UNIVERSITÀ DEGLI STUDI DI SALERNO

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DOTTORATO DI RICERCA IN DIRITTO INTERNAZIONALE E DIRITTO INTERNO IN MATERIA INTERNAZIONALE

CICLO XII

ABSTRACT (in inglese):

LA NUOVA LEGGE ANTICORRUZIONE: LA RIFORMA NEL DIBATTITO TRA DOTTRINA E GIURISPRUDENZA

The study "*La nuova legge anticorruzione: la riforma nel dibattito tra dottrina e giurisprudenza*" focuses on the much acclaimed reform of the so called sector of *crimes against the State*, analyzing in particular the reform recently approved (law 190/2012 of November 6th).

Specifically it has been analyzed the change of legislation affecting the crimes of corruption (art. 318 and 319 criminal code), bribery (art. 317 criminal code) and the new crime of *induzione indebita a dare o promettere utilità* (art 319 criminal code) which represent, using a very incisive definition that summarizes the repressive ineffectiveness of these three recently reshaped crimes, a "*blunt trident* in the general prevention/repression strategy against the public-private *pactum sceleris"*.

The new anti-corruption law, approved to implement the 2003 United Nation Convention Against Corruption of October 31st and the Criminal Law Convention on Corruption approved in Strasbourg on January 17th 1999, introduces an integrated system to tackle not only the so called *criminal corruption,* but also the *administrative* corruption, specifically analyzed in the last chapter of this study.

The study starts analyzing the empiric/criminological profile of corruption (chapter I) as an essential starting point to research causes and effects characterizing -on

a factual basis- a phenomenon born from the bottom-up which has been object of a deep evolution along the time.

The study further analyzes quantitative data about corruption through SAET's statistics (Servizio Anticorruzione e Trasparenza) and other data, showing how increasingly serious the problem is as often, in fact, corruption is perceived by public opinion as the only instrument to approach public administration.

This the reason of a very high number of undiscovered cases which justifies -as a possible remedy- the introduction of the role of the *whistleblower,* who should help discovering corruption cases that the *whistleblower* comes to know in fulfilling its mandate.

The study further focuses on the legal framework before the reform and on the various amendment of the law in times past.

The very core of the thesis (chapter II and III) rotates around a critical analysis of criminal code's amendments included in the new anti-corruption law and specifically the bribery crime's split in two different offences: C*oncussione per Costrizione* and *Induzione Indebita a Dare o Promettere Utilità.* This the most important innovation beside a general sentences crackdown for all corruption-related crimes, the introduction of new crimes such as the *Traffico di Influenze Illecite* and *Corruzione tra Privati*, some innovations concerning bribery and corruption crimes' authors and collateral sanctions and seizure for corruption-related cases.

This newborn reform has immediately shown all its weaknesses, pointing out the legislator's chronic ineptitude to efficiently tackle and solve problems in such a delicate field.

The doubts created by this reforms are numerous and several interpretation issues have been raised and are constantly engaging researcher and judges, whom decisions are analytically examined in this study to offer a complete picture of the current situation and legal framework.

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