

Legal Adaption for the Crime of Bribery in the Private Sector

Alaa Khalif Homad¹, Oday Tulfah Mohammed²

¹College of Rights, Tikrit University, Iraq. Email: alaa2007334@gmail.com

²College of Rights, Tikrit University, Iraq.

ABSTRACT

In order to understand the legal adaption for the crime of bribery in the private sector, it must first study the legal adaption for the crime of bribery in the public sector, and then it can apply this adaption to the crime of bribery in the private sector. Since the legal adaptation is the same in bribery crimes, whether in the public sector or the private sector. Besides, the legal adaption for the crime of bribery in the private sector is represented in two systems: the double crime of bribery system and the metaphor system. Each system has advantages, disadvantages, and effects that distinguish it from the other system. However, the legislation varied the adoption of these two systems. One of them is approved the double crime system, which is the crime of bribery consisting of two independent crimes, and this system is illogical because it divides one incident into two fictitious compartmentalized crimes. This system provides the utmost protection for the work assigned to the employee or worker in the private sector from any tampering that harms the employer or the owner of the project in this sector, which is more valid in application in practical reality. On the other hand, others are implemented the metaphor system, which is a single complex crime of bribery. Still, this system may lead to the briber impunity that who offered the bribe from accountability in the case if considers as an accomplice with the (principal perpetrator) employee or worker, when the latter does not accept the presented offer from the briber, on the basis that the briber metaphor his crime from the bribe-taker. Despite this, it is closer to the rationale that agreed with the legal logic.

Keywords

The Crime of Bribery, Legal Adaption Private Sector.

Introduction

Bribery in the private sector in its original, simplified form is taking and giving, so the (bribe-taker) takes a gift from the stakeholder (the briber) or accepts the promise of it to offer him work, refrain from it, or breach his duties. This means that the crime of bribery in the private sector requires the presence of two people, the bribe-taker who is an employee or worker in the private sector, and the second is the briber. Thus, is the act of these two persons considered a single crime by describing the employee or worker) principal perpetrator), and the briber is an accomplice according to the rules of participation? This is called the metaphor system. Otherwise, is the action of the employee or worker (the bribe-taker) considered independent from the action of (the briber)? Each of these two acts achieves an independent crime, and this is called the system of double crime. Besides, if one of these two systems is adopted, what are the effects of one of them without the other, and what are the justifications for the proponents of each system. In order to realize the legal adaption of this crime, it is necessary to research the legal adaption of the

crime of bribery in the public sector to know the legal nature of the crime of bribery in the private sector, since the concept of legal adaption differs from the concept of the legal nature. In general, adaption means giving the correct legal description of the incident presented and related to an action performed by the judge or jurist, while the legal nature means the type of incident from the legal point of view (Muhammad S. Al-Ahmad, 2004: p110). Hence, the process of knowing that this responsibility is civil, criminal, or administrative is not an adaption. Similarly, the process that this contract is commercial, or administrative is not adaption, where the understanding of the type required the determination of its legal nature, as nature determines the type of law applied (the law in its private sense) as if it were a civil law, a commercial law, a personal status law, etc. Accordingly, adaption is the start of the application of law to the incident (Muhammad S. Al-Ahmad, 2004: p110). On the other hand, most jurists see it, are crimes attached to bribery in the public sector, and it is related to it in many elements and attributes (Mamoun M. Salama, 1983-1982: p189).

Research Problem

The research problem is represented in the following questions:

- Is it possible to adopt a double crime system without the metaphor system, or vice versa?
- What are the consequences of adopting one of these two systems?
- Which is better in providing the necessary protection for the work entrusted to the employee or worker in the private sector from any tampering that harms the employer or the project owner in this sector, and what is the more valid in application in practice?
- Which one is closer to the rationale that agreed with the legal logic?

Research Significance

The research's importance lies in identifying the consequences of adopting one of these two systems, and the advantages and disadvantages that result from them. Moreover, the study's importance is highlighted in the fact that when the legislator adopts one of these two systems, he will have a clear vision about the disadvantages of this system, and he should take into account ways to address the disadvantages of the system he adopted. In addition, it surrounds the crime of bribery in the private sector with special texts that prevent the impunity of criminals.

Research Methodology

In this research, the inductive analytical approach through which the legal texts related to the crime of bribery in the private sector are induced and analyzed has been adopted. Together with, adopting a comparative approach by comparing the legal texts mentioned by the Iraqi legislator with the texts of comparative legal legislation in the Egyptian, Lebanese and Algerian law that preceded us in criminalizing bribery in the private sector.

Research Plan

To understanding the topic (legal adaption for the crime of bribery in the private sector), it can divide this research into two demands, where the first one represents the identifying of the legal adaption for the crime of bribery in the private sector. Then, the second section will address the position of comparative legislation on the systems of legal adaption for the crime of bribery in the private sector, followed by a set of conclusions and proposals for this research.

The First Demand

Legal Adaption Systems for the Crime of Bribery in the Private Sector

Two systems explain the legal adaption for the crime of bribery in the private sector. The first system considers the act of bribery in the private sector consisting of two detailed crimes, the first is called (negative bribery) and the second is called (positive bribery), as the briber behavior is not a participation in the crime of the bribe-taker. Both behaviors are independent of each other, and each of them has its elements. As for the second system, it considers the crime of bribery in the private sector as one crime, the first party in it as a perpetrator (employee or worker), and the second party is the person in need, and it is considered as an accomplice in the crime, and they are equal in the crime committed and the punishment (Baba Arabi Khair El-Din, 2019:p 5-6). In order to take understand this demand, this demand is divided into two divisions, the first is looking for a system of the double crime of bribery in the private sector, and the second is identified the private sector metaphor system according to the following:

- **First Division**

Double Bribery Crime System in the Private Sector

The proponents of this school believe that bribery consists of two separate crimes. The first crime involves the employee and those in his judgment (bribe-taker) within the public sector. Or, the employee or worker (bribe-taker) if it was in the private sector when he asks for or accepts for

himself or others a gift, benefit, or promise of something, and it is called the term (negative bribery) (Fakhri Abdul-Razzaq, 2016:p55). As for the second crime, the person in need (briber) is asked about it when he gives the compensation to the employee and those similar to him, or when he offers to him or promises something to him, and it is called the term (positive bribery). According to this system, each crime is independent of the other and the action of the briber is not considered to participate in the crime of the bribe-taker, the metaphor his crime from the latter, as is the case of the metaphor system. But this act is considered an independent crime for which the person in need (briber) is punished alone, and this means that each crime has its elements that distinguish it from the other crime (Maher Abd Shawish, 2007:p49). It is not required to have an agreement between the two parties of the bribery, and the reason for this is that both crimes negative or positive - are realized as soon as the briber asks for the bribe or as soon as it is offered by the briber. According to this system, there is no place to imagine the initiation of bribery because bribery takes place completely by simply request or offering from the bribe-taker or the briber according to the circumstances. The metaphor system requires the existence of an agreement between the briber and the bribe-taker, either by describing this agreement as a means of participation or as an essential element that the crime is not achieved without its presence. Therefore, the system of double criminality does not require the existence of an agreement between the two parties (Ahmed Fathi Sorour, 2019: p 316-317). Those proponents of this view have several justifications, that the adoption of metaphor system would lead to the briber impunity who offered the bribe from accountability in case if was an accomplice with the principal perpetrator (the employee when the latter did not accept the offer presented by the briber. As for the other justification, it is difficult in the metaphor system that is based on the theory of participation, to consider the briber as an accomplice in the crime of bribery. Since the accomplice's role is an assistant in the crime, that is, he facilitates the crime but does not create it, which means that the accomplice does not contribute to its commission originally and straightforwardly. This is contrary

to the truth in the crime of bribery because the briber and the bribe-taker play two main roles in the implementation of the bribery crime. Thus, each of them plays a major role that is no less significant and dangerous than the role played by the other. This means that the two crimes of negative and positive bribery go parallel with the field of bribery (Ahmed Refaat Khafaji, 1999). However, this system is illogical, because it divides one incident into two incidents that fictitious fragmentation offenses (Mahmoud Naguib Hosni, 2019: p16). One of the effects of adopting a double crime system is the possibility that each of the two crimes of positive or negative bribery may have its initiation, as long as the adoption of this system makes the act of bribe-taker and the briber two crimes independent of one another (Adnan Ali Kazim, 1977: p41). Likewise, one of the effects of this system is that the briber cannot be considered an accomplice to the bribe-taker, because his action constitutes a crime that is punishable separately from the crime of the bribe-taker. It may happen in many cases to initiate a criminal case and hold the person in need (briber) accountable without the employee being held accountable, and it is imagined that one of them will be convicted and acquitted the other (Mahmoud Najeeb, 2019: p15). This means that the penalty for negative bribery can be applied despite the absence of positive bribery because (the briber) was excluded from the indictment for lack of criminal intent or was not serious about offering the bribe or for any other reason. But this does not prevent it from being there are accomplices for the briber in the crime of positive bribery, or there are partners for the bribe-taker in a positive bribe that is governed by the general principles in the participation rules (Ahmad Refaat, 1999: p215-216).

- **Second Division**

The Metaphor System of Bribery Crime in the Private Sector

The proponents of this school believe that bribery consists of a single complex crime, committed by both the bribe-taker and the briber as a principal perpetrator. Or, from the bribe-taker as the principal perpetrator and the briber as his

accomplice by instigation, assistance, or agreement, and this means that the briber metaphor his crime from the bribe-taker (Fawzia Abdel Sattar, 2017). That is, the acts constituting the crime of bribery that are represented by the criminal activity (request, accept, receive) is considered a component of one crime, in which the bribe-taker is the employeewithin the public sector, or worker if he is within the private sector, whilethe briber is an accomplice. From the above, the proponents of this school rely on more than one justification, including that the nature of bribery that prompted the legislator to provide it with criminal texts to protect the job itself. Whether it is in the public sector or the private sector, and not the employees are the subject of this protection and care from the law. However, this crime is aggravated by job trafficking, and this trafficking occurs by the employee, and where the employee is considered aprincipal perpetrator. Conversely, the briberconsidered an accomplice by instigating, agreeing, or assisting, or both the bribe-taker and briber are considered principal perpetrators of a single crime. The lesson in this crime is the employee behavior (the bribe-taker) and not the briber behavior. Furthermore, the other justification on which the proponentsof this opinion relied is that it is absurd to try to divide the negative action and the positive action into the crime of bribery as long as it is a complex crime. Besides, it assumes the participation of several people, who are the briber or bribe-taker, and they are subject to the provisions of the Penal Code(Ahmed Refaat Khafaji, 1999: 210-211). One of the effects of adopting the metaphor system is the application of the general rules of participation referred to in articles with numbers (47, 48, 49) of the Iraqi Penal Code, and articles (40, 41) of the Egyptian Penal Code, which consider the briber to be just an accomplice to the bribe-taker in the crime of bribery. Further, the criminal responsibility rests with the principal perpetrator (bribe-taker) first, then it leaks out to the accomplice (briber) secondly, and this is called the idea of metaphor in crimes. This idea has consequences, including that there must be a crime that has occurred, which means the occurrence of a punishable act so that the accomplice can be punished. None the less, if the act of the principal perpetrator is not punishable,

the partner cannot be held accountable, that is, there is no crime as long as the act in which the participants took place is not punishable, and the participation must be by one of the means provided for by the legislator, which is (agreement and incitement and assistance) (Ahmed Refaat Khafaji, 1999: p 21-214). Also, one of the effects of adopting the metaphor system is that the initiationof the crime of bribery takes place from the employee (bribe-taker) as the principal perpetrator.As for the briber who tries to buy the employee, he cannot be held accountable or punished as long as the employee did not initiate the crime. Thus, it was said that the initiationto participate is not punishable, while the participation in the initiationis punishable, which is inconsistent with sound legal reasoning. Since it is not possible to punish the briber in the case that his offer is rejected by the principal perpetrator (the employee)that means that the briber remains away from the punishment cycle despite the seriousness of his actions.This is one of the negative consequences of adopting the metaphor system, which prompted the countries that adopt this system to criminalize the offer of bribery by special texts (Adnan Ali Kazem, 1977: p39).

The Second Demand

The Position of the Comparative Legislation of the Legal Adaption Systems for the Crime of Bribery in the Private Sector

Comparative legislations varied in adopting a specific system for the legal adaption of this crime. Some of the legislations adopted the system of the double crime of bribery in the private sector, and some of them adopted the metaphor system, as well as taking the advantages of double crime at the same time, and some of them adopt a middle ground between the two systems.To clarify this in some detail, this demand has been divided into four divisions, the first one isdiscussing the position of the Egyptian legislator on the system of double and metaphor of the crime of bribery in the private sector. The second division isdiscussing the position of the Lebanese legislator on the system of double and metaphor of the crime of bribery in the private sector. The third one includes the position of the

Algerian legislator on the system of double and metaphor of the crime of bribery in the private sector, Finally, is identified the position of the Iraqi legislator on the system of double and metaphor of the crime of bribery in the private sector.

- **First Division**

The Position of the Egyptian Legislator on the System of Double and Metaphor of the Crime of Bribery in the Private Sector

The Egyptian legislator adopted the metaphor system for the crime of bribery, which was observed by following the texts of articles (103 - 111) related to the crime of bribery in the Egyptian Penal Code. the legislator adopted the metaphor system for the crime of bribery and this is the opinion of most of the jurists. Contrary to what (Ahmed RefaatKhafagy, 1999: p. 231) believes that the Egyptian legislator has adopted the system of double crime. Likewise, the French legislator adopted a double system for the crime of bribery in Articles (177 and 179) of the French Penal Code of 1943. In addition, he tried to take advantage of the double-crime system, to avoid the defects of metaphor, so they criminalized the offer of bribery under Article (109), and also the employee request for the consideration is considered a complete crime even if it was not accepted by the briber (Mahmoud Najib Hosni, 2019: p16; Ahmed FathiSorour, 2019: p 318 and Fawzia Abdel Sattar, 2017: p. 12-13). Through researching the legal adaption of the crime of bribery in the private sector, it evident that the Egyptian legislator, even if they adopted the metaphor system, and tried to expand the scope of criminalization to include acts that were not criminalized before. Besides, it was not limited to the scope of the public office but extended to the scope of the private sector. T as it can be said: The legal adaption of the crime of bribery in the private sector, although it is close to the legal adaption of the crime of bribery in the public sector. Nevertheless, the Egyptian legislature has made the legal adaption of this crime of special nature concerning the crime of bribery in the private projects stipulated in Article (106), as he did not criminalize subsequent bribery. Also, the

Egyptian legislature made a condition for this crime that the employee (bribe-taker) should be experienced for the work that performs. Here, this legislature has proceeded from the general rules of the metaphor and double crime system, which appears that the legislator's policy of not criminalizing subsequent bribery. Likewise, his requirement that the bribe-taker be specialized in the work he does, within the scope of purely private projects, is that they are not dangerous in this sector if compared to the scope of public works, or private works of public benefit. However, the legislator returned under the amendment of law No. (120 of 1962) and stipulated in Article No. (106) bis (a) on bribery of employees in private projects in its aggravated form, and the legislator dealt with employees in these projects as they deal with employees within the scope of public function. Here the legal adaption of the crime of bribery in these projects - of public interest - will be subject to what is subject to the legal adaption of the crime of bribery in the public sector.

- **Second Division**

The Position of the Lebanese Legislator on the System of Double and Metaphor of the Crime of Bribery in the Private Sector

The Lebanese legislator also adopted the metaphor system for the crime of bribery, as it can be observed from the criminalization policy in the Lebanese law for the articles (351 to 356) related to the crime of bribery that the Lebanese legislator adopted the metaphor system for the crime of bribery. (Dr. Jaafar Muhammad Ali 2006). The defines this crime as a single process that requires two perpetrators, briber, and bribe-taker, and the law punishes the briber with the same penalty prescribed for the bribe-taker in Articles (351 and 352). Alternatively, some have adopted the opposite opinion (Fadia Qassem Baydoun, 2013: p34; Jaafar Muhammad Ali, 2006: p 20). This does not mean that the legislator has made a special crime for the briber without receiving acceptance from the employee as in Article (355). Rather, they criminalized this case of bribery (the crime of offering bribery) because of the seriousness of this offer, and its threat and violation of the integrity

and sanctity of the job, and because the one who offered the bribery incited the employee to trafficking his job (Samir Alia 2020: p 23-24). The Researcher believes that the legal adaption for the crime of bribery in the private sector in Lebanese law is the same as the legal adaption for the crime of bribery in the public sector that is based on the metaphor system. Meaning that the crime of bribery in the private sector is the crime of an employee, and the briber is a partner in crime. This means that the crime of bribery in the private sector is one crime that requires two perpetrators: the employee (the bribe-taker) and the person in need (the briber). It is noted that the Lebanese legislator did not increase the penalty for this crime if it was committed by employees in private companies that provide public benefit. Contrary to what the Egyptian legislator did in Article No. (106) bis (a), consequently the subsequent bribery cannot be held accountable if it is committed by the employees of these companies.

- **Third Division**

The Position of the Algerian Legislator on the System of Double and Metaphor of the Crime of Bribery in the Private Sector

The Algerian legislator has adopted the system of the double crime of bribery in the private sector because this system prevents from some cases impunity that cannot be punished under the metaphor system. The position of the legislator here is clear and explicit from adopting the system of the double crime of bribery in the private sector by dividing the various crimes of bribery into two forms: negative and positive (Baba Arabi Khair al-Din, 2019: p7). By referring to the text of the article on the criminalization of bribery in the private sector, it can be noted that the Algerian legislator represented their position on the adoption of the double crime system of bribery in the private sector. It stipulates that "Punished by imprisonment from (6) months to (5) years and a fine of 50,000 dinars Algerian to 500,000 Algerian dinars for each case as follows:-

1. Every person who promises, offers, or grants, directly or indirectly, an undue advantage to any person who manages a

private sector entity, or works for him, whether for the benefit of the same person or the benefit of another person, to perform a job or refrain to perform a work, which constitutes a breach of his duties.

2. Every person belonging to the private sector or working for it, who requests or accepts, directly or indirectly, an undue advantage either for himself or for the benefit of another person or entity in order to perform work or refrain from performing a work, which constitutes a breach of his duties (Algerian Law, Article No. 40).

As the first paragraph of this text shows the picture of the positive crime of bribery committed by the briber, while the second paragraph of the same article shows the crime picture of negative bribery committed by the employee or the worker (the bribe-taker). Here it is allowed to separate between the crimes attributed to the perpetrators without difficulty by not following up the briber and the bribe-taker at the same time, as it is possible to move the case against the briber without the bribe-taker or vice versa (Baba Arabi Khair al-Din, 2019: p 8).

- **Fourth Division**

The Position of the Iraqi Legislator on the System of Double and Metaphor of the Crime of Bribery in the Private Sector

Most jurists believe that the Iraqi legislator adopted the metaphor system in Articles (307-310). Then, deal with the exemption from punishment, the crime of offering bribery, and the crimes attached to bribery in Articles (311-314) (Fakhri Abdul-Razzaq Salbi, 2016, p. 55 and Jamal Ibrahim Al-Haidari, 2012: p. 83). However, others believe that the Iraqi legislator has adopted the system of double crime (Wathbeh Daoud, 1989:p. 83), in fact, each of the proponents of these two opinions has justifications as mentioned previously. The Iraqi legislator adopted the metaphor system of the crime of bribery, and then also adopted at the same time the advantages of the double system of the crime of bribery in order to avoid the defects in the metaphor system of crime and to prevent some offenders from impunity from legal prosecution. The evidence for

this is its text on the crime of bribery in Article (313) of the Iraqi Penal Code, meaning that the Iraqi legislator did not fully comply with one of these two systems. It was observed from the text of the criminalization of this crime stipulated in the Law of the Integrity and Illicit Gain Commission, that this text did not indicate the provisions of the crime of bribery in the private sector. But rather referred them to general provisions relating to the crime of bribery in the public sector in the Penal Code. Moreover, everything that was said about the legal adaption of the crime of bribery in the public sector applies and is ratified to the crime of bribery in the private sector, meaning that the legislator initially adopts the metaphor system and at the same time adopt the system of double crime. It should be noted that the United Nations Convention against Corruption in 2003, introduced a double-crime system, where Article 15 of this Agreement stipulates that (each state party adopts the necessary legislative and other measures to criminalize the following acts).

1. A public official promised, offered, or granted an undue advantage, directly or indirectly, either for the benefit of the employee himself or for a person or other entity, so that the employee would do something or refrain from doing an act in the performance of his official duties.
2. Seeking or accepting, directly or indirectly, an undue advantage, either for the benefit of the employee himself or for a person or other entity, for that employee to do something or refrain from doing an act in the performance of his or her official duties).

After researching the metaphor system and the double crime system, it was observed that the latter system provides the maximum degree of protection for the job, whether it is in the public sector or the private sector. On the other hand, the metaphor system leads to the briber impunity from accountability if the employee does not respond to the offer submitted by him (Ahmed Abdel-Allah Al-Maraghi, 2019: p55). In particular, the authors believe that the metaphor system is closer to the rationale that agreed with the legal logic. Because bribery is the crime of the employee and those in

his judgment or the user who has violated his duties. However, the system of dual crime is more valid in practice.

Conclusions

1. The legal adaption of the crime of bribery in the private sector is not different from the legal adaption of the crime of bribery in the public sector, as the first is related to the second and close to it in many elements and qualities.
2. The systems that the legislation adopts in the legal adaption of the crime of bribery in the private sector are two systems: The first system is the double crime of bribery, which considers the act of bribery to consist of two separate crimes: passive bribery and active bribery. Besides, the second system is the metaphor system, which considers the crime of bribery as a single crime.
3. The adoption of the metaphor system would lead to the briber impunity from accountability if he is as an accomplice with the principal perpetrator, when the latter does not accept the presented offer from the briber, on the basis that the briber metaphor his crime from the bribe-taker. However, it is closer to the rationale that agreed with the legal logic.
4. The double crime of bribery system in the private sector is illogical because it divides one incident into two fictitious compartmentalized crimes. This system provides the utmost protection for the work assigned to the employee or worker in the private sector from any tampering that harms the employer or the owner of the project in this sector, which is more valid in application in practical reality.
5. The Iraqi legislator did not indicate in the text the crime of bribery in the private sector the system that he applies but rather referred this to the general provisions of the crime of bribery in the public sector stipulated in the Iraqi Penal Code. The Iraqi legislator adopted the metaphor system of the crime of bribery, and then also adopted at the same time the advantages of the

double system of the crime of bribery. In other words, it takes a middle ground between this system.

Suggestions

1. The Iraqi legislator should clarify his position on the legal adaption of the crime of bribery in the private sector and not be satisfied with referring to the general provisions of the crime of bribery in the public sector stipulated in the Iraqi Penal Code. So that they have a clear perception of the disadvantages of this system, and to be able to follow ways to address these disadvantages.
2. It can propose that the Iraqi legislator should provide for criminalizing bribery in the private sector in the Penal Code and not the Integrity and Illicit Gain Law because the last law did not include the legal adaption for this crime. Thus, if criminalized in the Penal Code, the same legal adaptation of the crime of bribery in the public sector would be applied to it. On the other hand, Integrity and Illicit Gain Law are concerned with acts that are under the concept of financial and administrative corruption, according to Article (1) of this law. This means that if bribery is criminalized in total private enterprises in its simple form, it cannot be included in this law because it does not fall under the concept of administrative and financial corruption. It is better to criminalize it in all its merits in the Penal Code and thus make the crime of bribery in the private sector of public interest the competence of the Federal Integrity Commission.

References

Legal Books

- [1] Dr. Ahmed RefaatKhafagi: *Crimes of Bribery in Egyptian Legislation and Comparative Law*, Dar Qubaa for Printing, Publishing and Distribution, Cairo, 1999.
- [2] Dr. Ahmed Abdel-Allah Al-Maraghi: *The Crime of Bribery in Egyptian Law - A Comparative Study, 1st Edition*, The National Center for Legal Publications, Cairo, 2019.
- [3] Dr. Ahmed Fathi Sorour: *Mediator in the Penal Code - Special Section - Book One, 7th edition*, Dar Al-Nahda Al-Arabiya, Cairo, 2019, pp. 316-317.
- [4] Dr. Jaafar Muhammad Ali: *Penal Code - Special Section, 1st Edition*, University Foundation for Studies, Publishing, and Distribution, without a place of publication, 2006.
- [5] Dr. Jamal Ibrahim Al-Haidari: *Al-Wafi in the Penal Code - Special Section - 1st Edition*, Al-Sanhouri Library, Baghdad, 2012.
- [6] Dr. Samir Alia: *Al-Wafi in explaining the crimes of the special section*, 1st edition, Al-Halabi Human Rights Publications, Beirut, 2020.
- [7] Dr. Fadia Qassem Baydoun: *Corruption is the most prominent crime - effects and ways of treatment*, 1st edition, Al-Halabi Human Rights Publications, Beirut, 2013.
- [8] Dr. Fakhri Abdul-Razzaq Salbi Al-Hadithi: *Explanation of the Penal Code - Special Section*, Legal Library, Baghdad, 2016.
- [9] Dr. Fawzia Abdel Sattar: *Explanation of the Penal Code - the special section according to the latest amendments, 4th edition*, Dar Al-Nahda Al-Arabiya, Cairo, 2017.
- [10] Dr. Mamoun Mohammed Salama: *Penal Code - Special Section, Crimes Harmful to the Public Interest, Part 1*, Dar Al Fikr Al Arabi, Cairo, 1983-1982.
- [11] Dr. Maher Abed Shawish Al-Durra: *Explanation of the Penal Code - Special Section*, Al-Sanhoury Library, Baghdad, 2007.
- [12] Dr. Mahmoud Najib Hosni: *Explanation of the Special Penal Code - Special Section*,

6th edition, University Press, Alexandria, 2019.

- [13] Dr. Wathbeh Daoud Al-Saadi: *Penal Code - Special Section - printed at the expense of the University of Baghdad*, 1988-1989.

The Conventions

- [1] The United Nations Convention against Corruption of 2003.

University Theses

- [1] Baba Arabi Khair El-Din and Badawi Ayoub: Bribery in the Private Sector, Memorandum for Completing the Master's Degree, Faculty of Law and Political Science' University of Qasida Merbah and Ouargla, Algeria, 2019.
- [2] Adnan Ali Kazim: *The Crime of Bribery in Iraqi Law - A Comparative Study*, Master's Thesis, College of Law and Politics, University of Baghdad, 1977.

The Laws

- [1] Iraqi Penal Code No. (111 of 1969), amended.
- [2] The Lebanese Penal Code No. (340 of 1943), amended.
- [3] Egyptian Penal Code No. (58 of 1937), amended.
- [4] The Algerian Law on Prevention and Combating Corruption No. (06-01) amended.
- [5] Law of the Integrity and Illicit Gain Commission No. (30 of 2011), amended.

Scientific Research

- [1] Dr. Muhammad Suleiman Al-Ahmad: The importance of the difference between legal adaption and the legal nature in determining the scope of the application of competition law, research published in Al-Rafidain Journal of Law, College of Law, University of Sulaymaniyah, Volume (1), Ninth Year, Number 20, 2004.