



University of Tehran Press

Comparative Law Review

Homepage: <https://jcl.ut.ac.ir>

Online ISSN: 2423-3404

Volume: 16, Issue: 2
Autumn & Winter
2025-2026

The necessity of criminalizing non-monetary bribery in light of the standards of the Palermo and Merida Conventions (with regard to the experience of the German legal system)

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Article Info	Abstract
<p>Article Type: Research Article</p> <hr/> <p>Received: 2025/07/02</p> <p>Received in revised form: 2025/08/12</p> <p>Accepted: 2025/08/23</p> <p>Published online: 2025/12/22</p> <hr/> <p>Keywords: <i>Bribery, Criminalization, German Legal System, Iranian Legal System, Non-Financial, Palermo & Merida Conventions.</i></p>	<p>Extended Abstract</p> <p>1. Introduction</p> <p>Bribery and corruption are criminal phenomena that human societies have always faced and that have appeared in various forms in every society. Consequently, different societies have established and implemented laws, regulations, and arrangements to combat and prevent them. The methods of bribery have changed and expanded in response to social changes and the state of the times. Today, the phenomenon of non-financial bribery, as one of the manifestations of administrative corruption, has become common and widespread in most human societies; therefore, domestic legislators have resorted to criminal enforcement guarantees to combat it. Non-financial bribery, due to its intangible nature and complexity, poses more challenges than financial bribery in identifying and prosecuting it. In Iran, criminal laws are focused on financial bribery, and non-financial bribery is still unknown to policymakers and has not found its way into legal provisions. This vacuum and lack of law provide opportunities for individuals to abuse their job positions or influence to pursue illegitimate purposes in professional and administrative arenas through non-material means. Criminalizing non-financial bribery is important because it can pave the way for legal reforms by providing a more comprehensive definition of bribery and strengthening monitoring tools. Moreover, a comparative study with leading legal systems, such as Germany, which have criminalized non-financial bribery, and an analysis of the Iranian situation can provide an efficient framework for preventing this type of crime and</p>

Article Info**Abstract**

promoting administrative integrity. The main hypothesis of this research is that criminalizing non-financial bribery in Iranian law is not only necessary but can also help reduce corruption and strengthen criminal justice in this country by following the example of international documents and the German experience.

2. Methodology

The research method is descriptive-analytical with a comparative approach, outlining non-monetary bribery and its legal implications using the Palermo and Merida Conventions' standards. It analyzes Iran's and Germany's legal frameworks, identifying gaps in Iran's criminalization of non-monetary bribery and prosecution challenges. The comparative method benchmarks Iran against Germany's robust framework, proposing precise criminalization and institutional safeguards.

3. Results and Discussion

The study on criminalizing non-monetary bribery, drawing on the Palermo and Merida Conventions and German legal practices, reveals critical insights. It highlights that Iran's legal system lacks explicit criminalization of non-monetary bribery, such as job promotions, undue favors, or special privileges, creating significant ambiguity in defining illicit benefits and weakening detection mechanisms. This legislative gap severely hampers effective prosecution, as Iran's laws narrowly target monetary transactions, overlooking the broader scope of corrupt practices that undermine governance. In stark contrast, Germany's *Strafgesetzbuch* (§331 & §333) provides a robust framework by explicitly defining and criminalizing non-monetary bribery, ensuring swift adjudication and proportional penalties that uphold justice.

The research underscores the urgent need for precise legal definitions and strong institutional safeguards to enhance accountability and curb the abuse of power. In Iran, cultural practices like widespread gift-giving blur the line between legitimate traditions and corrupt acts, posing unique enforcement challenges that demand both legal reforms and public awareness campaigns. Germany's approach offers valuable lessons: its mandatory ethics training for public officials and transparent judicial processes foster a culture of integrity, serving as a practical model for Iran to adapt and implement.

Furthermore, the study advocates for adopting modern solutions such as digital oversight tools, which could monitor transactions and flag irregularities, and robust whistleblower protections to encourage reporting without fear of retaliation. These measures would align Iran with international standards set by the Palermo and Merida Conventions, enhancing deterrence, promoting transparency, and ensuring institutional justice. By addressing these gaps, Iran could strengthen its anti-corruption framework, tackling not just monetary bribery but the subtler yet equally damaging non-monetary forms that erode trust in public institutions.

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	<p>4. Conclusion</p> <p>Explicit criminalization of non-monetary bribery is essential for enhancing transparency and institutional legitimacy in Iran's legal system. The German model demonstrates that comprehensive criminalization, coupled with prosecutorial certainty, digital oversight, and whistleblower protection, effectively deters corruption. Iran's current laws, limited to financial bribes, fail to address illicit non-financial advantages such as promotions, sexual favors, or preferential treatment.</p> <p>Key recommendations include:</p> <ol style="list-style-type: none"> 1. Legislative Reform: Redefine bribery in the Islamic Penal Code to explicitly include non-financial benefits, aligning with international conventions. 2. Institutional Safeguards: Implement electronic case-tracking systems, establish a national conflict-of-interest database, and strengthen whistleblower protections. 3. Cultural Measures: Mandate ethics training for public officials and publish court rulings to ensure judicial consistency.
How To Cite	<p>Rostami, Hadi; Barati, Ali Akbar; Maarefi Zanjani Asl, Hamidreza (2025). The necessity of criminalizing non-monetary bribery in light of the standards of the Palermo and Merida Conventions (with regard to the experience of the German legal system). <i>Comparative Law Review</i>, 16 (2), 483-504.</p> <p>DOI: https://doi.com/10.22059/jcl.2025.395975.634771</p>
DOI	10.22059/jcl.2025.395975.634771
Publisher	The University of Tehran Press.

