

Penal Code

(Act No. 45 of April 24, 1907)

Chapter XXV Crimes of Corruption

(Abuse of Authority by public officers)

Article 193 When a public officer abuses his or her authority and causes another to perform an act which the person has no obligation to perform, or hinders another from exercising such person's right, imprisonment with work or imprisonment without work for not more than 2 years shall be imposed.

(Abuse of Authority by Special public officers)

Article 194 When a person performing or assisting in judicial, prosecutorial or police duties, abuses his or her authority and unlawfully captures or confines another, imprisonment with or without work for not less than 6 months but not more than 10 years shall be imposed.

(Assault and Cruelty by Special public officers)

Article 195 (1) When a person performing or assisting in judicial, prosecutorial or police duties commits, in the performance of his or her duties, an act of assault or physical or mental cruelty upon the accused, suspect or any other person, imprisonment with or without work for not more than 7 years shall be imposed.
(2) The same shall apply when a person who is guarding or escorting another person detained or confined in accordance with laws and regulations commits an act of assault or physical or mental cruelty upon the person.

(Abuse of Authority Causing Death or Injury by Special public officers)

Article 196 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another shall be dealt with by the punishment prescribed for the crimes of injury or the preceding two Articles whichever is greater.

(Acceptance of Bribes; Acceptance upon Request; Acceptance in Advance of Assumption of Office)

Article 197 (1) A public officer or arbitrator who accepts, solicits or promises to accept a bribe in connection with his/her duties shall be punished by imprisonment with work for not more than 5 years; and when the official agrees to perform an act in response to a request, imprisonment with work for not more than 7 years shall

be imposed.

- (2) When a person to be appointed a public officer accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, the person shall be punished by imprisonment with work for not more than 5 years in the event of appointment.

(Passing of Bribes to a Third Party)

Article 197-2 When a public officer, agreeing to perform an act in response to a request, causes a bribe in connection with the official's duty to be given to a third party or solicits or promises such bribe to be given to a third party, imprisonment with work for not more than 5 years shall be imposed.

(Aggravated Acceptance; Acceptance after Resignation of Office)

Article 197-3 (1) When a public officer commits a crime prescribed under the preceding two Articles and consequently acts illegally or refrains from acting in the exercise of his or her duty, imprisonment with work for a definite term of not less than 1 year shall be imposed.

- (2) The same shall apply when a public officer accepts, solicits or promises to accept a bribe, or causes a bribe to be given to a third party or solicits or promises a bribe to be given to a third party, in connection with having acted illegally or having refrained from acting in the exercise of the official's duty.
- (3) When a person who resigned from the position of a public officer accepts, solicits or promises to accept a bribe in connection with having acted illegally or having refrained from acting in the exercise of his or her duty with agreement thereof in response to a request, the person shall be punished by imprisonment with work for not more than 5 years.

(Acceptance for Exertion of Influence)

Article 197-4 A public officer who accepts, solicits or promises to accept a bribe as consideration for the influence which the official exerted or is to exert, in response to a request, upon another public officer so as to cause the other to act illegally or refrain from acting in the exercise of official duty shall be punished by imprisonment with work for not more than 5 years.

(Confiscation and Collection of a Sum of Equivalent Value)

Article 197-5 A bribe accepted by an offender or by a third party with knowledge shall be confiscated. When the whole or a part of the bribe cannot be confiscated, an equivalent sum of money shall be collected.

(Giving of Bribes)

Article 198 A person who gives, offers or promises to give a bribe provided for

in Articles 197 through 197-4 shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 2,500,000 yen.