



وزارة التعليم العالي والبحث العلمي

جامعة الموصل

كلية الحقوق

الفساد في القطاع الخاص

(جريمة الرشوة انموذجاً)

عمران ياسين ابراهيم خليل اللهيبي

بحث دبلوم عالي

في القانون العام / القانون الجنائي

بإشراف

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المستخلص

مما لا شك فيه أن ظاهرة الفساد أصبحت من المعضلات السائدة في المجتمعات المحلية والدولية على حد سواء ، بوصفها تشكل عائقاً أساسياً للتنمية في مختلف المجالات، إذ أن الفساد قد تجاوز مفهوم الجريمة ليصبح ظاهرة ذات آثار مدمرة على الكثير من البنى الاجتماعية والاقتصادية والسياسية في المجتمع، إذ لم تعد تقتصر ظاهرة الفساد على النشاط العام الذي تقوم به الدولة ومؤسساتها، وإنما بدأت هذه الظاهرة بالانتشار في نطاق النشاطات التي يقدمها القطاع الخاص، مما استدعى تدخل الدول لتجريم صور الفساد التي تقع في هذا القطاع، ومن احد هذه الصور جريمة الرشوة في القطاع الخاص، إذ انه ليس من الصحيح ان يترك هذا القطاع من دون معاقبة المستخدمين والعاملين فيه عن الجرائم التي يرتكبوها داخل هذا القطاع.

ولاهمية موضوع الفساد في نطاق القطاع الخاص، ولا سيما جريمة الرشوة فقد وقع اختيارنا لهذا الموضوع لدراسته والبحث فيه ، على وفق خطة بحث قسمناها الى ثلاثة مباحث ، تناولنا في الاول مفهوم الفساد والقطاع الخاص ، وبيننا تعريفه وبعض صور الفساد التي تقع في هذا القطاع ، وبيننا موقف الاتفاقيات الدولية والتشريعات الوطنية من الصور التي تقع في القطاع ايضاً ، وخص الثاني لبيان مفهوم جريمة الرشوة في القطاع الخاص واركانها وتميزها عن الجرائم المشابهة لها ، وتناولنا في الثالث العقوبات المقررة لتلك الجريمة.

Abstract

Corruption is one of the most dangerous phenomena that threaten societies at all levels, as it leads to disastrous results in various areas of life, as it works on the economies of countries in general, and leads to a loss of trust between members of society and between the state and its public and private institutions, and with the expansion of the state's activities and increasing the number of its population, the many burdens it carries out, and the variety of services it provides to citizens, it has had to seek the help of the private sector in meeting the needs and securing the necessary goods and services, as well as opening the way for it to compete with the public sector in providing services and needs to the citizen in light of the economic and political developments of the state. Since the phenomenon of corruption is no longer limited to the public activity carried out by the state and its institutions, but rather this phenomenon has begun to spread within the scope of activities provided by the private sector, the matter required the intervention of states to criminalize images of corruption that occur in this sector, and one of these images is the crime of bribery.

In the private sector, as it is not correct to leave this sector without punishing its employees and workers for the crimes they commit within this sector. Due to the importance of the issue of corruption within the private sector, especially the crime of bribery, we chose this topic to study and research it, according to a research plan that we divided into three topics. The position of international conventions and national legislations on the forms of corruption that occur in this sector, while the second was devoted to explaining the concept of the crime of bribery in the private sector and its pillars, and finally we dealt with in the third the penalties for that crime.

Abstract

There is no doubt that the phenomenon of corruption has become one of the current issues on the international and local arena, considering it a fundamental obstacle to development in various fields, as corruption has gone beyond the concept of crime to become a phenomenon with destructive effects on many social, economic and political structures in society. The phenomenon of corruption is limited to the public activity carried out by the state and its institutions, but this phenomenon began to spread in the range of activities provided by the private sector, which necessitated the intervention of states to criminalize the forms of corruption that occur in this sector, and one of these images is the crime of bribery in the private sector. It is not correct to leave this sector without punishing its employees and workers for the crimes they commit within this sector.

Due to the importance of the issue of corruption in the private sector, especially the crime of bribery, we chose this topic to study and research it, according to a research plan that we divided into three sections. In the first we dealt with the concept of corruption and the private sector, and we showed its definition and some forms of corruption that occur in this sector, and we showed the position of international conventions and national legislation on the images that occur in the sector as well, and the second was devoted to explaining the concept of the crime of bribery in the private sector, its pillars and its distinction from similar crimes, and in the third we dealt with the penalties prescribed for that crime.

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Corruption In The Private Sector (The Crime Of Bribery As A Model)

((A comparative study))

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