

Corruption Crimes in Comparative Criminal Law

Lecturer **Mihai ȘTEFĂNOAIA**¹

Abstract

Corruption represents one of the most significant threats to the rule of law, good governance, and economic and social development. This paper examines corruption offenses from the perspective of comparative criminal law, highlighting the main similarities and differences among various legal systems. The study focuses on offenses such as active and passive bribery, trading in influence, and abuse of office, with particular reference to the legal frameworks of Romania, France, and the United States. It also analyzes the institutional mechanisms and legal instruments used to prevent and combat corruption, as well as the role of international cooperation in this field. The comparative analysis demonstrates that, although the regulation and punishment of corruption offenses vary across jurisdictions, all legal systems pursue the common objective of protecting the integrity of public administration and strengthening public trust in state institutions. Furthermore, the paper emphasizes the importance of international conventions and legislative harmonization in enhancing the effectiveness of anti-corruption efforts. The findings suggest that the success of anti-corruption policies depends not only on the existence of an adequate legal framework but also on the consistent, impartial, and effective enforcement of criminal law.

Keywords: corruption, comparative criminal law, bribery, trading in influence, criminal legislation, anti-corruption.

JEL Classification: K14, K42, D73

DOI: <https://doi.org/10.62768/ADJURIS/2026/7/10>

Please cite this article as:

Ștefănoaia, Mihai. "Corruption Crimes in Comparative Criminal Law." In *Comparative and International Law in an Era of Global Transformation: Sovereignty, Justice, Cooperation, and Emerging Technologies*, edited by Liliana Tymchenko and Paulina Guli Hoti, 170–192. ADJURIS – International Academic Publisher, 2026. <https://doi.org/10.62768/ADJURIS/2026/7/10>

1. Introduction

Corruption represents one of the oldest and most complex social, economic, and legal phenomena, manifesting itself in various forms across all known political and legal systems. Throughout history, it has posed a major challenge to

¹ Mihai Ștefănoaia - Faculty of Law and Administrative Sciences, "Ștefan cel Mare" University of Suceava, Romania. ORCID: <https://orcid.org/0000-0002-7163-4436>. E-mail: stefanoaiamihai@yahoo.com.

the effective functioning of public institutions, directly undermining citizens' trust in state authority and democratic governance mechanisms.

In its broadest sense, corruption involves the abuse of a public or private position for the purpose of obtaining undue material or non-material benefits at the expense of the public interest. Such practices weaken the rule of law, distort economic development, reduce institutional efficiency, and negatively affect social cohesion. As a result, combating corruption has become a priority for national governments, international organizations, and civil society, particularly in the context of strengthening democratic institutions and promoting transparency, accountability, and good governance.²

The impact of corruption extends far beyond the strictly legal sphere, affecting economic, social, and political dimensions of society. Studies conducted by international organizations indicate that high levels of corruption lead to reduced investment, decreased efficiency of public administration, increased costs of public services, and the widening of social inequalities. Corruption undermines economic growth by distorting market competition, discouraging foreign direct investment, and misallocating public resources. Furthermore, it weakens public trust in governmental institutions, diminishes the quality of governance, and hinders sustainable development. As a result, corruption is widely recognized as a major obstacle to social progress, economic stability, and democratic consolidation.³ Moreover, corruption facilitates the growth of organized crime, undermines fair competition, and weakens the stability of democratic institutions. In this context, the fight against corruption has become an essential component of public policies promoted at both national and international levels.

In recent decades, the processes of globalization and the expansion of transnational economic relations have led to a paradigm shift in the understanding of corruption. Whereas corruption was previously viewed primarily as an internal issue to be addressed by individual states, it is now widely recognized as a global threat with consequences that transcend national borders. Corrupt practices often involve cross-border financial transactions, multinational corporations, international networks, and offshore jurisdictions, making effective prevention and prosecution increasingly dependent on international cooperation. Consequently, combating corruption requires coordinated efforts among states, international organizations, law enforcement agencies, and civil society actors to strengthen transparency, accountability, and the rule of law on a global scale.⁴ International financial transfers, cross-border commercial contracts, and the increasing mobility

² Susan Rose-Ackerman and Bonnie J. Palifka, *Corruption and Government: Causes, Consequences, and Reform*, 2nd ed. (Cambridge: Cambridge University Press, 2016), 8–10, <https://doi.org/10.1017/CBO9781139962933>.

³ Transparency International, *Corruption Perceptions Index 2024* (Berlin: Transparency International, 2025), 4–7, <https://www.transparency.org/en/publications/corruption-perceptions-index-2024>.

⁴ Mark Pieth, ed., *Recovering Stolen Assets* (Bern: Peter Lang, 2008), 21.

of capital have created new opportunities for the commission of corrupt acts, making the development of international cooperation mechanisms and legislative harmonization essential. The transnational nature of modern corruption schemes often allows illicit funds to be transferred rapidly across jurisdictions, complicating efforts to detect, investigate, and prosecute offenders. As a result, effective anti-corruption strategies require coordinated action among states and the establishment of common legal standards.

In response to these challenges, the international community has adopted numerous legal instruments aimed at preventing and combating corruption. Among the most significant are the United Nations Convention against Corruption (UNCAC), the Council of Europe Criminal Law Convention on Corruption, and the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. These instruments establish common principles and obligations for states, including the criminalization of corruption-related offenses, the promotion of transparency and integrity in public administration, international cooperation in criminal matters, and mechanisms for asset recovery. Together, they provide a comprehensive legal framework designed to strengthen global efforts against corruption and enhance accountability at both national and international levels.⁵ These international instruments have contributed significantly to the development of common standards regarding the criminalization of corruption offenses, the liability of individuals involved, and international judicial cooperation. By promoting harmonized legal approaches, they facilitate more effective cross-border investigations, extradition procedures, mutual legal assistance, and the recovery of assets obtained through corrupt activities.

From the perspective of criminal law, corruption is manifested through a range of offenses that undermine social relations based on the honest, impartial, and lawful exercise of official duties. In most contemporary legal systems, the principal forms of corruption include bribery, active bribery, trading in influence, and the purchase of influence. In addition to these core offenses, certain national legislations also criminalize related conduct such as abuse of office, conflicts of interest, embezzlement of public funds, illicit enrichment, and other acts involving the misuse of public authority for private gain. These offenses are considered particularly harmful because they erode public trust in institutions, compromise the integrity of public administration, and weaken the rule of law.⁶ Although the objective of criminalizing these acts is common across legal systems — namely, the protection of the integrity of public office and the preservation of citizens' trust in state institutions — the specific regulatory approaches vary according to

⁵ United Nations Office on Drugs and Crime, *United Nations Convention against Corruption* (New York: United Nations, 2004), 1–12, https://static.un.org/en/ethics/assets/pdfs/UN_Convention_Against_Corruption.pdf.

⁶ Ilie Pascu et al., *Codul penal comentat. Partea generală* (Bucharest: Universul Juridic, 2025), 23–31.

the legal traditions and particular characteristics of each national legal system. Differences may be observed in the legal definitions of corruption offenses, the scope of criminal liability, the severity of sanctions, and the procedural mechanisms employed for investigation and prosecution.

In this context, the comparative method provides a valuable tool for understanding and evaluating the various legislative models that have emerged worldwide. Comparative law enables the identification of effective legal solutions, highlights legislative convergences and divergences, and supports the formulation of recommendations for improving national legal frameworks. By examining how different jurisdictions regulate and combat corruption, researchers and policymakers can better assess the strengths and weaknesses of existing approaches and develop more effective strategies for preventing and sanctioning corrupt behavior.⁷ Furthermore, comparative analysis facilitates a deeper understanding of the influence exerted by international standards on domestic legal systems and highlights current trends toward the harmonization of anti-corruption regulations. By examining the interaction between international legal instruments and national legislation, comparative research reveals the extent to which states have adapted their legal frameworks to meet global anti-corruption requirements and best practices.

Romania, France, and the United States of America provide particularly relevant examples for such a comparative analysis. The selection of these jurisdictions is justified not only by their belonging to different legal traditions but also by their extensive experience in the development and implementation of anti-corruption policies. Romania and France are representative of the continental European civil law tradition, characterized by codification and the predominant role of written legislation. In contrast, the United States represents the common law system, distinguished by the significant role of judicial precedent and the existence of specific federal regulations addressing corruption-related offenses. The comparison of these legal systems offers valuable insights into the diversity of legislative approaches, enforcement mechanisms, and institutional responses adopted in the fight against corruption.⁸

The comparative analysis of the legislation of these countries is particularly important in light of recent developments in the phenomenon of corruption. In Romania, the legislative and institutional reform process carried out in the context of accession to the European Union has led to the strengthening of mechanisms for the prevention and combating of corruption. These reforms have focused on improving the legal framework, enhancing institutional capacity, and aligning national legislation with European and international anti-corruption standards.

France has likewise implemented significant reforms aimed at increasing

⁷ Vasile Dobrinoiu, *Corupția în dreptul penal român* (Bucharest: Atlas Lex, 1995), 95–117.

⁸ John Hatchard, *Combating Corruption: Legal Approaches to Supporting Good Governance and Integrity in Africa* (Cheltenham: Edward Elgar Publishing, 2014), 45–49.

transparency, integrity, and accountability in the exercise of public functions. Particular emphasis has been placed on preventing conflicts of interest, strengthening oversight mechanisms, and promoting ethical standards within public administration. These measures reflect a broader commitment to enhancing public trust in governmental institutions and ensuring the effective enforcement of anti-corruption regulations.

The United States, meanwhile, has developed a comprehensive system for addressing corruption offenses, with particular emphasis on combating transnational corruption and illicit business practices. Through legislation such as the Foreign Corrupt Practices Act (FCPA), U.S. authorities have established robust mechanisms for investigating and prosecuting bribery involving foreign public officials, extending the reach of anti-corruption enforcement beyond national borders. The American approach illustrates the growing importance of international cooperation and corporate compliance in addressing corruption within an increasingly interconnected global economy.⁹

The primary objective of this study is to conduct a comparative examination of corruption offenses as regulated under Romanian, French, and American criminal law, with the aim of identifying the main similarities and differences regarding the constituent elements of these offenses, the applicable sanctioning regimes, and the institutional mechanisms responsible for law enforcement. The research also seeks to evaluate the influence of international legal instruments on national legislation and to analyze the role of international cooperation in combating corruption.

From a methodological perspective, the study employs the comparative method, normative analysis, and doctrinal analysis. Relevant legislative provisions, scholarly literature, and the principal international legal instruments in the field are examined in order to provide a comprehensive understanding of the subject. The findings of the research make it possible to draw conclusions regarding the effectiveness of different legislative models and to identify potential directions for the development of anti-corruption policies within a legal and institutional environment that continues to evolve.

2. The Concept of Corruption and Its Regulation in International Law

Corruption is a complex and multidimensional phenomenon that has attracted considerable attention from both scholars and institutions at the national and international levels. The concept has been examined from legal, political, economic, and sociological perspectives, reflecting its far-reaching consequences for public administration, economic development, and democratic governance.

⁹ OECD, *Implementing the OECD Anti-Bribery Convention Phase 4 Report: United States* (Paris: OECD Publishing, 2020), <https://doi.org/10.1787/0cd34e9f-en>.

Despite extensive academic debate, there is no universally accepted definition of corruption, as its manifestations vary depending on the social, political, and legal context in which it occurs.

Nevertheless, most authors agree that the essence of corruption lies in the abuse of a public or private position for the purpose of obtaining an undue advantage, to the detriment of the public interest or the legal obligations associated with the position held. Such advantages may be material or non-material and may involve direct or indirect benefits obtained by the individual engaging in corrupt conduct or by third parties acting in concert with that individual. This broad understanding of corruption serves as the foundation for the development of both national criminal legislation and international legal frameworks aimed at preventing and combating corrupt practices.¹⁰

From a criminal law perspective, corruption manifests itself through a variety of unlawful acts that undermine the integrity of public office and erode citizens' trust in state institutions. Among the most common forms of corruption are passive and active bribery, trading in influence, the purchase of influence, abuse of office, conflicts of interest, and the misappropriation of public funds. These offenses share a common characteristic: they involve the obtaining of an undue benefit through the violation of official duties or through the exploitation of a position of authority, power, or influence.

The harmful nature of these offenses extends beyond the individual acts themselves, as they directly affect the proper functioning of public administration, distort decision-making processes, and compromise the principles of legality, transparency, and equality before the law. Corruption offenses often create unfair advantages for certain individuals or entities while disadvantaging competitors and undermining public confidence in governmental institutions. Consequently, criminal law seeks not only to punish corrupt conduct but also to protect the integrity of public institutions and ensure that public functions are exercised in accordance with the principles of impartiality, accountability, and the public interest.¹¹

In the context of globalization, corruption has evolved beyond the boundaries of a purely domestic issue and has become a transnational phenomenon with significant economic and social implications. The expansion of international trade, the increased mobility of capital, and the growing activities of multinational corporations have created new opportunities for corrupt practices, including those facilitated through complex financial mechanisms and offshore jurisdictions. These developments have enabled illicit financial flows to move rapidly across borders, making the detection, investigation, and prosecution of corruption offenses increasingly challenging for national authorities.

As a consequence, the fight against corruption has become a priority for

¹⁰ Rose-Ackerman and Palifka, *Corruption and Government*, 12–15.

¹¹ Dobrinou, *Corupția în dreptul penal român*, 95–101.

international organizations and for states committed to strengthening the rule of law and democratic governance. International cooperation has emerged as an essential component of anti-corruption efforts, requiring coordinated legal, institutional, and policy responses. Through the adoption of international conventions, mutual legal assistance agreements, and transnational enforcement mechanisms, the international community has sought to address the cross-border nature of corruption and to promote greater transparency, accountability, and integrity in both the public and private sectors.¹²

A landmark moment in the development of the international anti-corruption legal framework was the adoption of the United Nations Convention against Corruption (UNCAC), which was opened for signature in Mérida, Mexico, in 2003. The Convention represents the first universal international legal instrument dedicated specifically to the fight against corruption and establishes comprehensive obligations concerning the prevention of corruption, the criminalization of its principal forms, international cooperation, asset recovery, and technical assistance provided to States Parties.

UNCAC is widely regarded as the cornerstone of the global anti-corruption regime because it promotes a holistic approach to addressing corruption. Beyond requiring the criminalization of various corruption-related offenses, the Convention emphasizes preventive measures such as the promotion of transparency, integrity, accountability, and good governance within public institutions. It also encourages the adoption of effective anti-corruption policies, codes of conduct for public officials, transparent public procurement procedures, and mechanisms for public participation in the prevention of corruption.

Furthermore, the Convention establishes extensive provisions on international cooperation, including extradition, mutual legal assistance, joint investigations, and information sharing among national authorities. One of its most innovative aspects is the recognition of asset recovery as a fundamental principle of the Convention, providing a legal framework for tracing, freezing, confiscating, and returning assets obtained through corrupt activities. Through these mechanisms, UNCAC has significantly contributed to the harmonization of anti-corruption legislation and has strengthened international efforts to prevent and combat corruption on a global scale.¹³ The significance of UNCAC lies not only in its comprehensive nature but also in its promotion of an integrated approach that combines punitive measures with preventive strategies. By addressing both the causes and consequences of corruption, the Convention recognizes that effective anti-corruption policies require more than criminal sanctions alone. Preventive mechanisms, institutional reforms, transparency measures, and international cooperation are considered equally important components of a sustainable anti-corruption framework.

¹² Pieth, *Recovering Stolen Assets*, 21–26.

¹³ United Nations Office on Drugs and Crime, *United Nations Convention against Corruption*, 5–18.

At the regional level, the Council of Europe adopted the Criminal Law Convention on Corruption in 1999, an instrument designed to harmonize the criminal legislation of member states and strengthen international judicial cooperation. The Convention requires the criminalization of both active and passive bribery involving national and foreign public officials, members of public assemblies, international judges, and other categories of individuals performing public functions or exercising public responsibilities.

Furthermore, the Convention places particular emphasis on the liability of legal persons and on measures aimed at the confiscation of proceeds derived from criminal activities. By extending anti-corruption obligations beyond natural persons and promoting effective asset recovery mechanisms, the Convention seeks to enhance accountability and reduce the financial incentives associated with corrupt conduct. Through its broad scope and detailed provisions, the Criminal Law Convention on Corruption has played a significant role in promoting common legal standards and improving cooperation among European states in the fight against corruption.¹⁴

Another important international instrument is the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted in 1997. The primary objective of this Convention is to combat transnational bribery and promote business practices based on fair competition, transparency, and integrity. Recognizing the detrimental effects of corruption on international trade and economic development, the Convention focuses specifically on the bribery of foreign public officials in the context of international commercial activities.

The adoption of the OECD Convention has prompted numerous states to introduce or strengthen legal provisions concerning the criminal liability of legal entities and the punishment of corruption offenses committed in the course of international business transactions. In particular, it has encouraged the establishment of more effective enforcement mechanisms, stricter compliance requirements for corporations, and enhanced cooperation among national authorities responsible for investigating and prosecuting transnational corruption cases.

Furthermore, the Convention has played a significant role in promoting a level playing field in international commerce by discouraging companies from obtaining competitive advantages through corrupt practices. Through its monitoring system and peer-review mechanisms, the OECD has contributed to the continuous improvement of national anti-corruption frameworks and has strengthened international efforts aimed at reducing corruption in global business operations.¹⁵

The body of these international legal instruments demonstrates that the

¹⁴ Hatchard, *Combating Corruption*, 45–52.

¹⁵ OECD, *Implementing the OECD Anti-Bribery Convention Phase 4 Report: United States*.

fight against corruption can no longer be conceived exclusively within the framework of national borders. The effectiveness of anti-corruption measures depends directly on the existence of common standards for the criminalization of corruption offenses, effective judicial cooperation among states, and the capacity of competent institutions to detect, investigate, and prosecute corrupt conduct regardless of its transnational dimension. From this perspective, international anti-corruption law has become an essential factor in the harmonization of national legislation and the strengthening of global mechanisms aimed at protecting public integrity and promoting good governance.

3. Corruption Offenses under Romanian Criminal Law

Combating corruption represents one of the key priorities of Romania's criminal policy, particularly following the country's accession to the European Union and its commitment to fulfilling international obligations concerning the prevention and punishment of corruption-related offenses. Romania has undertaken significant legislative and institutional reforms designed to strengthen the integrity of public administration, enhance transparency, and improve the effectiveness of anti-corruption enforcement mechanisms.

The current regulation of corruption offenses is primarily contained in the Romanian Criminal Code, adopted through Law No. 286/2009, as well as in the special provisions established by Law No. 78/2000 on the Prevention, Detection, and Punishment of Corruption Offenses. Together, these legislative acts form the core of Romania's anti-corruption legal framework and provide detailed rules regarding the criminalization of corrupt conduct, the liability of offenders, and the applicable sanctions.

These legal provisions are intended to protect social relations concerning the honest, impartial, and lawful exercise of official duties by public officials and other individuals performing functions of public interest. By safeguarding the integrity of public office and ensuring compliance with legal and ethical standards, the Romanian legal system seeks to preserve public trust in state institutions and uphold the fundamental principles of the rule of law.¹⁶

Within the Romanian criminal law system, the category of corruption offenses primarily includes passive bribery, active bribery, trading in influence, and the purchase of influence. These offenses are regulated under Title V of the Special Part of the Romanian Criminal Code, entitled "Corruption and Service Offenses." Through this legislative framework, the Romanian legislator has adopted an approach that emphasizes the protection of the integrity of public office and the preservation of citizens' trust in the activities of state authorities.

Accordingly, the common legal interest protected by these offenses con-

¹⁶ Pascu et al., *Codul penal comentat. Partea generală*, 412–18.

sists of the social relations concerning the proper, impartial, and lawful performance of official duties. Corruption offenses are considered particularly harmful because they compromise the integrity of public administration, distort decision-making processes, and create conditions in which private interests may prevail over the public interest. By criminalizing such conduct, the Romanian legal system seeks to ensure that public functions are exercised in accordance with the principles of legality, transparency, impartiality, and accountability.

Furthermore, these offenses are designed to protect not only the proper functioning of public institutions but also public confidence in the fairness and legitimacy of governmental actions. The existence of corruption within public administration undermines the rule of law, weakens democratic governance, and negatively affects the relationship between citizens and state authorities. Consequently, Romanian criminal legislation treats corruption offenses as serious threats to the integrity of public service and to the effective functioning of democratic institutions.¹⁷

Passive bribery, regulated under Article 289 of the Romanian Criminal Code, consists of the solicitation, receipt, or acceptance of the promise of money or other undue benefits by a public official, either directly or indirectly, in exchange for performing, failing to perform, expediting, or delaying an act that falls within the scope of the official's duties. The criminalization of this conduct reflects the need to protect the authority, integrity, and prestige of public office from improper influences exerted through material or other advantages.

The offense is considered particularly serious because it compromises the impartiality and legality of public administration and undermines the principle that public officials must act exclusively in the public interest. By accepting or requesting undue benefits, the public official abuses the trust vested in their position and creates the perception that official decisions can be influenced by private interests rather than legal obligations and objective criteria.

Romanian judicial practice has consistently emphasized the gravity of passive bribery, highlighting that its harmful effects extend beyond the institution in which the public official performs their duties. Courts have repeatedly held that such conduct damages society's overall confidence in the legality, impartiality, and credibility of administrative and judicial acts. Consequently, the offense is regarded not only as an attack on the proper functioning of public administration, but active bribery also constitutes the active component of the corrupt relationship and consists of the promise, offer, or giving of money or other undue benefits to a person exercising a public function for the purpose of influencing that person's conduct in the performance of official duties. The criminalization of both the recipient and the provider of the bribe reflects the legislator's intention to combat corruption comprehensively by sanctioning all participants involved in the unlawful transaction.

¹⁷ Dobrinioiu, *Corupția în dreptul penal român*, 118–24.

The rationale behind criminalizing active bribery is that corruption cannot occur without the participation of those willing to offer improper advantages in exchange for favorable treatment. By imposing criminal liability on both parties, Romanian criminal law seeks to deter corrupt agreements, protect the integrity of public administration, and ensure that public decisions are made exclusively on the basis of legality, objectivity, and the public interest. Similar to passive bribery, active bribery undermines public confidence in state institutions and compromises the principles of fairness and equality before the law.

The Romanian anti-corruption framework is further strengthened by the existence of specialized institutions, most notably the National Anticorruption Directorate (DNA), which is entrusted with investigating serious corruption offenses and supporting the implementation of national anti-corruption policies. Established as a specialized prosecutorial body, the DNA has played a central role in detecting, investigating, and prosecuting high-level corruption cases involving public officials, politicians, and other individuals holding positions of authority.

The activities of these specialized institutions have significantly contributed to the effective enforcement of criminal legislation and to the enhancement of corruption prevention and sanctioning mechanisms. Through their investigative powers, institutional expertise, and cooperation with national and international partners, they have strengthened the capacity of the Romanian legal system to address complex corruption cases and to promote greater transparency, accountability, and integrity within public administration.¹⁸

4. Research Methodology

The present research adopts a predominantly qualitative approach, based on the comparative method, a well-established methodology in legal studies for identifying and analyzing similarities and differences among various legal systems. The choice of this method is justified by the primary objective of the study, namely, to examine how corruption offenses are regulated and sanctioned in different legal orders and to assess the effectiveness of the legislative solutions adopted.

The comparative analysis focuses on the criminal legislation of Romania, France, and the United States of America. These jurisdictions were selected due to their affiliation with different legal traditions and their significant experience in the field of anti-corruption policies and enforcement. Romania and France represent the continental European civil law tradition, characterized by the central role of codification and written legal norms. In contrast, the United States serves as a representative example of the common law system, where judicial decisions and legal precedents play a crucial role in the interpretation and application of

¹⁸ Dorin Ciuncan, *Legea nr. 78 din 8 mai 2000. Prevenirea, descoperirea și sancționarea faptelor de corupție. Comentarii și jurisprudență*, 2nd rev. and enlarged ed. (Bucharest: Universul Juridic, 2015), 87.

legal rules.

The comparative method was complemented by a normative analysis of the relevant legislative acts. Particular attention was given to legal provisions concerning passive bribery, active bribery, trading in influence, the purchase of influence, and other offenses related to corruption. The research examined both the constituent elements of these offenses and the applicable sanctioning regimes, as well as the procedural mechanisms designed to detect, investigate, and prosecute corruption-related conduct.

In addition, the study is based on a doctrinal analysis of scholarly literature in the fields of criminal law and comparative law. The examination of academic works made it possible to identify the principal theoretical approaches regarding the concept of corruption, the rationale underlying the criminalization of corruption offenses, and the role of criminal sanctions in protecting the social values affected by corrupt practices. Furthermore, the study reviewed scholarly opinions concerning the effectiveness of anti-corruption policies and the impact of legislative reforms implemented in different jurisdictions.

An important component of the research consists of the analysis of international legal instruments that influence national anti-corruption regulations. In this regard, the study examined the principal international conventions and legal documents relevant to the fight against corruption, with particular emphasis on states' obligations concerning the criminalization of corruption offenses, international judicial cooperation, and asset recovery mechanisms. The analysis of these instruments enabled an assessment of the degree of harmonization between national legislation and international standards, as well as the identification of current trends in the development of anti-corruption criminal law.

In order to provide a comprehensive perspective on the phenomenon under examination, the research also included an analysis of the institutional mechanisms specific to each legal system. The competencies and responsibilities of authorities specialized in the prevention and combating of corruption were examined, together with the relationship between the legal framework and the practical effectiveness of its implementation. This approach makes it possible to move beyond a purely theoretical analysis and to evaluate how legal norms operate in practice.

The findings obtained through the application of these research methods were integrated into a comparative analysis designed to highlight both the convergences among the legal systems examined and the distinctive features of each of them. Through this approach, the study seeks to contribute to a better understanding of the legal mechanisms used to combat corruption and to identify legislative solutions that may serve as models of good practice in the context of strengthening anti-corruption policies at both the national and international levels.

4.1. Comparative Analysis of Corruption Offenses in the Criminal Legislation of Romania, France, and the United States of America

The comparative analysis of corruption offenses regulated in Romania, France, and the United States of America reveals the existence of a common objective underlying criminal policy, namely the protection of the integrity of public office and the assurance that official duties are performed in accordance with the principles of legality, impartiality, and transparency. Despite this shared purpose, the specific regulatory approaches, legislative techniques, and institutional enforcement mechanisms differ significantly due to the particular characteristics of each legal system and their respective legal traditions.

Romania and France, as representatives of the continental European civil law tradition, regulate corruption offenses primarily through codified criminal legislation that clearly defines prohibited conduct and the applicable sanctions. In contrast, the United States adopts a broader and more diversified regulatory framework that combines federal criminal statutes, judicial precedents, and specialized legislation aimed at combating both domestic and transnational corruption. These differences influence not only the legal definition of corruption offenses but also the methods of investigation, prosecution, and enforcement employed by the competent authorities.

4.2. Regulation of Passive and Active Bribery

Under Romanian criminal law, passive bribery and active bribery are regulated as distinct offenses and are regarded as the principal manifestations of corruption. Passive bribery involves a public official who requests, receives, or accepts the promise of an undue benefit in connection with the performance, non-performance, acceleration, or delay of an act falling within the scope of his or her official duties. Conversely, active bribery consists of the promise, offer, or transfer of undue advantages to a public official for the purpose of influencing the conduct of that official in the exercise of public functions.

French criminal law adopts a similar approach by distinguishing between passive and active corruption. The French Penal Code criminalizes both the conduct of the public official who solicits or accepts an improper advantage and the conduct of the individual who offers or provides such an advantage. French legislation applies not only to national public officials but also to foreign public officials, members of international organizations, and other individuals exercising public responsibilities. This broad scope reflects France's commitment to implementing international anti-corruption standards and strengthening the integrity of public administration.

In the United States, bribery offenses are regulated through a combination of federal and state legislation. At the federal level, bribery of public officials

is primarily governed by Title 18 of the United States Code, which criminalizes the offering, giving, soliciting, or receiving of anything of value with the intent to influence an official act. American legislation places particular emphasis on proving the existence of a corrupt intent and a direct connection between the benefit offered and the official action sought. Additionally, the Foreign Corrupt Practices Act (FCPA) extends anti-bribery provisions to international business transactions by prohibiting the bribery of foreign public officials for the purpose of obtaining or retaining business advantages.

Despite differences in legislative structure and terminology, the three legal systems share the common objective of preventing public officials from abusing their positions for private gain and preserving public confidence in governmental institutions. The criminalization of both passive and active bribery demonstrates a shared recognition that corruption can only be effectively addressed by imposing liability on all parties involved in the unlawful exchange of benefits.¹⁹

French law adopts a similar approach by distinguishing between passive corruption and active corruption. Passive corruption essentially corresponds to the offense of passive bribery under Romanian law, whereas active corruption is equivalent to active bribery. However, the French Penal Code places particular emphasis on the corruption of foreign public officials and officials of international organizations, reflecting France's commitment to fulfilling the obligations arising from international anti-corruption instruments and promoting integrity in transnational public administration.

In the United States, the regulation of bribery-related offenses is considerably more diversified. In addition to the federal offense of bribery, American legislation contains numerous provisions addressing conflicts of interest, administrative fraud, honest services fraud, and the abuse of public office. This broader framework reflects the tendency of the U.S. legal system to address corruption through multiple legal mechanisms rather than relying exclusively on traditional bribery offenses.

An important characteristic of American law is the clear distinction between bribery in the strict sense and the granting of illegal gratuities. While bribery generally requires proof of a corrupt agreement or quid pro quo between the public official and the individual offering the benefit, illegal gratuities may involve the provision of a benefit in connection with an official act without necessarily requiring evidence of an explicit agreement. This distinction allows U.S. authorities to sanction a wider range of conduct that may compromise the integrity of public administration, even where the elements necessary to establish bribery cannot be fully demonstrated.

From this perspective, it can be observed that Romanian and French leg-

¹⁹ Cristina Banciu and Liliana Ciupercă, *Infrațiunile de corupție. Ghid de interpretare și investigație*, 2nd ed. (Bucharest: C.H. Beck, 2020), 45–52.

islation employ relatively similar normative structures, reflecting the characteristics of continental civil law systems based on codification and detailed statutory regulation. By contrast, the American system relies on a broader and more flexible regulatory framework, adapted to the particular features of the common law tradition and supported by extensive judicial interpretation and enforcement practice. Despite these differences, all three legal systems pursue the same fundamental objective: the protection of public integrity and the prevention of the misuse of public authority for private gain.²⁰

4.3. Trading in Influence and the Purchase of Influence

A significant difference among the legal systems under examination concerns the regulation of trading in influence. In Romania, trading in influence is considered one of the most important corruption offenses. It consists of the act of a person who requests or receives money or other benefits in exchange for the promise that he or she will exercise influence over a public official in order to obtain a favorable decision or action. Complementing this offense, the Romanian Criminal Code also criminalizes the purchase of influence, namely the act of offering, promising, or giving benefits to a person who claims to have influence over a public official.

French legislation likewise regulates trading in influence, treating it as a distinct form of corruption that undermines the impartiality and integrity of public decision-making processes. The French approach is, however, more detailed and comprehensive, encompassing not only trading in influence within the public sector but also certain forms of influence peddling occurring in the private sector. This broader regulation reflects the French legislator's concern with preventing undue influence in a wide range of professional and institutional contexts where decisions may be affected by improper personal relationships or financial incentives.

By contrast, the United States does not recognize trading in influence as a separate criminal offense in the same manner as Romanian and French law. Nevertheless, conduct similar to trading in influence may be prosecuted under other criminal provisions, including bribery statutes, fraud offenses, conspiracy laws, lobbying regulations, and rules governing conflicts of interest. American courts generally focus on whether there is evidence of corruption, abuse of public office, or unlawful influence over governmental decision-making rather than on the formal existence of a distinct offense of trading in influence.

This difference illustrates one of the fundamental distinctions between civil law and common law approaches to corruption. While Romanian and French legislation explicitly criminalize influence peddling through specific statutory

²⁰ Dragan Jovašević, "Corruption in International and Comparative Criminal Law," *Glasnik Advokatske komore Vojvodine* 83, no. 9 (2011): 111–51, <https://doi.org/10.5937/gakv1103111J>.

provisions, the American legal system tends to address comparable conduct through broader legal concepts and a more flexible interpretation of existing criminal offenses. Despite these differences in legislative technique, all three systems seek to prevent the improper use of personal influence to obtain advantages that compromise the integrity, transparency, and fairness of public decision-making processes.²¹

By contrast, United States federal law does not traditionally recognize a separate offense of trading in influence comparable to that found in Romanian law. Similar conduct is generally prosecuted through offenses such as fraud, honest services fraud, extortion, or conspiracy. This difference highlights the distinct ways in which legal systems conceptualize and sanction behavior associated with corruption. While civil law jurisdictions tend to define specific corruption offenses through detailed statutory provisions, the American legal system often relies on broader legal concepts that allow prosecutors greater flexibility in addressing complex forms of corrupt conduct.

4.4. Criminal Liability of Legal Persons

An important feature of the evolution of modern anti-corruption legislation is the extension of criminal liability to legal persons. Both Romania and France recognize the criminal liability of legal entities for most corruption offenses under the conditions established by law. This approach is intended to combat corporate corruption and to sanction organizations that benefit from the unlawful conduct of their representatives, employees, or agents acting on their behalf.

The recognition of corporate criminal liability reflects the understanding that corruption frequently occurs within complex organizational structures and that effective prevention requires holding not only individual perpetrators but also the entities benefiting from such conduct accountable²². Sanctions applicable to legal persons may include substantial fines, dissolution, suspension of activities, exclusion from public procurement procedures, and other measures designed to prevent future misconduct.

In the United States, corporate liability for corruption offenses is particularly well developed. American authorities frequently employ mechanisms such as Deferred Prosecution Agreements (DPAs) and Non-Prosecution Agreements (NPAs), which allow corporations to avoid full criminal prosecution in exchange

²¹ Marsudi Utoyo, Jauhariah, and Rianda Riviyusnita, "Criminal Law Corruption Mode of Allocation of Village Fund," in *Proceedings of the International Conference on Law Reform (INCLAR 2019)*, Advances in Economics, Business and Management Research 121 (Atlantis Press, 2020), 162–65, <https://doi.org/10.2991/aebmr.k.200226.033>.

²² Michael Elliot and Felix Lüth, "Corporate Liability Reforms in Transnational Anti-Corruption Law: Changing Course at a Time of Crisis or Continuing Historical Trajectories?," *European Journal of International Law* 36, no. 3 (2025): 595–619, <https://doi.org/10.1093/ejil/chaf030>.

for accepting responsibility, paying financial penalties, cooperating with investigations, and implementing comprehensive compliance programs. These instruments are widely regarded by legal scholars and practitioners as among the most effective tools for combating corporate corruption at the international level.

The extensive use of DPAs and NPAs reflects a pragmatic approach that seeks not only to punish corporate wrongdoing but also to promote institutional reform and encourage the adoption of effective internal compliance mechanisms. As a result, the American model has influenced anti-corruption enforcement practices in numerous jurisdictions worldwide.

4.5. Specialized Institutions and the Enforcement of Anti-Corruption Legislation

The effectiveness of anti-corruption legislation depends not only on the content of legal norms but also on the existence of institutions capable of ensuring their effective implementation. Even the most comprehensive legal framework may prove ineffective if it is not supported by competent investigative bodies, independent prosecutors, and efficient judicial mechanisms.

In Romania, the National Anticorruption Directorate (DNA) serves as the principal institution specialized in investigating high-level corruption offenses. The DNA possesses extensive prosecutorial powers and has played a central role in the detection, investigation, and prosecution of complex corruption cases involving public officials, politicians, and other individuals holding positions of authority. Its activities have significantly contributed to strengthening anti-corruption enforcement and increasing public awareness of the importance of institutional integrity.

In France, specialized institutions such as the National Financial Prosecutor's Office (Parquet National Financier – PNF) and the French Anti-Corruption Agency (Agence Française Anticorruption – AFA) are responsible for investigating and preventing corruption-related offenses. These bodies cooperate closely with other administrative and judicial authorities in order to strengthen integrity within both the public and private sectors. Their responsibilities include conducting investigations, promoting compliance measures, monitoring anti-corruption programs, and supporting the implementation of national anti-corruption strategies.

The existence of these specialized institutions demonstrates the growing recognition that effective anti-corruption policies require not only substantive legal rules but also robust institutional frameworks capable of ensuring their practical enforcement. Through their investigative, preventive, and supervisory functions, such bodies contribute significantly to enhancing transparency, accountability, and public confidence in governmental and economic institutions.²³

²³ Marc Henzelin, "Ratifications of the Additional Protocol to the Criminal Law Convention of the

In the United States, the fight against corruption is carried out through the cooperation of several federal agencies, including the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), the Securities and Exchange Commission (SEC), and other specialized enforcement bodies. The decentralized nature of the American system allows multiple authorities to intervene simultaneously, thereby enhancing the effectiveness of complex investigations involving public corruption, corporate misconduct, financial crimes, and transnational bribery schemes.

4.6. Influence of International Standards

A common feature of all the legal systems examined is the growing influence of international anti-corruption standards. International conventions and legal instruments have contributed significantly to the convergence of national legislation, particularly with regard to the criminalization of corruption involving foreign public officials, international judicial cooperation, and the recovery of proceeds derived from criminal activities.

However, the process of legislative harmonization has not eliminated the differences that continue to exist among legal systems. Legal traditions, institutional cultures, and the constitutional characteristics of each state continue to influence the manner in which anti-corruption norms are regulated and enforced. As a result, normative convergence coexists with considerable diversity in the legal and institutional mechanisms employed to combat corruption. While states increasingly share common objectives and legal principles, they often pursue these goals through different legislative structures and enforcement strategies.

4.7. Conclusions of the Comparative Analysis

The comparative analysis demonstrates that Romania, France, and the United States pursue the same fundamental objective: protecting the integrity of public office and preventing its use for personal or financial gain. Nevertheless, significant differences can be observed in legislative techniques, the structure of corruption offenses, and the institutional mechanisms responsible for enforcing anti-corruption laws.

The civil law systems represented by Romania and France are characterized by detailed statutory regulations and the explicit definition of the principal corruption offenses. By contrast, the American legal system adopts a more flexible approach based on a combination of statutory provisions, judicial interpretation, and corporate compliance mechanisms. This flexibility allows authorities to address a broader range of corrupt conduct while adapting enforcement strategies

to evolving forms of economic and financial crime.

Despite these differences, comparative experience demonstrates that the effectiveness of anti-corruption efforts depends equally on the quality of legal norms, the independence and professionalism of competent institutions, and the consistent and impartial application of the law. Successful anti-corruption policies require not only comprehensive legislation but also strong institutions capable of enforcing legal standards without political interference.

5. Implications of the Study

The findings of this research indicate that corruption continues to represent one of the most significant challenges facing contemporary legal systems, regardless of their level of economic development or legal tradition. The comparative analysis demonstrates that although states regulate and sanction corruption offenses through different legal mechanisms, they share a common objective: protecting the integrity of public office, strengthening the rule of law, and maintaining public trust in governmental institutions.

One of the principal implications of the study is the need for the continuous harmonization of national legislation with international standards concerning the prevention and suppression of corruption. The constantly evolving methods through which corruption offenses are committed, together with their increasingly transnational character, require the ongoing adaptation of domestic legal frameworks to the requirements established by relevant international conventions and legal instruments. In this context, states are called upon to update their legislation in order to address new forms of economic and financial crime associated with corruption.

The study also highlights the importance of strengthening international judicial cooperation. Given that many corruption offenses involve cross-border financial transactions, the use of complex corporate structures, or the concealment of criminal proceeds in multiple jurisdictions, the effectiveness of investigations depends largely on the ability of national authorities to cooperate rapidly and efficiently. Information sharing, mutual legal assistance, the enforcement of judicial decisions, and the recovery of assets derived from criminal conduct constitute essential tools in the global fight against corruption.

Another important implication concerns the role of specialized institutions in the enforcement of anti-corruption legislation. The experience of the jurisdictions examined demonstrates that the existence of an adequate legal framework is insufficient in the absence of independent authorities, highly trained professionals, and adequate resources for the investigation and prosecution of corruption offenses. The effectiveness of anti-corruption policies is closely linked to the institutional capacity of the state and to the consistent and impartial enforcement of legal norms.

The comparative analysis further reveals the necessity of developing preventive mechanisms that complement criminal sanctions. Administrative transparency, the digitalization of public services, the strengthening of conflict-of-interest regulations, the protection of whistleblowers, and the promotion of organizational cultures based on ethics and accountability all contribute significantly to reducing corruption risks. From this perspective, corruption should be addressed not merely as a criminal law issue but as a fundamental challenge of governance requiring comprehensive and multidisciplinary solutions.

Finally, the conclusions of this study may serve as a useful reference point for future research in the fields of comparative criminal law and anti-corruption policy. Legislative and institutional developments in different jurisdictions provide valuable examples of best practices, while also illustrating the limitations of certain regulatory models. Comparative analysis therefore contributes to the identification of effective legal solutions and the development of strategies capable of addressing the challenges posed by corruption in an increasingly globalized society.

In conclusion, the success of anti-corruption efforts depends on the interaction between a coherent legislative framework, effective institutions, and strong international cooperation. The harmonization of legal norms, the strengthening of enforcement mechanisms, and the promotion of integrity within both the public and private sectors constitute fundamental directions for reducing the impact of corruption and reinforcing democratic values and the rule of law.

6. Conclusion

Corruption remains one of the most complex and persistent phenomena affecting the functioning of public institutions and the development of democratic societies. Through its economic, social, and political consequences, corruption extends far beyond the sphere of criminal law, directly influencing the quality of governance, the efficiency of public administration, and citizens' trust in state authority. For this reason, combating corruption continues to be a constant priority for both national governments and international organizations committed to promoting the rule of law and good governance.

The comparative analysis of the legal frameworks of Romania, France, and the United States has revealed the existence of common objectives in the fight against corruption despite the differences arising from their respective legal traditions. All three legal systems seek to protect the integrity of public office, prevent the abuse of authority, and ensure that official duties are performed in accordance with the principles of legality and impartiality. In this regard, the criminalization of bribery, trading in influence, and other forms of corruption constitutes a fundamental component of contemporary criminal policy.

The study has demonstrated that the civil law systems represented by Ro-

mania and France are characterized by detailed and explicit regulation of corruption offenses through codified legal provisions. In contrast, the American legal system adopts a more flexible approach based on a combination of federal legislation, judicial interpretation, and sophisticated institutional mechanisms. Nevertheless, these differences in legislative technique do not alter the common objective pursued by all three systems: the prevention and punishment of conduct that undermines the integrity of public decision-making processes.

A particularly important aspect highlighted by the research is the influence of international legal instruments on the evolution of national legislation. The United Nations Convention against Corruption (UNCAC), the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials have made a substantial contribution to the harmonization of legal norms and the development of common standards for preventing and combating corruption. These instruments have encouraged states to adopt legislative and institutional measures capable of responding more effectively to the challenges posed by the increasingly transnational nature of corruption.

Furthermore, the analysis confirms that the effectiveness of anti-corruption efforts does not depend solely on the severity of criminal sanctions. The existence of specialized, independent, and professionally competent institutions is an essential condition for the effective enforcement of legal norms. The experience of the jurisdictions examined demonstrates that the success of anti-corruption policies is closely linked to the capacity of judicial and administrative authorities to investigate, prosecute, and sanction corruption offenses in an objective and impartial manner.

The research also highlights the necessity of developing preventive policies that complement punitive mechanisms. Legal education, the promotion of professional ethics, administrative transparency, the digitalization of public services, and the protection of whistleblowers constitute important tools for reducing vulnerabilities that facilitate corrupt conduct. Consequently, the prevention and suppression of corruption should be approached through an integrated strategy that combines legislative, institutional, and educational measures.

In conclusion, the comparative analysis has demonstrated that, although significant differences exist among the legal systems examined, the general trend is toward the convergence of legislative and institutional standards in the field of anti-corruption. Strengthening international cooperation, harmonizing legal norms, and developing effective mechanisms for the prevention and punishment of corruption are essential directions for reducing its impact on society. Only through a coherent and multidimensional approach can the fundamental values of the rule of law be protected and citizens' trust in public institutions be strengthened.

Bibliography

I. Books and Articles

1. Banciu, Cristina, and Liliana Ciupercă. *Infracțiunile de corupție. Ghid de interpretare și investigare*. 2nd ed. Bucharest: C.H. Beck, 2020.
2. Ciuncan, Dorin. *Legea nr. 78 din 8 mai 2000. Prevenirea, descoperirea și sancționarea faptelor de corupție. Comentarii și jurisprudență*. 2nd rev. and enlarged ed. Bucharest: Universul Juridic, 2015.
3. Dobrinoiu, Vasile. *Corupția în dreptul penal român*. Bucharest: Atlas Lex, 1995.
4. Elliot, Michael, and Felix Lüth. "Corporate Liability Reforms in Transnational Anti-Corruption Law: Changing Course at a Time of Crisis or Continuing Historical Trajectories?" *European Journal of International Law* 36, no. 3 (2025): 595–619. <https://doi.org/10.1093/ejil/chaf030>.
5. Hatchard, John. *Combating Corruption: Legal Approaches to Supporting Good Governance and Integrity in Africa*. Cheltenham: Edward Elgar Publishing, 2014.
6. Henzelin, Marc. "Ratifications of the Additional Protocol to the Criminal Law Convention of the European Council on Corruption." *ASA Bulletin* 24, no. 3 (2006): 449–53. <https://doi.org/10.54648/ASAB2006056>.
7. Jovašević, Dragan. "Corruption in International and Comparative Criminal Law." *Glasnik Advokatske komore Vojvodine* 83, no. 9 (2011): 111–51. <https://doi.org/10.5937/gakv1103111J>.
8. Pascu, Ilie, Vasile Dobrinoiu, Traian Dima, Mihai Adrian Hotca, Costică Păun, Ioan Chiș, Mirela Gorunescu, et al. *Codul penal comentat. Partea generală*. Bucharest: Universul Juridic, 2025.
9. Pieth, Mark, ed. *Recovering Stolen Assets*. Bern: Peter Lang, 2008.
10. Rose-Ackerman, Susan, and Bonnie J. Palifka. *Corruption and Government: Causes, Consequences, and Reform*. 2nd ed. Cambridge: Cambridge University Press, 2016. <https://doi.org/10.1017/CBO9781139962933>.
11. Utoyo, Marsudi, Jauhariah, and Rianda Riviyusnita. "Criminal Law Corruption Mode of Allocation of Village Fund." In *Proceedings of the International Conference on Law Reform (INCLAR 2019)*, 162–65. Advances in Economics, Business and Management Research 121. Atlantis Press, 2020. <https://doi.org/10.2991/aebmr.k.200226.033>.

II. International Conventions and Documents

1. OECD. *Implementing the OECD Anti-Bribery Convention Phase 4 Report: United States*. Paris: OECD Publishing, 2020. <https://doi.org/10.1787/0cd34e9f-en>.
2. Transparency International. *Corruption Perceptions Index 2024*. Berlin: Transparency International, 2025. <https://www.transparency.org/en/publications/corruption-perceptions-index-2024>.
3. United Nations Office on Drugs and Crime. *United Nations Convention against*

Corruption. New York: United Nations, 2004. https://static.un.org/en/ethics/assets/pdfs/UN_Convention_Against_Corruption.pdf.