who gives, promises or offers a bribe or other improper reward to an employee or other person defined in Chapter 20, Section 2, for the exercise of official duties, shall be sentenced for *bribery* to a fine or imprisonment for at most two years.

Chapter 20 - Section 2

An employee who receives, accepts a promise of or demands a bribe or other improper reward for the performance of his duties, shall be sentenced for taking a bribe to a fine or imprisonment for at most two years. The same shall apply if the employee committed the act before obtaining the post or after leaving it. If the crime is gross, imprisonment for at most six years shall be imposed.

[...]

Tajikistan (*)

Article 319. Taking a Bribe

(1) Taking a bribe (money, securities, other property or proprietary advantages) by an official personally or through his mediator in exchange for actions (omission) in favor of a person who offers a bribe, if such actions are within the authorities of the official, or he can take such actions (omission) due to his official position, as well as in exchange for general patronage are punishable by up to 5 years of imprisonment simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

(2) Taking a bribe by an official in exchange for illegal actions (omission) is punishable by imprisonment for a period of up to 5 years simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

(3), (4) [...]

Article 320. Bribery

(1) Giving a bribe to an official personally or through a mediator is punishable by imprisonment for a period of 5 to 10 years with confiscation of property.

(2) Giving a bribe to an official in exchange for committing knowingly illegal actions (omission) by him, or repeatedly is punishable by imprisonment for a period of 10 to 15 years with confiscation of property.

Note: A person who gave a bribe would be released from criminal liability, if there was an extortion of a bribe by an official, and if the person voluntarily informed the organ which is entitled to institute criminal proceedings.

Tunisia (#) (°)

Art. 83

Any person, having the quality of public official or equivalent in conformance with the dispositions of this Law, who has accepted, unrightfully, directly or indirectly, for himself or for another, donations, promises, presents or advantages of any nature, in order to perform an act connected to his office, even if righteous, but not subject to consideration, or to facilitate the accomplishment of an act in relation to the attributions of his functions he is obliged to, will be punished by 10 years of imprisonment and a fine of twice the amount of the presents received or the promises accepted, but not inferior to 10.000 dinars.

The tribunal pronounces towards the defendant, in the same judgement, the deprivation of the exercise of public offices, the management of public services and the representation of those.

Art. 84

If the public official has provoked the corruption, the penalty provided for in Art. 83 will be doubled.

Art. 85

If the public official or equivalent has accepted donations, promises, gifts or advantages of any nature, either as recompense for an act he has accomplished and which is within his duties but which is not subject to consideration, or for an act he has abstained from performing without an obligation to perform, he will be punished with 5 years of imprisonment and a fine of 5000 dinars.

Art. 86

In the cases provided for in the three previous articles, the defendant can be deprived, completely or partially, from the rights indicated in Art. 5.

[...]

Art. 88

Any public official or equivalent who has accepted, unlawfully, for himself or for another, directly or indirectly, donations or promises of donations or presents, or advantages of any nature, in order to grant another an unjustified advantage by an act contrary to the legal dispositions aiming at the liberty of participation or the equality of chances in the market, passed by public establishments, public enterprises, offices, local communities and societies in which the state or the local community participate directly or with capital, will be punished with imprisonment for 5 years and a fine of 5000 dinars.

[...]

Art. 91

Anyone who has corrupted or intended to corrupt one of the persons mentioned in Art. 82, with donations or promises of donations, or presents or advantages of any nature, in order for him to accomplish an act connected to his office, even if righteous, but not subject to consideration, or to facilitate the accomplishment of an act connected to his function, or to

abstain from performing an act the accomplishment of which is his duty, will be punished by 5 years of imprisonment and a fine of 5000 dinars.

This penalty also applies to any intermediary between the bribe-giver and the bribe-taker.

The penalty will be doubled if the persons indicated in Art. 82 have been constrained to accomplish the act by force or menace on themselves or a family member.

Art. 92

If the attempt does not have any effect, the authors will be punished with imprisonment for one year and a fine of 1000 dinars.

If the attempt of force or menace does not have any effect, the authors will be punished with 2 years of imprisonment and a fine of 2000 dinars.

Art. 93

The bribe-giver or intermediary, who, before the commencement of prosecution, reveals voluntarily the fact of the corruption and the evidence thereof, will be acquitted.

Art. 94

In any case of corruption, the objects given or received will be confiscated to the profit of the State.

Turkey (*)

Article 252

(1) Any public officer who receives a bribe shall be sentenced to a penalty of imprisonment for a term of four years to twelve years. The person giving the bribe shall be sentenced as if he were a public officer. Where the parties agree upon a bribe, they shall be sentenced as if the offence were completed.

(2) Where a person who receives a bribe, or agrees to such, is a person in a judicial capacity, an arbitrator, an expert witness, a public notary or a professional financial auditor, the penalty to be imposed according to section one shall be increased by between one third and one half.

(3) A bribe is defined as the securing of a benefit by a public officer by his agreeing with another to perform, or not to perform, a task in breach of the requirements of his duty.

(4) Section one shall also apply where, through a breach of duty, a benefit has been conferred upon a person acting on behalf of a professional institution (presumed in law, to be public institution); or a company (incorporated by the aforementioned professional institution, or a public institution or a public corporations or a foundation operating within the framework of such institutions or corporation); or an association acting in the public interest; or a co-operative, or a public joint stock corporation, in order to establish a legal relationship with such entities or in order to continue an existing legal relationship with such.

(5) The following actions shall be presumed to be bribery: offering, promising or giving a direct, or indirect, benefit, for the purpose of: ensuring the performance or non-performance of a task or obtaining or protecting an unjust benefit concerning international commercial activities, to an elected or appointed person in a foreign country who is: a parliamentary officer, a member of a public institution charged with judicial or administrative duties; a person working in an international organization that has been established by another international public institutions, state or government (regardless of its structure or function), or any other person performing a duty having an international character in a foreign country.

Article 254

(1) Where, prior to the commencement of investigation, the person in receipt of the bribe presents the consideration of such, in its original state, to the authorities, no penalty shall be imposed for the offence of bribery. Where, prior to the commencement of an investigation, a public officer who, after having agreed to receive a bribe, informs the authorities of such, no penalty shall be imposed.

(2) Where, prior to the commencement of investigation, a person who offered and gave bribe to a public officer informs the authorities responsible for investigation of such, no penalty shall be imposed and the bribe he gave to the public officer shall be taken from the public officer and handed back to him.

(3) Where, prior to any investigation, any other person who participates in the offence of bribery demonstrates remorse by informing the authorities responsible for investigation of such, no penalty shall be imposed for such person.

Ukraine (*)

Article 368. Taking a bribe

1. Taking a bribe of any kind, by an official, in return for taking or refraining from any action for the benefit of the person that gave the bribe or for the benefit of any third person by means of authority or official powers entrusted in this official, -

shall be punishable by a fine of 750 to 1,500 tax-free minimum incomes, or imprisonment for a term of two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2., 3. [...]

Note:

1., 2., 3. [...]

4. Request of a bribe shall mean a demand of a bribe by an official accompanied with a threat to take or refrain from any actions through abuse of authority or official position, which may cause any harm to the rights and legal interests of the person who gives the bribe, or willful creation of conditions, by an official, in which a person is compelled to give a bribe to prevent any harmful consequences to his/her rights and legal interests.

Article 369. Giving a bribe

1. Giving a bribe, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term of two to five years.

2. [...]

3. A person who gave a bribe shall be discharged from criminal liability, if the bribe was requested from this person, or if, after giving the bribe and before any criminal prosecution was initiated against him/her, this person voluntarily reported the fact of bribing to the agency competent to undertake criminal prosecution.

Article 370. Provocation of bribery

1. Provocation of bribery, that is an intentional creation, by an official, of circumstances and conditions that cause the giving or taking of a bribe, for the purpose of uncovering those who gave or took the bribe, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of two to five years.

2. [...]

Uruguay (#) (°)

Art. 157: The public official who, in order to execute an act of his office, receives himself or through a third person, an undue remuneration for himself or for a third person, or accepts the promise thereof, will be penalized with between 3 months of prison and 3 years of penitentiary, with a fine of between 10 and 5000 U.R. (adjustable units), and special disqualification between 2 and 4 years.

The penalty will be reduced by between a third and half, if the public official accepts the remuneration for an act already accomplished, within his functions.

Art. 158: The public official who, in order to delay or to omit an act within his functions, or in order to execute an act contrary to his duties, receives himself or for another, for himself or for another, money or another benefit, or accepts the promise thereof, will be subject to between 2 months of prison and 6 years of penitentiary, special disqualification between 2 and 6 years, and a fine of between 50 and 10.000 U.R. (adjustable units).

[...]

Art. 159: He who induces a public official to commit any of the offences provided for in Art. 157 and 158, will be penalized for the simple fact of instigation, with a penalty of between half and two thirds of the main penalty established for those.

Uzbekistan (*)

Article 210. Acceptance of Bribe

Acceptance of bribe, that is, knowingly illegal acceptance of tangible valuables by an official, personally or through an intermediate person, or acquisition of pecuniary benefit for performance or non-performance of certain action, which he must or could have officially performed, in the interests of the person giving a bribe –

shall be punished with fine from one hundred and fifty minimum monthly wages, or imprisonment up to five years and deprivation of certain right up.

[...]

Article 211. Bribe-giving

Bribe-giving, that is, knowingly illegal provision of tangible valuables to an official, personally or through an intermediate person, or of pecuniary benefit for performance or non-performance of certain action, which the official must or could have officially performed, in the interests of the person giving a bribe –

shall be punished with fine up to fifty minimum monthly wages, or correctional labor up to three years, or arrest up to six months, or imprisonment up to three years.

[...]

The person who has given a bribe shall be discharged from criminal liability in the instance if there was extortion with regard to the person, or he communicated voluntarily about the event of the crime, after having committed criminal actions, repented honestly, and facilitated actively detection of the crime.

Article 212. Intermediation in Bribery

Intermediation in bribery, that is, activity carried out to arrive at an agreement about acceptance of or giving a bribe as well as immediate delivery of a bribe upon instructions of the persons concerned –

shall be punished with fine up to fifty minimum monthly wages, or correctional labor up to three years, or arrest up to six months, or imprisonment up to three years.

[...]

The person, who acted as an intermediate person in bribery, shall be discharged from liability in the instance if he communicated voluntarily about the event of the crime, after having committed criminal actions, repented honestly, and facilitated actively detection of the crime.