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**PUNISHMENTS FOR CORRUPTION CRIMES  
IN THE STATES OF THE SCANDINAVIAN LEGAL SYSTEM  
(DENMARK AND SWEDEN)**

Today, corruption is one of the largest socio-economic problems of society. The key to overcoming corruption is a productive combination of prevention measures (restrictions on the use of official authority or position, restrictions on the receipt of gifts, restrictions on the combination and combination with other activities, restrictions after the termination of activities related to the functions of the state, local self-government, the restriction joint

work of close people, etc.) and combating it (the existence of an effective system of punishment for acts of corruption). Generally there is a punishment. Measure of coercion, applied on behalf of the state by a court sentence to a person found guilty of a crime and consists in the restriction of the rights and freedoms of the convicted person provided by law [1].

The system of punishment in different states is also different and depends on the legal system of a particular state. In countries of continental law punishment is divided into main (principal) and additional (secondary). Some punishments may belong, both to the group of primary and secondary ones. Often this kind of punishment is a fine. In countries of common law there is no distribution of punishment, so every punishment has an alternative character and can replace or supplement one another [2, p. 102].

Regarding the system for corruption crimes, we propose to distinguish it into four groups: soft, moderate, hard and very rigid. The first group is soft. It is typical for countries with a low level of corruption, such as the Kingdom of Denmark, which in 2017, according to The Corruption Perceptions Index, published by Transparency International, was recognized as one of the least corrupt states, and the Kingdom of Sweden, which ranked sixth in the ranking. Thus, punishment for corruption crimes in the states of this group is usually a fine, however, in the case of committing large-scale corruption acts or by a subject with a special level of authority, a punishment may be imposed in the form of deprivation of liberty.

The Criminal Code (hereinafter referred to as the Criminal Code) of the Kingdom of Denmark contains two articles which provide for liability for the bribery of public servants: active bribery (Article 122) and passive bribery (Article 144). Active bribery is to give a bribe to a civil servant, and passive - in his receipt. Moreover, a bribe is an unlawful guarantee, a promise, a proposal to another person who performs public functions in the Danish administration or in an international or public organization, as well as extortion, the receipt of such a bribe. The bribe is also a gift and an incentive for an official to take certain actions or refrain from them.

A punishment for bribery in the Kingdom of Denmark may be a fine or imprisonment for a term of three to six years. In addition, bribery in the private sector of the economy is also criminalized. Yes, Art. 299 (1) of the Criminal Code of the Kingdom of Denmark establishes liability for the unlawful reception, provision and promise of property, breach of contract requirements associated with a promise to a third party or for the benefit of the gift, the provision of other unlawful advantages.

The commission of this crime results in the imposition of a fine or imprisonment for a term up to six months. Moreover, in the Kingdom of Denmark, the same as in Ukraine, there is a liability for corruption in the field of sports, according to Art. 304a of the Criminal Code of the Kingdom of Denmark to any person who illegally promises or offers the gift or other benefits of an arbiter who works in the Kingdom or abroad in order to induce him to act or refrain from acting in relation to the exercise of his labor function shall be punished in the form of a fine or imprisonment up to one and a half years. The same punishment applies to passive bribery committed by an arbitrator [3].

The situation in the Criminal Code of the Kingdom of Sweden is almost the same as regarding the legal regulation of corrupt acts and punishment for them. Thus, corruption crimes, in accordance with Chapter 20 of the Criminal Code of the Kingdom of Sweden, are abuse of office, bribery, and violation of professional confidentiality. Penalties for these crimes, even those committed under aggravating circumstances, as well as in the Kingdom of Denmark, are mild, since they are also limited to a fine and imprisonment of up to six years [4, p. 102].

In view of the above, despite preventive ideas about the need for strict control and severe penalties for corruption, preventive measures and a system of "monetary liability" are still more effective.

List of references:

1. Кримінальний кодекс України від 05 квіт. 2001 р. № 2341-III // Відомості Верховної Ради України (ВВР). 2001. № 25-26. Ст. 131.

2. Chankseliani M. Punishment and other penal measures. *European Scientific Journal*. 2012. № 2. P. 98-108.

3. Penal Code of Denmark. URL:  
<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=148134>.

4. Смирнова Т. В. Особенности организации антикоррупционной деятельности в органах местного самоуправления зарубежных государств (на примере Швеции) *Вестник Марийского государственного университета. Серия «Исторические науки. Юридические науки»*. 2015. № 1. С. 100-103.