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Criminal Liability of Bribery Crime in Criminal Laws IRAN- Russia and Republic of Azerbaijan

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ABSTRACT

Criminal liability means the ability to tolerate legal penalties which are determined to prevent from crimes. Based on criminal liability people are divided in to two groups i.e. people with criminal liability and those without criminal liability. People with criminal liability are those who have authority and are mature but those without criminal liability do not have such characteristics and due some reasons as being too young- they are exempted from tolerating penalties. In this article criminal liability towards bribery is studied. Through the whole history of human, bribery has been considered as a social crime and it has been hated by all individuals as it affects the health of economic and administrative systems. Considering the importance of this crime in different religions and laws, bribery is forbidden and blamed by all nations and it faces with strong reactions.

Keywords

to bribe, to accept bribe. Corruption, mediation, criminal responsibility, employee.

Introduction

When we to criminal liability, what sort of conduct are we talking about? The answer may differ not only from one country the contours of criminal liability may be considered under three heading: the range of offences; the scope of criminal liability, and the conditions of criminal liability. [13]

Adminstrative corruption which includes bribery as well. Is not committed just in Iran. Russia and Republic of Azerbijan but it is a universal social inseccurity. Bribery ias been extended through the world and though it is committed secretly nowadays. It has a special position amon other crimes. Crimes such as bribery put the authorities and govermental organizations in toruble, thus decreases the importance. Power and digniy of governmental institutions among people. Furthermore bribery distrubs the administrative order in the society and violates people's rights and interests as well as social equality and justic. Some people think that if they take the attention of governmental employees towards themselves. They will be able to settle their attention of governmental employees towards themselves, they will be able to settle their problems and satisfy their needs so they commit bribery. As those who commit bribery should bear penalty and as bribery causes other crimes such as theft, money laundering, illegal possession of properties and so on, social insecurity increases. In bribery the aim of committer is to gain interest or receive money, other properties and document or he misuse his information in order to commit unlawful actions or avoid actions which are his duties or the duties of employees of the related organization or institution. To commit bribery, briber and bribee or their agents collude. Therefore, in realization of physical element (actus reus) of the crime, it is sufficient for the sentenced to accept the amount or property or payment document as bounded in the law against a promise for fulfilling or non- fulfilling the desired work. Dr. Shambiati holds that crime of bribery is basically one of the crimes allocated to government officers. Employees or official authorities. If a non- employee receives any amount from a person for fulfilling any affair in governmental authorities, his action is merely extortion and fraud. [7]

Bribery is an absolute crime whose realization does not depend on its results. So getting ready to commit it, deserves penalty although it is an incomplete crime. In another word the accused intends to commit a crime and he is getting ready to realize it but the material element of the offense is not completed and the crime is not committed in general. In some cases the effort to commit a crime like bribery, legally is considered as a crime and deserves penalty. In such cases although the committer did not make his intended damage because of the interference of external barriers and his will did not have any role to prevent from the consequences of his behavior, but his intention itself has anti-social characteristics. So a briber or a bribee should bear a penalty in order to correct his behavior. According to article 594 of Islamic Penal Code of Islamic Republic of Iran, beginning to commit bribery deserves the minimum penalty considered for it. Article 63 of Republic of Azerbaijan has also determined rules for punishing the committers of bribery.

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In article are analyzed objection evidence signs of structure of the given crime, question of differentiation of the criminal liability are mentioned.
Mozaffari contends that obviously the mere acceptance of the promise is not crime in itself. And if accepting the promise is done before fulfilling the taken action after fulfillment of the action by the briber, the employed does not fulfill the promise and gets regretful of his action and refuses to accept the amount or property or payment document, etc, the crime of bribery has not been realized. However, if the governmental employee is promised prior to the action fulfillment, and the bribe taker does not act his promise after the action fulfillment. It is considered as a crime of bribery because accepting the promise is for the fulfillment of the work. [11]

Liability of legal Entities related to the crime of bribery

Just real entities do not have criminal liability but legal entities also have the liability. In section 15-2 of the amended version of criminal code of Azerbaijan it is mentioned that legal entities take the liability of bribery but they are not considered as criminals. In another word real entities are directly take the liability of bribery. Legal entities should take the liability of giving or receiving bribe. In Islamic Penal Code of Islamic Republic of Iran even legal entities take the liability of some crimes such as bribery and some penalties are considered for them. Preventing from employment in certain jobs and terminating the activities of the legal entity are among those penalties. The United Nations Convention for fighting corruption which was approved on October 31, 2003, confirmed international regulations on bribery. Article 15 of this convention is related to national governmental authorities who committed bribery and article 16 is about foreign governmental authorities and public and international organizational authorities while article 21 is related to private sectors (Palermo Italy convention and Merida Mexico convention, 2003).[9]

-Article 15, Bribery of national public officials

Each State party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage , for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
(b) The solicitation or acceptance by a public official, directly or indirectly at an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise, his or her official duties.

Article 16. Bribery of foreign public officials and officials of public international organizations

1. Each State party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to foreign public official or an official of public international organization, directly or indirectly of an undue advantage, for the official himself or another person or entity in order that the official act or refrain from acting in the exercise of his or her official duties in order to obtain or retain business or other undue advantage in relation to the conduct of international business.
2- Each State Party Shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed internationality, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or herself or another person or entity in order that the official act or refrain from acting in the exercise of his or her official duties.

Article 21- Bribery in the private sector

Each State Party Shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed internationality in the course of economic, financial or commercial activities:
(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, In breach of his or her duties, act or refrain from acting.
(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.
In merida convention. Bribery is considered as a crime by foreign governmental authorities or the authorities of an international public organization and it is not considered in domestic regulations. However, it is not necessary to view bribery as a crime according to conventions, and Iran, Azerbaijan and Russia like other member state countries are free to make decisions in this regard and view it as a crime or not. Although convention is considered as a pattern for determining crimes and provides standards in this regard. It does not determine fines since determining fines is a national issue and as regards the fines. Article 30 provides the manner of determining fines while it does not give an opinion about which fines can be exerted to the briber or bribe- taker.

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In general bribery has always been a threat for the health of human communities and it is clear that bribery has emerged in different times, through different ways and in different extensions. Nowadays committing bribery is not limited to traditional methods but as the administrative systems are more extended, individual, social relations are more completed and individuals have more expectations, this crime has wider and more complicated forms and it is committed through various ways.

Crimes related to bribery are hidden and have more effects on criminology of bribery.

Bribery in the Republic of Azerbaijan and Russian Federation

Studying bribery in the Republic of Azerbaijan and the Russian Federation (Russia) showed that in 2001 in Russia, 4797 examples of giving the bribe and 3112 examples of receiving bribe were registered. So, a total of 7909 examples of bribery were registered in Russia during 2001, and the bribery coefficient was 5.45. The study also showed that:

1- In 2002, 4533 examples of giving the bribe and 2758 examples of receiving bribe were registered which made a total of 7291 examples of bribery. The bribery coefficient was 5.03.

2- In 2003, 4425 examples of giving the bribe and 2921 examples of receiving bribe were registered which made a total of 7346 examples of bribery. The bribery coefficient was 5.07.

3- In 2004, 5273 examples of giving the bribe and 3655 examples of receiving bribe were registered which made a total of 8928 examples of bribery. The bribery coefficient was 6.16.

4- In 2005, 5720 examples of giving the bribe and 4104 examples of receiving bribe were registered which made a total of 9821 examples of bribery. The bribery coefficient was 6.77.

5- In 2006, 6546 examples of giving the bribe and 4517 examples of receiving bribe were registered which made a total of 11063 examples of bribery. The bribery coefficient was 7.63.

The results show that in Russia from 2001 to 2006 the crime of giving bribery was more than receiving bribery and it seems that the reason was that in the penal code of that period, no criminal liability was determined for the briber. During 2001, 54 examples of the bribe was registered in Republic of Azerbaijan and bribery coefficient was 0.67; in 2002, 9 examples of bribe with a coefficient of 0.11, in 2004, totally 5 examples of bribe with a coefficient of 0.5, in 2005, 13 examples of bribe with a coefficient of 0.15, in 2006, 12 examples of bribery with a coefficient of 0.14, in 2007, 9 examples of bribery with a coefficient of 0.10, in 2008, 4 examples of bribery with a coefficient of 0.05, in 2009, 7 examples of bribery with a coefficient of 0.08. In 2010, 7 examples of bribery with a coefficient of 0.08 were registered in the Republic of Azerbaijan. [4,5]

The above-mentioned report shows that in comparison with 2001, during 2006 in Russian Federation, bribery increased 0.40 and from 7909 examples reached 11063, while, in the Republic of Azerbaijan during the same period bribery (both giving and receiving a bribe) decreased 4.5 times (from 54 reached 12 examples). Such decrease continued during next years. Furthermore, sometimes in the Republic of Azerbaijan, bribery registered 50 or even 120 times less than in Russia. This situation shows a reduction of committing bribery in the Republic of Azerbaijan while the reason for a reduction in statistical level can be based on the fact that many cases of bribery had been kept hidden. The contentment of both sides of bribery, i.e., the briber and the bribee, the worry of receiving a penalty, the dismissal of employees of the criminal organization, the inefficiency of judicial institutions, and negligence of managers cause this crime remains hidden and the possibility of committing it increases.

Article 311 of the penal code of the Republic of Azerbaijan which is related to receiving bribe and article 31 related to giving a bribe as well as article 290 of the Russian penal code related to receiving bribe and article 291 related to giving bribe which were approved in 1996 determining criminal liability for committers.

According to article 311 of the penal code of the Republic of Azerbaijan, if the employee receives a bribe for doing or not doing his duty (action or omission), for the benefit of a third party and if he receives material properties or other privileges by himself or by a third party, directly or indirectly, personally or with the intervention of an agent, he has committed bribery. [3]

According to Article 312 of Criminal Law of Republic of Azerbaijan, bribe the employee for executing the alatairs in his competency is based on Fulfilling or non Fulfilling action (act or omission) given to the employee or third party in person directly or indirectly orby intermediates against property or benefit or generosity.

Article 290 of the Russian penal code explained receiving bribes but article 291 did not explain giving bribes. [2]

Examples of bribery (giving and receiving a bribe) are the ruling body, and the employees of the government and local organizations, commercial and service institutions, and other sections are responsible for delivering public services. Material properties, privileges, and donations are subjects of bribery.

Crime of bribery is basically one of the crimes allocated to governmental officers, employees or official authorities. If a non- employees receives any amount from a person for fulfilling any affair in governmental authorities, his action is

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merly extortion and fraud. [7] Dr. Validi believes that accepting abribe is for Fulfilling or non-fulfilling affairs related to governmental organization and public services. [6]
Material aspects of received bribe have been determined in paragraph 1 of article 311 of penal code of Republic of Azerbaijan as well as paragraph 1 of article 290 of Russian penal code while the subjects of bribe have been determined in paragraph 1 of article 311 of penal code of Republic of Azerbaijan as well as paragraph 1 of article 291 of Russia Federation (at the beginning of the paragraph).
Because no Statistics is presented concerning the crime of bribery in Iran unlike Azerbaijan and Russia, it is impossible to get access to statistical tables in this regard.

Age of criminal liability in committing the crime of bribery

Giving and receiving a bribe is a formally combined crime. Through giving or receiving a portion of a property, bribery will be committed because the briber is willing to receive it and the bribee (committed or being bribed) is completely aware of his offense. It is worth mentioning that efficient individuals (employees) have certain characteristics and due to receiving a bribe, they have criminal liability in practice. In most cases, these individuals are older than 18. So everyone who is 16 or older and is wise, is considered criminally liable.
According to the penal code of the Republic of Azerbaijan, everyone who is 16 years old is a criminal liable. As those who are under 18 years old have not reached their legal age of majority, the penal code of the Republic of Azerbaijan alleviates their penalty and does not forbid them from working in certain jobs. Russian penal code has similar rules in this regard. [8]
Before Iran's 1979 revolution, there were different ideas about the legal age for criminal liability or about the age that general penal code could be canceled about them in various administrative and legal organizations. Although the legislation tried to determine the religious age of criminal liability, in practice and different administrative regulations, it acted differently. For example, according to article 88 of Iran's penal code, kids and juveniles who commit a crime will receive taziri penalty (according to article 18 of the Islamic penal code and article 16 of its previous version, Islamic punishments or penalties such as imprisonment, financial line, and whipping whose type and the amount is not determined in Sharia (Islamic law) but the maximum and minimum amount of them are specified in the law). The type and amount of penalty that kids and teenagers receive depend on the decision of the judge and he has the authority to decide about the maximum or minimum amount of the related punishment. Generally, for children who are between 9 to 15 years old (based on solar year), depending on the case, the court takes one of the following decisions:
a) Return the kid or the juvenile to his parents or his grand patents
b) Return him to real or legal entities and if those who were mentioned in paragraph (a) are not available, the court acts based on the expedient of the kid or the teenager. According to article 89 of this law, the teenagers who commit ta'zir crimes, and when committing them, they are between 15 to 18 years old (solar year), will receive the following penalties:
-Keeping on probation for three months to three years
-Financial fines depending on the type of crime they have committed
Iran's legislator which allocated section 4 of the Islamic penal code to the condition and obstacles of criminal liability, in article 146 of chapter 2 which is about obstacles of a criminal liability says that immature individuals do not have criminal liability. Furthermore, according to article 147, the maturity age of puberty in girls and boys is 9 and 15 (lunar month) respectively, and article 148 says that security and educational actions should be implemented on immature individuals. It is worth mentioning that according to article 976 of Iran's civil law, those whose father is a foreign citizen and when reaching the age of 18 had been staying in Iran at least for one year, are considered Iranian citizens. As it is seen, Iran's legislator considers the age of 18 as a criterion while in other cases ages 9 and 15 (lunar year) or 18 (solar year) are criteria (solar and lunar years are considered differently).
Although differential criminal liability is accepted in Juvenile Delinquency compared to the adults, the acceptance of the persons younger than 18 years old as juvenile group in special domestic and foreign regulations: nonetheless, the age range and the commencement of criminal liability is controversial [15]

The different and amended suggestions in laws related to bribery of Russia, Azerbijan and Iran

Iran's legislator must consider differences and dispersions existing in regulations and integrates them. In regulations on bribery, there is the dispersion of rules as well. Article 594 of chapter 11 of the Islamic penal code which is about bribery, lucre, and fraud says that the penalty for beginning these crimes is the same as determined by law. In its notice 2 of article 3 of another law which is known as the rule of aggravating punishment and is related to bribery and fraud committed, it is stated that the penalty for beginning the crime of bribery is the minimum amount of punishment determined for it. Article 18 of the military criminal law says that if every military personnel who fulfills or avoids a task which is his duty or the duty of another personnel of armed forces, accepts money, property, or document or gives

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a property gratuitously or less than the usual price in any condition is considered as bribe, although fulfilling or avoiding doing that is not in contrast with law.
Furthermore, in the law of developing administrative health, some regulations are determined to fight corruption such as bribery. According to the hierarchy, Iran's legislator, like legislators of Russia and Azerbaijan, amends and must integrate the regulations to reach a single system. By doing this, on one hand, the dispersion in the criminal legislating system will be eliminated, and on the other hand, practically the system will be integrated, so implementing and executing the law will be easier.
To continue, it is necessary to point that the real entity who has reached his legal age and is wise can be considered as liable guilty, or committed. Of course in receiving a bribe just a definite real entity, i.e., the state employee or governmental and public institutions (municipal) can be considered as guilty. While in giving bribe all individuals even state employees can be considered as a briber. However, in some cases, legal entities such as companies or their legal representatives can be criminally liable for giving or receiving a bribe.
According to article 312 of the penal code of Azerbaijan and article 291 of the Russian Federation penal code, if the briber has to give bribe due to the thread of those who have governmental liabilities and efficiencies and report it to state organizations and inform them voluntarily, he is free from criminal liability.
Furthermore, according to article 311 of paragraph 2 of the criminal code of the Republic of Azerbaijan and article 290 of paragraph 2 of the criminal code of the Russian Federation, if one who is liable and efficient commits an illegal act (or avoids an act) he is considered as a bribe.
In articles 311 of paragraphs 1 and 2 of the penal code of Azerbaijan and article 290 of paragraphs 1 and 2 of the Russian Federation penal code, actions that are considered in advance by the organized groups and are executed repeatedly due to a thread, will receive the penalty as aggravated punishment. It is worth mentioning that in December 2003 the descriptive issues (conditions) of the penal code of the Russian Federation on receiving bribes were repeatedly eliminated.
It is necessary that the criminal liability of a person who is the agent of bribery (a person who helps briber and bribee) be separately determined in article 312 of paragraph 1 of the new version of the penal code of Azerbaijan and article 292 of paragraph 1 Russian Federation criminal penal code.
If the agent of bribery helps with receiving or giving a bribe and thus is taking part in executing bribery and informs the state organizations voluntarily, he will be free from a penalty by the vote of the court.
According to article 118 of the military penal code of the Islamic Republic of Iran approved in 2003 and articles 588, 589, and 590 of Islamic penal code of Iran on executing bribe in armed forces and on receiving bribe and article 592 on giving bribe, article 593 on intermediation with bribery or trying for receiving a bribe, and also according to article 539, physicians who receive bribe are criminally liable.
According to article 588, if arbitrator, auditor, and expertly determined by a court or by the sides of a transaction, receives an amount of money or a type of property to act in favor of one side of the transaction, gives viewpoints or decides on their behalf, will be sentenced to imprisonment from 6 months to 2 years or will be financially lined and everything he has received will be requisitioned in favor of the government.
According to article 589, if the judge takes part in bribery and thus votes on a penalty that is more severe than it is determined in the law, he will be sentenced to receiving the penalty of bribery as well the penalty of his vote.
According to article 590, if the bribe is not in the form of cash but is in the form of a gratuitous property or the product which is the object of a transaction considerably cheaper than its usual price or the price is apparently as the product's usual price but it is considerably less than the product's usual price and the good is sold to the government employees and agents both judicial and administrative, directly or indirectly, the related employees are considered as bribee and the partner of the briber.
Article 539: If the physician writes an unreal testimonial on a person's character to exempt him from service in official administrations or military services or to deliver it to judicial authorities, he will be sentenced to imprisonment from 6 months to two years or paying the financial fine.
To aggravate the penalty of bribery committed on December 6th, 1988, a law was approved in Iran which is known as the act of punishment for aggravation of bribery, embezzlement, and fraud. Articles 3 and 4 of this act are allocated to bribery.
Article 3 says that each of state employees and agents both judicial and administrative, councils, municipality or revolutionary institutions, and in general triple powers in Iran, armed forces, governmental companies or organizations which are related to the government, official or nonofficial agents of public services who execute or do not execute an act related to their organizations, directly or indirectly, accept a payment, property or document of paying or offering a property, are considered as bribe.
According to article 4, all portable and importable properties of those who establish or guide visuals to commit bribery, embezzlement, and fraud, are seized in favor of the government and will also be sentenced to pay a financial fine equal

to the value of that property, and they will be permanently suspended from governmental services and will be imprisoned from 15 years to their whole life.
It is recommended that the penal code of Azerbaijan determines the penalty for the agents of bribery, as article 3 of the Islamic penal code of the Islamic Republic of Iran does it.

Similarities between Bribery Laws of Russia, Azerbaijan, and Iran

Considering bribery, there are similarities between the laws of Russia, Azerbaijan, and Iran.
For instance, according to article 591 of the penal code of the Islamic Republic of Iran, if it is proved that the briber has been obliged to pay an amount of money or a type of property to maintain his rights, he will not bear prosecution and the money or the property will be returned to him. In a note of article 592 of the same law, it is mentioned that if the briber has been obliged to give a bribe or report it or make a representation, he will be exempted from bearing imprisonment and his property will be returned to him. [1]
According to article 312 of the penal code of the Republic of Azerbaijan and the notice of article 291 of the penal code of the Russian Federation through the fulfillment of the above-mentioned condition, bribers will be exempted from criminal liability but the paid money or the property will be suspended, while according to articles 591 and 592 of Iran's penal code the property subject to bribe is returned to the owner. So this condition that the paid property should be returned to the owner can be added to article 312 of the penal code of the Republic of Azerbaijan and the notice of article 291 of the penal code of the Russian Federation. Thus, these articles can be re-written as: “If the briber through the thread of the state employee gives bribe and informs the governmental organizations, he will be exempted of criminal liability and the money or the property which is spent through bribery, is returned to himself".
According to the penal code of the Islamic Republic of Iran, the briber should be sentenced to a financial fine, the received bribe should be returned to him. He should bear imprisonment and he is contemporarily and permanently suspended from state services, depending on the case. Furthermore, the briber's military rank will be reduced and he will be dismissed from military services.
1- Legislations of the Republic of Azerbaijan and the Russian Federation are better to use this experience.
2- In Iran's penal code the penalties considered for briber and bribe are not the same. For instance, according to article 592 of the Islamic penal code, the penalty for the briber is to seize the property gained through a bribe, imprisonment from 6 months to 3 years or 74 strokes of the whip, but according to article 3 of the rule of aggravating punishment for bribe committed, the penalty for bribee depends on the amount of bribe and the position of the briber.
3- Considering the quality and conditions of giving or receiving a bribe, according to articles 311 and 312 of the penal code of Azerbaijan, briber, and bribee are sentenced to imprisonment and a financial fine. According to article 592 of the penal code of the Islamic Republic of Iran, a briber is sentenced to imprisonment from 6 months to 3 years or 74 strokes of the whip.
In sum, assistance in the crime of bribery depends upon conditions and special regulations of these countries. As regards assistance in the crime of bribery, if the assistance does not have a side aspect, that is to say, assistance is merely related to bribe- taker (perhaps in the act of bribery there is no assistant who persuades, encourage or evokes bribery), and the governmental employee may commit the crime of bribery as a result of the assistant's act or participation in bribery regarding his share from the bribery or failure to specify his share from the bribery under some conditions, it is considered as a criminal liability [14].

Reasons justifying the crime and removing the barriers of criminal liability.

Fines as the most custom and natural social response to a criminal phenomenon is void due to different acts, of which the justifiable reasons of crime and removing the barriers of criminal liability can be mentioned.
In criminal procedure, different defenses are raised by the accused or his agent like citing the justifiable reasons and removing the barriers of criminal liability. The justifiable reasons of crime refer to the concrete conditions that justify the criminal acts through reluctance, coercion or legitimate defense. In contrast, removing the barriers of criminal liability refers to personal and mental conditions of the accused that removes the actor\s criminal liability in spite of the occurrence of crime. The reasons such as minor age or insanity can be assumed ass cases that remove the barriers of criminal liability.
As regards the legal entities, it can be said that in criminal liability, liability lies with real persons, and legal entities assumes the liability if the legal agent commits a crime in his name or to his advantage, and the criminal liability of legal entities will not prevent the liability of real persons who have committed the crime.
Therefore, concerning the criminal liability, the person who commits the crime of bribery applies for some of the reasons that justifies or removes the criminal liability, and the commitment and liability of a person for bribe taking does not necessarily requires committing others for bribery. For example, he can commit it as urgency.

Conclusion

In this article, the regulations issued on bribery in the penal code of Iran, Russia, and Azerbaijan were compared and analyzed. There are some differences and similarities between these regulations, so, this article suggests some changes and amendments which are better to be implemented in the recent penal code of Azerbaijan, and federation of Russian states, and the Islamic Republic of Iran; in this case, the deficiencies in those rules could be improved.

Meanwhile, the criminal liability and the legal age for committing a crime and starting crime and refunds incurred due to crime of bribery with its special status and emergency case and disclaimer of criminal liability has been discussed comparatively. Concerning the statistical tables, it can be said that due to the status of this crime, the briber and bribe-taker both usually try to avoid its disclosure for the interests of both parties; so, it is investigated when it is sometimes reported or the briber announces and the criminal liability in the crime of bribery is strict responsibility. [10] So that there are a small umber of crime which can be committed without any mens rea, these offences are known as strict liability crimes. [12]

Thus when it is said that bribery is considered as absolute crimes, this means its realization does not depend on the realization of special results. Therefore, in the crime of bribery. Whether the employee does or fails to do the desired act of the briber – taker or whether the act done by the governmental employee is legal or illegal. The crime of bribery is realized [14] As such, it can said that concerning criminal law in classical concept, apart from physical element of the crime. There is a need for availability of virtual element of the crime to prove it. Considering the changes and developments in law, especially in criminal law. And the importance of new crimes along social and environmental changes, the legislator has conceived that due to special consideration of social discipline. The availability of fault in its general sense is not viewed as part of the crime and exertion of the desired fines even though this is contrary to the philosophy of criminal liability. Exceptionally it requires that such crimes are realized with legal and material elements on the one hand. And since the civil, professional and disciplinary guarantees are not sufficient on the other hand. Cash fines and imprisonment can be exerted for such crimes to prevent real persons and legal entities from escaping somehow.

Having considered criminal law in three above – mentioned countries, no fine is exerted for the violation of physician, expert or arbitrator, and issuing a certificate of violation about bribery and view them as a violator because of taking bribes deserving punishments.

References

[1] Penal code of Iran

[2] Penal code of Federation of Russia

[3] Penal code of Republic of Azerbaijan

[4] Report of statistics ministry of the interior of Republic of Azerbaijan (2000-2009)

[5] Statistical Report of the ministry of the interior of Federation of Russian (2000-2009)

[6] Validy, M.S., allocated criminal law v.2 (306) (2017)

[7] Shambayati, allocated criminal law v.3.3(437) (2018)

[8] Samandarov, Commentary of panel code of Republic of Azerbaijan P. Digestn- Baku. 2011- P: 937

[9] Palermoltaly convention and Merida Mexico convention (2003).

[10] Malkoach, Ismail- crimes of bribery and commitment- Ankara 2010. P. 377. 388.

[11] Mozaffari, Ahmad, Studying Crime of Bribery in Iranian Law. Papers of I.R. Iran's Ministry of justice. Vol. 2, 1996. P.194.

[12] Elliott and Quinn, criminal Law. London 2006. P.35.

[13] Andrew. Asuwortti, Principles of Criminal Law, London 1991 Biddles Ltd. P.2.

[14] Safari, Mahmoud, Shahabi and Saman, Bribery, Bribery in Light of Rules and Judicial Procedure, Jungle Press, 2021, pp 144- 148.

[15] Abouzari. Mehrnush. Legal Journal of Judiciary. Winter 2018. Vo. 108. pp. 19-23.

Annals of R.S.C.B., ISSN: 1583-6258, Vol.25, Issue 4, 2021, Pages. 19105-19112
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