

# INTERNATIONAL EXPERIENCE OF CONSTITUTIONALIZATION OF CRIMINAL LAW REGULATIONS REGARDING THE CREATION OF ELECTED PUBLIC BODIES

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**Abstract:** The scientific paper focuses on examining the challenges associated with incorporating criminal law norms into the formation of the highest public authorities within the constitutional framework. The need to study the problems of constitutionalizing of criminal law regulations in the sphere of formation of the highest public authorities was clarified. The experience of constitutionalizing of criminal law regulations in the sphere of formation of the highest public authorities of the Russian Federation, the United States of America, France, and Germany was studied. As a result, it became evident that, in developed states, there are deficiencies in incorporating criminal law regulations into the constitution, particularly regarding the establishment of higher bodies of public authorities. These regulations do not always align with constitutional principles and the state's philosophy.

**Keywords:** international experience, criminal law, public authorities, elections, constitution, constitutionalization.

## Introduction

The problems of the formation of public authorities have been and remain in the focus of attention of outstanding scientists in several fields of science for centuries. The formation of elected public authorities, due to its complexity and multilevel structure, is of even greater research importance both from a theoretical and applied point of view. The issues of formation of public authorities through legitimate and legal elections are of great importance both in international law, constitutional law, criminal law, political law and philosophical aspects.

In this context, taking into account also the fact that the constitutions of States have the

highest legal force, it is especially important that any process related to elections should not only proceed from the Constitution, but also correspond to the spirit and philosophy of the latter. It is no coincidence that almost every state (including developed progressive states), regardless of what stage of development it is at, fixes at a high constitutional level not only the fact that it is democratic, but also clearly fixes through what mechanisms and methods the people exercise their power. In particular, the third article of the French Constitution, which enshrines the fact that the people are the bearers of sovereignty, establishes that the people exercise their sovereignty through their representatives and referendums (Constitution du 4 octobre 1958 à jour de

la révision du 23 juillet 2008, n.d.). The second part of article 20 of the Basic Law of Germany stipulates that State power comes from the people, which is carried out through elections and special legislation, executive power and judicial bodies (Basic Law of the Federal Republic of Germany, n.d.). Developing the above-mentioned approach to constitutional and legal regulation, the Russian Federation, presenting at a high constitutional level the fact that the people are the source of power, according to part 4 of Article 3 of the Constitution considers it a crime to appropriate any kind of power (The Constitution of the Russian Federation, n.d.).

Considering this perspective, ensuring seamless and disruption-free elections holds significant scientific significance when it comes to constitutionalizing the criminal law regulations governing the formation of elected public authorities.

The above-mentioned problem and, consequently, the specifics of the qualification of crimes against the formation of elected public authorities, including the problems of proportionality of the prescribed punishment, contain great relevance for each democratic and law State.

In this sense, the study examines the experience of qualification and sentencing for crimes against the formation of elected public authorities in a number of states (Russia, USA, Germany, France), as a result of a comparative analysis, the features of these states are presented.

## Methodology

The research methodology is based on a comprehensive method, including the analysis normative literature. The study uses comparative legal and field research methods. The following approaches are used to solve the identified problems: institutional, philosophical-legal, political-legal, historical-legal, value, etc. Methods of quantitative and qualitative content analysis and monitoring are used to form the empirical base of the study. The research involves the integration of various scientific fields (constitutional law, theory of state and law, criminal law, philosophy of law, etc.).

## Russian Experience

The Criminal Code of the Russian Federation (1996) provides for liability for obstructing the exercise of electoral rights or the work of election commissions in the Article 141, which consists of three parts.

The first part of this article is for “preventing a citizen from freely exercising his electoral rights or the right to participate in a referendum, violating the secrecy of voting, as well as obstructing the work of election commissions, referendum commissions or the activities of a member of an election commission, referendum commission related to the performance of his duties”, - provides for punishment in the form of a fine of up to forty thousand rubles or in the amount of wages or other income of the convicted person for a period of up to three months, or compulsory labor for a period of one hundred twenty to one hundred eighty hours, or correctional labor for up to one year, and the second part for the same acts: a) connected with bribery, deception, coercion, the use of violence or with the threat of its use; b) committed by a person using his official position: c) committed by a group of persons by prior agreement or an organized group, - provides for punishment in the form of a fine of up to two hundred thousand rubles or in the amount of wages or other income of the convicted person for a period of up to eighteen months, or correctional labor for a period of one to two years, or arrest for up to six months, or imprisonment for up to five years. The third part of the article 141 of the Criminal Code of the Russian Federation (1996) provides for punishment in the form of a fine in the amount of one hundred thousand to three hundred thousand rubles or in the amount of wages or other income of a convicted person for a period of one to two years or imprisonment for up to four years with a fine of up to eighty thousand rubles or in the amount of wages or other income of a convicted person for a period of up to six months or without it, for “interference with the use of official or official position in the exercise of its powers by the election commission, the referendum commission, established by the legislation on elections and referendums, in order to influence its decisions, namely, the requirement or instruction of an official on the registration of

counting of votes of voters, referendum participants and other issues related to the exclusive competence of the election commission, the referendum commission, as well as unlawful interference in the work of the State automated system of the Russian Federation “Elections”<sup>1</sup>.

The Article 141<sup>1</sup> Criminal Code of the Russian Federation (1996) - “Violation of the procedure for financing the election campaign of a candidate, an electoral association, an electoral bloc, the activities of an initiative group for holding a referendum, or another group of referendum participants”, consists of three parts. According to the first part of the mentioned article for “providing financial (material) support in large amounts<sup>1</sup> to the election campaign of a candidate, an electoral association, an electoral bloc, in addition to the funds of the election fund, by producing and (or) distributing campaign materials not paid from the election fund or paid from the election fund at unreasonably low prices, payment for the manufacture and (or) distribution of such propaganda materials, transfer of funds, material values on a gratuitous basis or at unreasonably low prices to a candidate, an electoral association, an electoral bloc for the implementation of their election campaign, as well as providing financial (material) support in large-scale activities of the initiative group for the referendum, another group of referendum participants in addition to the funds of the referendum fund by producing and (or) distributing campaign materials, not paid from the referendum fund or paid from the referendum fund at unreasonably low prices, payment for the production and (or) distribution of such campaign materials, transfer of funds, material assets on a gratuitous basis or at unreasonably low prices to a member or an authorized representative of the initiative group for holding a referendum, another group of referendum participants to carry out their activities aimed at putting forward the initiative of holding a referendum, obtaining a certain result

in a referendum, as well as making large-scale donations to the electoral fund, the referendum fund through figureheads” – it provides for punishment in the form of a fine in the amount of one hundred thousand to three hundred thousand rubles or in the amount of wages or other income of the convicted person for a period of one to two years, or compulsory labor for up to one hundred and eighty hours, or community service for up to one year, or imprisonment for up to one year, and the second part of the article defines a fine in the amount of one hundred thousand to five hundred thousand rubles or in the amount of wages or other income of the convicted person for a period of one to three years, or deprivation of the right to hold certain positions or engage in certain activities for a period of one to five years, or compulsory labor for a period of one hundred and eighty to two hundred and forty hours, or correctional labor for a period of one to two years, or imprisonment for up to two years, for “using in large amounts, in addition to the funds of the relevant election fund, financial (material) support for the election campaign of a candidate, an electoral association, an electoral bloc by a candidate, its authorized representative on financial issues, authorized representative on financial issues of an electoral association, an electoral bloc, the use in large amounts, in addition to the funds of the relevant referendum fund, of financial (material) support for putting forward an initiative to hold a referendum, obtaining a certain result in a referendum by an authorized representative on financial issues of an initiative group for holding a referendum, another group of referendum participants, and also spending in large amounts of donations, prohibited by the legislation on elections and referendums and transferred to a special election account, a special referendum account”.

The Article 142 of the Criminal Code of the Russian Federation (1996) - “Falsification of electoral documents, referendum documents” consists of three parts. The first part - “Falsification of electoral documents, referendum documents, if this act is committed by a member of the electoral commission, the referendum commission, an authorized representative of an electoral association, a voter bloc, a group of voters, an initiative group for holding a referendum, another group of referendum participants, as well as a candidate or his authorized representatives” -

<sup>1</sup> A large amount in this Article of the Criminal Code of the Russian Federation is recognized as the amount of money, the value of property or property benefits that exceed one tenth of the maximum amount of all expenses of the election fund, respectively, of a candidate, electoral association, electoral bloc, referendum fund, established by the legislation on elections and referendums at the time of the commission of the act provided for in this article, but at the same time they amount to at least one million rubles.

is punishable by a fine of up to three hundred thousands of rubles or in the amount of wages or other income of a convicted person for a period of up to two years or imprisonment for up to four years. The second is “Forgery of signatures of voters, referendum participants in support of the nomination of a candidate, an electoral association, an electoral bloc, a referendum initiative, or the certification of knowingly forged signatures (signature sheets) committed by a group of persons by prior agreement or an organized group, or combined with bribery, coercion, the use of violence or the threat of its use, and also with the destruction of the property or the threat of its destruction, or entailed a material violation of the rights and legitimate interests of citizens or organizations or the legally protected interests of society or the state”, - is punishable by a fine in the amount of one hundred thousand to five hundred thousand rubles or in the amount of the salary or other income of the convicted person for a period of one to three years, or by deprivation of the right to hold certain positions or engage in certain activities for a period of two to five years, or by imprisonment for a term of up to three years, and the third - “Illegal production, as well as storage or transportation of illegally manufactured ballot papers, ballot papers for voting in a referendum” – is punishable by a fine in the amount of one hundred thousand to five hundred thousand rubles or in the amount of the salary or other income of the convicted person for a period of one to three years or imprisonment for a term of up to three years.

The Article 142<sup>1</sup> of the Criminal Code of the Russian Federation (1996) “Falsification of voting results”, for “inclusion of unaccounted ballots in the number of ballots used in voting, or submission of knowingly incorrect information about voters, participants of the referendum, or knowingly incorrect compilation of lists of voters, participants of the referendum, expressed in the inclusion of persons who do not have an active electoral right, the right to participate in the referendum, or fictional persons, either falsification of signatures of voters, referendum participants in the lists of voters, referendum participants, or replacement of valid ballots with the marks of voters, referendum participants, or spoiling of ballots, leading to the inability to determine the will of voters, referendum participants, or illegal destruction of ballots, or deliber-

ately incorrect counting of votes of voters, referendum participants, or signing by members of the election commission, the commission of the referendum protocol on the results of the vote before the counting of votes or the establishment of the results of the vote, either knowingly incorrect (which does not correspond to the actual results of voting) drawing up a protocol on the results of voting, or illegally making changes to the protocol on the results of voting after filling it out, or knowingly incorrect setting of the results of voting, determining the results of elections, referendum”, provides for punishment in the form of a fine in the amount of one hundred thousand to three hundred thousand rubles or in the amount of wages or other income of a convicted person for a period of one to three years or imprisonment for a term of up to four years.

## USA Experience

The US legislation went a slightly different way. Federal law applies to federal elections, and in other cases, it applies only when such a crime is not provided for in state law. The Article 594., of section 18, U.S. Code of Laws (n.d.) (next - NW USA), defines a fine of up to 5 thousand dollars and/or imprisonment for up to five years, only for intimidation of voters, and the Article 595 for interference of administrative employees at the federal, state or local level provides for punishment in the form of a fine of up to 5 thousand dollars and/or imprisonment for up to five years, suspension from his position, deprivation of salary and trust from the United States.

Bribery of voters is punishable by the Article 597 of a fine of up to 1 thousand dollars and (or) imprisonment for a period of one year. In the case of an intentional crime – a fine of up to 10 thousand dollars and (or) imprisonment for up to two years, and economic pressure on the voter – the Article 598, a fine of up to 1 thousand dollars and (or) imprisonment for up to one year.

For promising a candidate to appoint or use his influence for appointment to a position in exchange for supporting his candidacy, the US legislator, the Article 599, provides for punishment in the form of a fine of up to 1 thousand dollars and/or imprisonment for up to one year. In the case of an intentional crime – a fine of up to 10 thousand dollars and/or imprisonment for up to



two years, for promising employment or other benefits for political purposes, art. 600, a fine of 1 thousand to 10 thousand dollars and/or imprisonment for up to one year, for deprivation of the Article 601 of Section 18 of the Civil Code provides for a fine in the amount of 1 thousand to 10 thousand dollars and/or imprisonment for up to one year, and forcing a federal employee to speak on the side of a certain candidate or to refuse to do so is punishable by art. 610 with a fine of up to 5 thousand dollars and/or imprisonment for up to three years.

A fine of up to 5 thousand dollars and/or imprisonment for up to five years is punishable by the US Code of Laws for “Deprivation or restriction of the right to vote on the basis of race or skin color with the use of electoral qualifications or other conditions; establishment of violations of the right to vote”, the Article 1973 section 42, “Suspension of the use of tests and other means when determining their suitability for voting” section 42, art. 1973a., “Application of prohibitions against other states (disenfranchisement of a person at the local, federal or state elections on the basis of his non-compliance with tests or other means of verification)” section 42, art. 1973aa., “Residence permit for participation in elections” section 42, art. 1973aa-1., “Prohibited actions - Confusion, threats and coercion by officials” section 42, art. 1973i.

The Article 602 - “Conscious petition for political contributions”, the Article 603 - “Creation of political contributions by public servants, both elected and appointed, whose recipients are persons authorized or controlled by them”, the Article 606 - “Intimidation in order to secure political contributions”, the Article 607. “Application or receipt of a sum of money in excess of 5 thousand dollars for the reporting year for political purposes”, the Article 610. “Forcing a federal employee to make a monetary contribution or to refuse it” provides for punishment in the form of a fine of up to 5 thousand dollars and/or imprisonment for up to three years.

The Article 593 of Section 18 of the US Civil Code provides for punishment for “Interference of employees or officers of the US Army in the course of voting” in the form of a fine of up to 5 thousand dollars and/or imprisonment for up to five years, removal from office, deprivation of salary and trust from the United States, and the Article 1973i of Section 42 of the Civil Code

The United States provides for punishment in the form of a fine of up to 10 thousand dollars and/or imprisonment for up to five years., “voting more than once”.

## German Experience

There are only two articles in the German Criminal Code concerning encroachments on political and, in particular, the electoral rights of citizens, in which eight elements of the crime are concentrated.

§ 108 of the German Criminal Code - “Obstruction of the free use of electoral rights”, consists of two parts, the first of which provides for criminal liability in the form of imprisonment for up to five years or a fine, and in particularly serious cases – imprisonment for a period of 1 to 10 years, for those who unlawfully – through violence, threats of serious harm, abuse of professional or economic dependence, or through other economic pressure, forces another person to vote in a certain way or prevents him from exercising his right to vote according to his inner conviction. The second part states that an attempt on this act is punishable (Shestakov, 1998).

The Article § 107-C of the Criminal Code of Germany - “Violation of electoral secrecy”, for those who intentionally violate regulatory prescriptions that serve to protect electoral secrecy in order to obtain for themselves or for someone else information about how a person voted, establishes a penalty of imprisonment for up to two years or a fine (Shestakov, 1998).

The Article § 107 - “Obstruction of elections”, consists of two parts. The first part establishes that anyone who, by physical violence or the threat of its use, disrupts elections or hinders their conduct or the establishment of their results, is punished by imprisonment for up to five years or a fine, and in particularly serious cases – imprisonment for a term not less than one year. Since this article does not indicate the limit of severity of punishment, it should be noted that the maximum of imprisonment under the German Criminal Code is 15 years, which in turn means that for this act the offender may face up to 15 years in prison. And the second part states that an attempt on this act is punishable (Shestakov, 1998).

Voter fraud, according to the Article § 108-A

of the Criminal Code of Germany is punishable by imprisonment for up to two years or a fine, and the disposition of this article is set out as follows: who by deception will ensure that another person during the act of voting when submitting his vote was misled and voted against his true will or made the ballot invalid against his own will...

According to Article § 108-B - "Bribery of voters", anyone who offers, promises or guarantees gifts or other benefits to a voter for not taking part in voting or will vote in a certain way is punishable by imprisonment for up to 5 years or a fine. Moreover, under German criminal law, the same punishment is imposed on anyone who, in order not to vote at all or to vote in a certain way, demands, accepts or allows gifts or other benefits to be promised to him (Shestakov, 1998).

The Article § 107-B of the German Criminal Code "Falsification of election prerequisites" states: anyone who enters incorrect information about himself into the voter list; registers as a voter a person who knows that he has no reason to be included in the voter list; requires registration as a voter of a person, knowing that it has an active right to vote; admits the nomination of his candidacy in the elections, knowing that in reality he does not have a passive electoral right, is punished by imprisonment for up to six months or a fine of up to 180 daily rates, and this is if a more serious punishment is not threatened for this act according to the norms of other laws. And the article § 107-A of the German Criminal Code "Election fraud" consists of three parts (Shestakov, 1998).

The first part reads: Anyone who improperly participates in elections or provides incorrect data on election results or falsifies their result is punished by imprisonment for up to five years or a fine. According to the second part, anyone who publishes incorrect data on election results or permits such publication is subject to the same punishment, and the third part states that an attempt on this act is punishable.

## France Experience

Unlike other States, there is no definition of political and electoral rights in French legislation. But from the meaning of the existing acts, it can

be concluded that state crimes, in addition to crimes that are committed for political reasons, include the violation of the totality of citizens' rights that allow the latter to take an active part in the public and political life of the state, influence it, elect and be elected to the legislative and governmental bodies of France. Obstruction by someone of the exercise of these rights entails criminal or administrative liability of the guilty person.

According to the article L.98 of the Electoral Code of France (Code électoral, n.d.), - "Violation of the normal functioning of the electoral district by organizing noisy gatherings or threatening demonstrations, which will damage the exercise of the right to vote and free voting," is punishable by imprisonment for a term of three months to two years and a fine of 360 to 20 thousand francs.

The Article L.99. of the Electoral Code of France for aggressive violent actions or attempts to commit them in order to prevent voters from making their choice is punishable by imprisonment for a term of one to five years and a fine of 3,600 to 30,000 francs., and the Article L.100. establishes a measure of imprisonment from 5 to 10 years, in the case, if the perpetrators were armed or they violated the normal course of voting (Code électoral, n.d.).

And the Article L.101. states: if a crime was committed as a result of a pre-developed plan covering the entire Republic, or one or more departments, or one or more districts of the department, it is punishable by imprisonment for a term of 10 to 20 years.

For exceeding by an individual the amount of financial support established by law for a candidate, financial support of a candidate by a legal entity, receiving financial or material assistance from a foreign state the article L.52-8. provides for imprisonment for up to one year and a fine of up to 25 thousand francs or one of them.

An attempt, directly or through third parties, to influence the voting of one or more voters, to obtain their votes or to induce them to abstain from voting with the help of monetary or other gifts, promises, benefits, official favors or the provision of other special advantages, according to the article L.106., is punishable by imprisonment for a term of three months to two years and a fine of 18 thousand to 30 thousand francs. And the Article L.108. For the provision of gifts,

promises of gifts or the provision of administrative benefits in favor of the commune or any collective of citizens in order to influence the vote of the voters of the district or part of the voters is punishable by imprisonment for a period of three months to two years and a fine of 1800 to 30 thousand francs. Unlike a number of other States, the article L.109. And the Electoral Code of France notes: the penalty for violating the provisions of the articles D.106- D.108 is doubled if it is committed by a public servant (Code e'lectoral, n.d.).

For registration in the electoral lists under a false name, concealment of the fact of disenfranchisement, inclusion in two or more electoral lists, the article L.86. establishes punishment in the form of imprisonment for a period of one month to a year and a fine of 360 to 15 thousand francs, and for deceptive actions when issuing or preparing a certificate of entry into the electoral list or exclusion from it, the article L.87. provides for imprisonment for a term of one month to one year and a fine of 360 to 15 thousand francs or one of them. The introduction of a person by oral deception or forgery of certificates, as well as his exclusion from the list, by the article L.88., is punishable by imprisonment for a period of six days to one year and a fine of 180 to 15 thousand francs. In addition, the guilty person, as well as his accomplice, may be deprived of civil rights for a period of 2 to 10 years.

In case of participation in the voting of a person who has lost the right to vote by virtue of a court decision or due to commercial insolvency, the article L.91. establishes a penalty of imprisonment for a period of 15 days to 3 months and a fine of 72 to 15 thousand francs.

The Article L.94. establishes a penalty in the form of imprisonment for a term of 1 to 5 years and a fine of 1800 to 30 thousand francs, for the withdrawal of a part of the ballots by a person charged with receiving, sorting or counting the ballots submitted during the elections, or vice versa, their addition or distortion of their content, distortion of the name of the person entered according to the Article L.95., a person who, taking advantage of the voter's instruction to fill out his ballot, enters another surname, not named by him, is subject to the same punishment.

Failure to comply with the requirements of the law or regulations of prefects by members of the administrative or municipal commission in

the electoral bureau, in the bureau of mayors, prefectures or sub-prefectures before, during or any other fraudulent actions on their part that violate or attempt to violate the secrecy of voting, distort or attempt to distort the results of voting, the Article L.113. is punishable by imprisonment for a term of one month to one year and a fine of 360 to 15 thousand. or only one of them, and in cases where the perpetrator is a certified civil servant of the administrative or judicial corps, an employee or employee of the Government or public administration or an official of the ministry in charge of public service affairs, the punishment is doubled.

The Article L.116., establishes punishment in the form of imprisonment for a period of one month to one year and a fine of 360 to 15 thousand francs or one of them, for fraudulent actions that damage fair voting, violation or attempt to violate the secrecy of voting, change or attempt to change the results of voting, use or attempt to use a machine for voting in order to interfere with electoral operations or distort their results. According to the article L.103. - The theft of an urn containing empty and unassembled ballots is punishable by imprisonment for a term of one to five years and a fine of 3,600 to 30,000 francs, and if the theft was carried out in public and with the use of violence, it is punishable by imprisonment for a term of 5 to 10 years.

The Article L.91-1. for violation by a candidate of the prohibition of the use of commercial advertising in the press or with the help of audiovisual means during the election campaign, a fine of 10 thousand to 500 thousand francs is provided for. A visit by a person to a polling station with a weapon, the article L.96., is punishable by imprisonment for a period of 15 days to 3 months and a fine of 180 to 15 thousand francs.

An attempt by disinformation, spreading slanderous rumors or using other fraudulent means to influence the vote of voters, its distortion, as well as an attempt to induce one or more voters to abstain from voting according to the article L.97., is punishable by imprisonment for a term of one month to one year and a fine of 360 to 20 thousand francs. The Article L.98. establishes a penalty of imprisonment for a term of three months to two years and a fine of 360 to 20 thousand francs, for violating the normal functioning of an electoral district by organizing noisy gatherings or threatening demonstrations,

which will damage the exercise of the right to vote and free voting. Insulting a voter or committing violent acts against the electoral bureau or any of its members by their actions or threats, delaying or interfering with the conduct of electoral operations, the article L.102., is punishable by imprisonment for a term of one month to one year and a fine of 360 to 20 thousand francs. And in cases where the course of elections was violently violated, the same article applies a penalty of imprisonment for a term of one to five years and a fine of 3,600 to 30,000 francs.

The Article L.104. provides for severe punishment in the form of imprisonment for a period of 5 to 10 years, for violation of the course of elections by members of the bureau or representatives of the authorities entrusted with the protection of the ballots that have not yet been opened.

## Conclusion

Analyzing and summing up the results of criminal law regulations in the sphere of the formation of elected supreme public authorities in the represented states, our conclusion is that even from the perspective of constitutionalizing criminal law regulations, international experience is not flawless. It does not fully align with the latest principles outlined in constitutions and fails to encompass the entire philosophy behind constitutional regulations. In none of the studied States are crimes against elected public authorities considered crimes against the constitutional order. That is, in the countries represented, these types of crimes are also qualified as crimes against the constitutional rights and freedoms of a citizen. This, in turn, means that the criminal law regulations in the sphere of formation of elected bodies of these states do not correspond to the spirit of the constitutions of these countries. Summarizing the similarities and peculiarities of criminal law norms in the sphere of the formation of elected supreme public authorities in the represented states, the following can be distinguished:

1. Despite the fact that there are only four articles in the Criminal Code of the Russian Federation concerning encroachments on political and, in particular, electoral rights of citizens, it is worth mentioning that these articles encompass approximately twenty criminal el-

ements, which is considerably higher than the combined number found in the legislations of Germany and France.

2. There are only two articles in the German Criminal Code concerning encroachments on political and, in particular, the electoral rights of citizens, in which eight elements of the crime are concentrated.
3. Despite the fact that the German Criminal Code does not specify a specific term of imprisonment for obstructing elections, however, according to German criminal law, such an act can be punished up to 15 years in prison.
4. Among the Criminal Codes presented, only the German Criminal Code in the article § 108-b. - Bribery of voters, provides for punishment for not voting at all or voting in a certain way, requires, accepts or allows him to be promised gifts or other benefits.
5. Unlike the legislations of other States, there is no definition of political and electoral rights in French legislation, however, from the meaning of existing acts, it can be concluded that state crimes, in addition to crimes that are committed for political reasons, can include crimes related to the exercise of political and electoral rights.
6. The legislator of France clearly distinguishes between crimes committed by ordinary citizens and civil servants, moreover, taking into account the fact that the public danger when committing crimes of this kind by civil servants is greater, the legislator has established a more severe punishment for civil servants.
7. French legislation provides for the deprivation of civil rights for a period of 2 to 10 years for specific crimes.

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