



澳 門 大 學

Perceptual Difference in the Legal Context  
Towards Political Corruption  
-Comparative Studies in Germany and China

Master Thesis  
For European Studies

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# Declaration

I, Yu Minghui, hereby state that this thesis is my own and original work, besides that the sections where origins are clearly stated. All the materials in this thesis have never been used (partially or wholly) in fulfilling the requirements for any degree or qualification in this or other universities degree, diploma or other qualification prior to his submission.



Student's Signature: Yu MINGHUI YU

Date: 22nd, March, 2012

# Acknowledgments

The original inspiration for this research came from my life. Living in a small city, I view, see and feel how a society works for these years. Corruption is one common phenomenon that causes damage, property or even death. I am grateful that my parents teach me what is good and how to be good. Without that, I cannot be here for further thinking and research on that.

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# Abstract

Political corruption is one of the salient issues that attract governments, international organizations, communities and other entities' attention. How a society understands, treats and values the political corruption situation in its country is really matter in a country's anti-corruption actions. Based on that, the author chooses China and Germany as evaluation target to check the real political corruption situation is, and what the similarities and difference in the anti-corruption actions in these two countries.

With these questions, I tend to provide a statistics and historical review in China and Germany. From the past years' data, political corruption crime number in China is increasing which means that the corruption situation is getting worse and even come out with new features. More people and more money are involved and that constitute a kind of "Group Crime". Also, although Germany keeps stable level in the corruption perception index, it still has terrible corruption situation with upward trend in involving money. Together with the news in these years, what we call "power-money" transaction starts to work and take the form as interactive relationship between business and public sector.

Based on the statistics of political corruption in these two countries, I also analyze legal texts related to the political corruption, and treat them as standards and formed opinions in one society towards the corruption behavior in public sector. Both countries have no separate anti-corruption law, but only contain provisions in

Criminal Law. Also, the understanding of the basic elements that constitute political corruption crime is totally different. They have different perception on that what should political officials be, what do public property refer to, what kinds of punishments different crimes should be given, and etc. That basic elements also bring to the conception of forms of corruption crimes varies.

Also, based on the legal text analysis of these two countries' regulations, some main characteristics of political corruption have been concluded as the main body of the crime must be special, which refers to public officials, the subject of the crime must be intentionally, knowingly or with the purpose of that, the crime must involve some kinds of "undue advantages" and suitable punishment must be given according to different circumstances. However, when discussing in the reality, these three terms all have different practices. In China, persons work in state-owned enterprises or companies should also be considered as public officials, and their corruption behavior must be taken into account as political corruption, especially these persons take in charge of management. Behavior of relatives also can influence public officials. They often take bribes instead of officials themselves, and sometimes, public officials often use this as the excuse to avoid investigation. In addition, undue advantages have large range to check, and should not only be restricted into cash and gifts. Along with the development of information era, varieties forms of these undue advantages come out and make difficulties to be covered out. What we call as "soft bribery" start to implement.

Key Words: Political Corruption, Perception, Legal texts.

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