

A Legal Dogmatic Study on Paragraph Structure of “Abuse of Public Power for Private Profit”

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Abstract

This article aims to research on the explanation of Profit by public official in Anti-Corruption Statute (Article 6-4), including the explanation its legal interest, the way to invasion, the constitutive requirements, and profit gaining. The research will focus on three opinion raised by Supreme Court: "profit by public official is a general provision of corruption crimes", "the outcome of the crime is net profit", and "profit by the public official is a kind of correspondence offense".

This article claims that :

1. Profit by public officer is not a general provision of corruption crimes but a crime belongs to malfeasance.
2. Not only profit-gaining but also property-damaging constitute the punishment grounds of this crime.
3. Profit by public official is not a correspondence offense. The man who gains earnings constitutes complicity.

Keywords: misuse of public power for private profit, public officer, bribery, public malfeasance, correspondence offense, profit-gaining.

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