

法務部調查局

# 廉政

105年工作年報

*Anti-corruption Annual Report 2016*

106年12月編製



Investigation Bureau, Ministry of Justice

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# 序言

Forewords



# 序言

## Forewords

我國為與國際反貪腐潮流接軌，同時兼顧公私部門廉潔及相關倫理規範，參考《聯合國反貪腐公約》，擬具「國家廉政建設行動方案」，闡述國家廉政建設的目標及策略，並整合「端正政風行動方案」、「掃除黑金行動方案」、「掃除黑金行動方案後續推動方案」及「反貪行動方案」，以建構國家廉政發展目標，創造清廉政府、誠信社會之願景。

To ensure that Taiwan keeps abreast with the anti-corruption trend internationally, and out of respect for the ethics rules binding public and private sectors within the country, we plan to initiate an action plan for National Integrity Building Action Plan taking reference from United Nations Convention against Corruption (UNCAC). In this action plan, we will detail the goals and strategies of our anti-corruption infrastructure, and combine several action plans together, including Proper Politics Action Plan, Corruption Elimination Action Plan, Follow-up Corruption Elimination Action Plan and Anti-corruption Action Plan with the hope of creating a government and a society of integrity.

廉政工作為本局整體工作之一環，工作目標以偵辦具指標性社會矚目重大案件為工作重點，讓民眾了解本局肅貪能量，以增強合作意願，擴大線索來源。另在案件偵辦上嚴格遵守程序正義及合乎比例原則，並以同理心注意偵辦對象之感受，精進各項偵查作為，在本局內外勤同仁齊心戮力下，肅貪成果相當豐碩，符合一般民眾及社會殷切之期待。

Anti-corruption is a part of the overall work of this Bureau, with objectives to focus on the investigation of major cases with social indicators to enable the public to understand the anti-corruption efforts of the Bureau and enhance their willingness to cooperate, thus expanding the source of the clues. At the same time, we should strictly follow the principle of procedural justice and proportionality in the investigation of cases, as well as with the same mind, pay closer attention to the feelings of people being investigated. Under the concerted efforts of field colleagues of the Bureau, the achievements made in the fight against corruption have been quite fruitful and are in line with the ardent expectations of the public and the community.

隨著大環境的轉變，為契合時代需求，本局秉持「行政中立、依法行政」原則，審

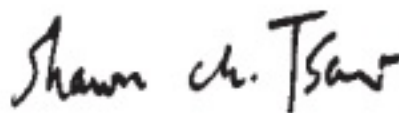
酌當前貪瀆現況及發展趨勢，廉政工作重點除深耕轄區經營外，亦針對易發生貪瀆舞弊之中央或地方各級政府機關，全力發掘貪瀆線索，整合辦案資源，採計畫性及團隊合作方式辦案，以期提升肅貪能量，在案件偵處上尤其強調掌握偵辦最佳時機，詳為證據調查，完備相關事證之蒐集，全面提升移送案件品質，建立本局公正執法形象。

In the wake of the changing political environment and along with current needs, the Bureau, upholding the principle of "administrative neutrality and legal administration", not only examines the current situation and trends of corruption to deep jurisdiction over the areas of operation, but also concentrates its anticorruption work on central and local government agencies at all levels that are prone to corruption and scandals. The Bureau intends to fully explore corruption leads, integrate resources of case handling, and adopt planning and teamwork methods for investigation, with a view to enhancing the energy of fighting corruption, placing special emphasis on grasping the best time for investigation, conducting detailed evidence investigation, and completing collection of relevant evidence, so as to comprehensively enhance the quality of transferred cases and establish an impartial law enforcement image of the Bureau.



謹識

中華民國 106 年 11 月



November 2017



# 編輯說明

Editing Description

# 編輯說明

## *Editing Description*

### 壹、編輯目的

#### I. Editing Purposes

法務部調查局（下稱本局）廉政處每年皆編輯出版廉政工作年報（下稱本年報），旨在提供讀者瞭解本局廉政工作內容及各年度執行概況，期望藉由年報逐年回顧與檢討，使本局廉政工作能不斷地精進調整。

The Anti-Corruption Division, Investigation Bureau (hereinafter referred to as the Bureau), Ministry of Justice compiles and publishes the Anti-Corruption Yearbook (hereinafter referred to as the Yearbook) on a yearly basis, aimed at helping readers understand the Bureau's anti-corruption work content and yearly investigation statuses, in anticipation that by the annual reflection and review of the Yearbook, the Bureau will be able to continually refine and adjust its anti-corruption work.

### 貳、內容說明

#### II. Content Description

1、本年報第一部分「調查局廉政處簡介」，係針對本局廉政工作之法令依據、組織沿革、業務分工、工作目標及工作重點作說明，期使外界瞭解本局廉政處之組織架構、工作理念及執行方式。

1.Part One of the Yearbook, Profile of the Anti-Corruption Division, Investigation Bureau, aims at describing the legal and regulatory basis, organizational timeline, operational task-sharing, work objectives, and work emphases of the Bureau's anti-corruption work, in hopes that all sectors can understand the organizational structure, work philosophy, and investigation methods of the Bureau's Anti-Corruption Division.

2、第二部分「廉政工作執行概況與成果」，係將本局廉政處於 105 年間業務推動情形，分案件偵辦工作及專業精進工作 2 部分，作統計分析與說明。

- 2.Part Two, Anti-corruption Work Implementation Status and Results, offers the statistical analysis and description on the operational promotional status of the Bureau's Anti-Corruption Division in 2016, which encompasses two parts – the case investigation and processing work and the proficiency refinement work.
- 3、第三部分「105 年社會矚目案件偵辦輯要」，係就本局 105 年間偵辦且當時受社會矚目與政府重視之案件中，擇取 4 案例簡要敘述其調查歷程與影響，俾讀者瞭解本局承辦案件之艱辛不易。（英文版年報不含此部分）
- 3.Part Three, Summary of Investigating High Profile Investigations in 2016 focuses on 4 major cases investigated by the Bureau in the year of 2015 that attracted attention from both society and the government by describing briefly the processes and influences of the investigation, so the readers can understand the difficulties the Bureau faces while undertaking cases. (This part is excluded from the English version)
4. 第四部分「105 年起訴案例簡介」，係篩選本局近兩年調查移送而檢察機關於 105 年間起訴之代表性案例 12 則，依案件類型編排，以方便讀者參閱各類型案件之犯罪態樣與手法。（英文版年報不含此部分）
- 4.Part Four, Summary of Prosecution Cases in 2016, discusses 12 representative cases investigated by the Bureau, which were referred to the District Prosecutors Offices in the past two years, and were then dealt with in 2016; these cases are arranged according to their case types, so readers can conveniently refer to the criminal patterns and techniques of the various case types. (This part is excluded from the English version)

## 參、凡例

### III. Notes

- 一、本年報所用各項單位，年以國曆為準，案件以案為準，犯罪嫌疑人以人為準，金額以新臺幣為準。其中案件數量之計算，於移送時，1 份移送書計 1 案；逕行起訴時，1 份起訴書計 1 案。犯罪嫌疑人人數之計算，以移送書犯罪嫌疑人或起訴書被告之人次為準。其他項目之計算單位，則分別於各文章或圖表中說明。
1. For the units referenced in the Yearbook, the year is calendar year, the case is in unit of case, the criminal suspects are in unit of person and the amount



is in unit of TWD (Taiwan Dollar). As for the counting of cases, when in the referral stage, each referral is counted as one case per document; in the indictment stage, one indictment is counted as one case. The count of criminal suspects is based on the number of suspects in referral, or as defendants in the indictments. The units of other items are described in articles or figures.

二、各項數字之百分比，依實際需要之位數，採四捨五入計算。

2. The percentage of the figures is according to the actual number of digits necessary, and calculated by rounding.

三、「貪瀆案件」與「非貪瀆案件」之區分，係以犯罪嫌疑人所觸犯之法條是否屬公務員身分犯（含適用刑法第 134 條規定加重其刑者）之法條為標準，若同案中有 1 人以上屬公務員身分犯，則該案件歸類為貪瀆案件。

3. The difference between corruption / malfeasance cases and non-corruption / non-malfeasance cases is based on whether the suspect is defined as a civil servant when violating the applicable law (including those applicable to additional penalties based on Article 134 in Criminal Code); if there is at least one civil servant involved in the case, then it is categorized as a corruption / malfeasance case.

四、「公職人員」包含高階公務員、中階公務員、低階公務員、準公務員及民意代表；「非公職人員」係指不屬前述 5 項身分之人。「高階公務員」係指簡任 10 至 14 職等或層級相當之公務員；「中階公務員」係指薦任 6 至 9 職等或層級相當之公務員；「低階公務員」係指委任 5 職等以下或層級相當之公務員；「準公務員」定義有二，一為 95 年 6 月 30 日前移送或檢方逕行起訴之案件，係指貪污治罪條例第 2 條修正前所稱受公務機關委託承辦公務之人，二為 95 年 7 月 1 日以後移送或檢方逕行起訴之案件，係指刑法第 10 條第 2 項第 2 款所稱受國家、地方自治團體所屬機關依法委託，從事與委託機關權限有關之公共事務之人；「民意代表」包含中央及地方之各級民意代表。

4. Public servant refers to high, middle and low-ranking civil servants, quasi-civil servants, and representatives; non-public servant refers to people other than the above five statuses. High-ranking civil servant refers to civil servants in position levels of 10-14, or equivalent; middle-ranking civil servant refers to civil servants in position levels of 6-9, or equivalent; low-ranking civil servants refer to civil servants in position levels of 5 and below, or equivalent. Quasi civil servant has two definitions; 1) cases referred to or prosecuted

by prosecutors before June 30, 2006, and those who were commissioned by government agencies before the amendment of Article 2 of the Anti-corruption Act; 2) cases referred to or prosecuted by prosecutors after July 1, 2006, and those who were commissioned by the central government, local self-governing organizations, and their subordinate organizations, and were involved in public affairs within the authority of commissioned units according to Subparagraph 2, Paragraph 2, Article 10 of the Criminal Code. Representatives include central and locally elected representatives at all levels.

- 五、「貪污金額」係指公務員、準公務員或其共犯因涉嫌貪瀆所獲之不法利益；「圖利金額」係指因公務員觸犯職務上或非職務上之圖利罪，受圖利人所獲之不法利益；「採購金額」係指採購案件中發生違法情事標案之決標金額或預算金額；「其他犯罪金額」係指不屬前述 3 項之犯罪金額。
5. Corruption amount refers to the illegal profits earned by civil servants, quasi-civil servants, or their accomplices while under suspicion of corruption. Profiting amount refers to the illegal profits generated by civil servants with mercenary intention, when utilizing the capacity of their offices. Procurement amount refers to the final tender price or budget amounts in procurement cases that involved illegal collusion. Others refer to crime amounts that did not belong to the above categories.
- 六、「主要適用法律」及「主要移送法條」，係指案件或犯罪嫌疑人所適用之法律（法條），若同一案件或犯罪嫌疑人觸犯 2 種以上之法律（法條）時，以法定刑較重之法律（法條）統計。
6. Key applicable laws and Key applicable articles on referral refer to the law applicable to the cases or to the suspects. When the same case or suspect is involved in offenses under two or more applicable laws, the heavier punishable law shall prevail.
- 七、「學歷統計」，以犯罪嫌疑人畢業之學歷為準，若屬肄業者，則以次一級之學歷統計。
7. Education statistics are based on the highest graduation level of the suspects; non- graduates are categorized in the next lower education level.

# **第一部份**

Part One

## **調查局廉政處簡介**

Profile of the Anti-Corruption Division,  
Investigation Bureau

# 第一部分

*Part One. Profile of the Anti-Corruption Division, Investigation Bureau*

## 調查局廉政處簡介

# 第一部分 調查局廉政處簡介

*Part One. Profile of the Anti-Corruption Division, Investigation Bureau*

## 壹、法令依據

### I. Legal and Regulatory Basis

修正前之法務部調查局組織條例第 2 條規定：「法務部調查局掌理有關危害國家安全與違反國家利益之調查、保防事項。前項調查、保防事項，由行政院定之。」謹就歷年來行政院修正核定本局職掌與廉政工作相關部分，簡要說明如下。

As stipulated under Article 2 of the pre-amended Investigation Bureau, Ministry of Justice Organization Act: The Investigation Bureau, Ministry of Justice is in charge of the investigative and safeguard matters related to the endangerment of national security and the violation of national interests. The aforesaid investigative and safeguard matters are to be defined by the Executive Yuan. An abridged explanation on what the Executive Yuan has amended and promulgated, over the years, of the Bureau's administrative responsibility and the portion related to the anti-corruption work is provided below.

行政院於民國（下同）45 年 8 月 27 日以臺 45（內）字第 4711 號令頒布本局 10 項工作職掌，其中第 5 項「貪污瀆職事項」及第 10 項「上級機關特交之調查保防事項」，即為本局執行廉政工作之法令依據。

In accordance with Order of Tai-45-(internal)-zi No. 4711 dated August 27, 1956, the Executive Yuan promulgated ten (10) administrative duties to the Bureau, in which the matters of “Corruption and Malpractice” prescribed in item 5 and “Investigation and Security Specially Handed over by Superior Authorities” in item 10 are the legal basis for the Division in executing the anti-corruption tasks.

自 80 年第 2 屆國民大會代表選舉開始，本局即奉行政院及法務部指示，以專案方式投入歷次選舉之賄選查察工作；迄 87 年 10 月 30 日，行政院以臺 87 法字第 53381 號函修正核定本局職掌為 9 項，其中第 4 項「貪瀆防制及賄選查察事項」，明確將查察賄選工作列為本局職掌，另第 9 項則將文字修正為「上級機關特交有關國家安全及國家利益之調查、保防事項」。

At the onset of the second National Assembly representative elections in 1991, the Bureau received instructions from Executive Yuan and Ministry of Justice through the means of special project to join the vote-buying investigation and crackdown work in successive elections; until October 30th, 1998, the Executive Yuan approved the Bureau's nine administrative responsibilities subject to Official Document No. 53381 issued by Ministry of Justice (1998), and among them, item 4 corruption/malfeasance prevention and vote- buying investigation and crackdown matters, has clearly enlisted vote-buying investigation and crackdown work as part of the Bureau's administrative responsibility, while item 9 has the text amended to pertinent national security and national interest investigative and safeguard matters specifically entrusted by superior agencies.

96 年 12 月 19 日，總統華總一義字第 09600170531 號令，修正公布法務部調查局組織法名稱（原名稱：法務部調查局組織條例）及全文 16 條；97 年 3 月 20 日，行政院授研綜字第 0972260255 號令，定自 97 年 3 月 1 日施行。該法第 2 條以列舉方式明文規定本局掌理之 20 項事項，其中第 4 款「貪瀆防制及賄選查察事項」及第 20 款「上級機關特交有關國家安全及國家利益之調查、保防事項」，即為本局執行廉政工作之法令依據。

On December 19, 2007, the Organic Act for Investigation Bureau, per Official Document No. 09600170531 issued by President's Office, Ministry of Justice (formerly the Organic Statute for Investigation Bureau, Ministry of Justice) amended and announced all 16 articles, going into effect on March 1, 2008 subject to the order issued by Executive Yuan No. 0972260255 dated March 20, 2008. Article 2 of said law itemized the Bureau's 20 categorized responsibilities, and among them, Subparagraph 4 - corruption/malfeasance prevention and vote-buying investigation and crackdown matters, and Subparagraph 20 - pertinent national security and national interest investigative and safeguard matters, specifically entrusted by superior agencies, provide the legal and regulatory basis of the Bureau's execution of anti- corruption work.



## 貳、組織沿革

### II. Organizational Timeline

本局廉政工作在民國 68 年 5 月以前，原由本局第一處負責辦理。由於是年我國政、經遭到鉅變，行政院為有效遏阻經濟犯罪，保障民眾權益，維護經濟秩序，經多次召集專案會議，於同年 5 月責令本局成立「經濟犯罪防制中心」，接辦原第一處有關犯罪調查業務，並報奉行政院 68 年 6 月 8 日台 68 法字第 5584 號函核准後正式運作。同年 8 月復依據院頒「端正政風整肅貪污方案」，將該中心擴編為「貪污及經濟犯罪防制中心」，以加強貪污及經濟犯罪之防制工作。

The Bureau's anti-corruption work, up to May 1979, was handled by Division One of the Bureau. Yet with drastic changes taking place in Taiwan's politics and economy that year, the Executive Yuan, in a bid to deter economic crime, safeguard the public equity, and maintain the economic order, summoned project meetings on a number of occasions, and, in May of the same year, ordered the Bureau to establish the Economic Crime Prevention Center to take over Division One's pertinent crime investigation operations. The Center was declared to and approved by Executive Yuan, subject to the Order No. 5584 to begin its formal operation on June 8th, 1979. In August of the same year, once again according to the Rectification of Political Practices and Eradication of Corruption Plan the Executive Yuan has promulgated, said center has been expanded and organized into the Corruption and Economic Crime Prevention Center in order to step up the prevention work against corruption and economic crime.

嗣因各界對澄清吏治、檢肅貪瀆之期盼日益殷切，本局乃奉行政院第 2095 次院會決議及行政院 78 年 2 月 14 日臺 78 法字第 3984 號函指示，於 78 年 2 月成立「肅貪處」專責辦理肅貪業務，置處長 1 人由副局長兼任、執行長 1 人、副處長 2 人，下設 5 個科，並就當時現有人力調派 505 人，在各外勤調查處、站成立肅貪科、組，另同時成立北、中、南、東 4 個地區機動工作組，專責偵辦重大貪瀆案件。至此，廉政工作遂與本局其他犯罪調查業務區隔，獨立為一重點工作。

Subsequently, in response to the increasing anticipation for administrative governance transparency and corruption/malfeasance eradication by all sectors of the society, the Bureau, as ordered by the Executive Yuan, subject to the Meeting Resolution of No. 2095 in Executive Yuan with Official Document No. 3984 issued by Ministry of Justice (1989) dated Feb 14th, 1989, has established the Division

Against Corruption in February 1989 to be specifically responsible for handling anti-corruption operations. This Division was manned by one Division Director, held concurrently by the Deputy Director General of the Bureau, one Executive Officer, two Division Deputy Directors, and was supported by five sections, where, by its existing manpower, 505 associates were staffed at the time. These associates were assigned to inaugurate Sections and Offices Against Corruption at various Field Investigation Department and Stations. Simultaneously, in northern, central, southern, eastern Taiwan, four Region Mobile Office Units were established to be specifically responsible for investigating and processing major corruption/malfeasance cases. At such point, the anti-corruption work has been segregated from the Bureau's other crime investigation operations as an independent focused taskforce.

79 年間，經研討再做業務上之精進與作業流程的改進，確立肅貪工作最高指導原則為「預防重於偵辦，偵辦也為預防」，報奉行政院 79 年 10 月 4 日臺 79 法字第 28363 號函核准，於 80 年 2 月 1 日將「肅貪處」更名為「廉政處」，除全面指導外勤調查處、站及機動工作組主動發掘偵辦重大貪瀆案件外，更積極協調各機關政風機構及稅、關務監（督）察等相關單位加強貪瀆預防的措施，以求達到端正政風，澄清吏治之目的。

In 1990, with further research made for operational refinement and process flow improvement, the anti-corruption work's foremost guidance principle was established as prevention outweighs investigation, and investigation is also made for prevention. A declaration made with the Executive Yuan on October 4th, 1990 has approved to rename the Division Against Corruption on February 1st, 1991 to Anti-Corruption Division subject to Official Document No. 28363 issued by Ministry of Justice (1990) which not only acts to instruct Field Investigation Divisions and Station, and Mobile Office Units to actively uncover, investigate, and process major corruption/malfeasance cases, but also to actively coordinate various agencies Government Employee Ethics Units and taxation and customs inspection (supervision) units to step up anti-corruption prevention measures in a bid to attain the objectives of rectifying political practices and bringing transparency to administrative governance.

嗣奉行政院 81 年 3 月 26 日第 33 次及同年 4 月 23 日第 34 次治安會報主席裁示，為加強公共工程弊端案件之防制與偵辦，本局於 81 年 5 月 1 日在廉政處成立「公共工程弊端防制專案小組」，負責規劃、推動、執行本項業務，另調派東部地區機動工作組全員

成立「重大公共工程弊端查察小組」，專責辦理重大公共工程弊端案件，並責成所屬各外勤處、站、組加強結合政風機構人員，針對該類案件強化情資之掌握，積極蒐證偵辦。

According to the Executive Yuan chairperson's rulings at the 33rd and 34th security enforcement meetings held on March 26th and April 23rd respectively in 1992, in order to step up the prevention, investigation, and processing of public works project fraud cases, the Bureau has on May 1st, 1992 established the Public Works Project Fraud Prevention Taskforce in the Anti-Corruption Division. It is responsible for planning, promoting, and implementing the operation. All members of the Eastern Region Mobile Office Unit were assigned to form the Major Public Works Project Fraud Investigation and Crackdown Taskforce. This taskforce is specifically responsible for handling major public works project fraud cases, and has also ordered various pertaining field departments, stations, and units to step up the integration of Government Employee Ethics Officers aiming at enhancing the grasp of information by an active gathering of evidence and pursuit of investigation and processing on such cases.

91年1月16日東部地區機動工作組歸建，另為簡化廉政案件審核流程、提升工作效能，秉持「案件指導一貫性」之原則，於同年7月1日起重新調整廉政處各科之業務分工如下：第一、二、三科為偵辦科，第四科為預防科，第五科為綜合科，原「公共工程弊端防制專案小組」業務歸第一科辦理，同時將原由第三科承辦之賄選查察業務移由第一科辦理，迄95年9月8日查賄工作復劃歸由第四科接辦。

On January 16th, 2002, the Eastern Region Mobile Office Unit was restructured. And also, in a bid to simplify the verification process of corruption cases and enhance work efficiency by upholding the case guidance consistency principle, the operational task-sharing for various Sections under the Anti-Corruption Division have been readjusted as of July 1st of the same year as follows: Sections One, Two, and Three are the Investigation Sections, Section Four is the Prevention Section, and Section Five is the General Section. The previous Public Works Project Fraud Prevention Taskforce is now revamped to being under the operations of Section One, while vote-buying investigation and crackdown operation once processed by Section Three was taken over by Section One, and from September 8th, 2006, the vote-buying investigation and crackdown work is reclassified and taken over by Section Four.

民國 90 年代，國內重大貪瀆弊案迭起，新聞媒體爭相追逐報導，社會大眾反貪腐意識高漲，法務部擬定之「反貪行動方案」於 95 年 11 月 30 日經行政院核定生效，從肅貪、防貪二方面著手整飭貪瀆、澄清吏治，本局為配合政府政策，經內、外勤單位多次開會研商後，研定「強化廉政工作方案」，從「簡化辦案流程」、「調整肅貪人力」、「修定績效評定要點」及「提高廉政工作績效比重及行政獎勵」，導引各外勤單位提升主動發掘案件能量，善盡主動調查權責，嚴守辦案程序正義，加速案件處理時效，偵辦重大指標性案件，並申設 0800-007-007 免付費「反貪腐專線」，鼓勵民眾踴躍檢舉，以具體行動展現反貪、肅貪決心。

From 2000 to 2010, with the repeated major anti-corruption cases in Taiwan drawing intense coverage by the news media, prompting the masses with rising anti-corruption awareness, the Ministry of Justice has formulated an Anti-corruption Action Plan, and the Executive Yuan has on November 30th, 2006 approved for it to go into effect. Eradicating corruption/malfeasance and upholding administrative governance transparency are approached from two aspects, corruption eradication and corruption prevention, which the Bureau, in supporting the government policy, has convened meetings with internal duty and field duty units on several occasions to study, discuss, and finalize the Stepped-up Anti-corruption Task Proposal, and this is to be manifested through Simplifying the case-processing flow, Adjusting the anti-corruption manpower, Amending the performance evaluation guideline, and Increasing anti-corruption work performance weighing and administrative rewards, by which to guide all field duty units to raise their energy in actively uncovering the cases, fulfill their powers and responsibilities in active investigation, strictly uphold justice in case processing procedure, accelerate case processing effectiveness, investigate and process major benchmark cases, and also to install a toll-free anti-corruption hot line 0800-007-007 to encourage the general public to send in tips and leads with tangible action to demonstrate their anti-corruption and corruption eradication determination.

96 年 12 月 19 日總統公布、97 年 3 月 1 日施行之法務部調查局組織法，將廉政處法制化，另法務部 97 年 10 月 17 日法令字第 0970803813 號令修正發布調查局處務規程全文 27 條，並溯自 97 年 3 月 1 日施行，依據第 4 條第 1 項第 2 款「廉政處，分五科辦事。」及第 6 條「廉政處掌理下列事項：一、貪瀆、賄選案件調查與預防工作之規劃、指導、協調及考核。二、上級機關特交有關國家安全與國家利益及廉政相關之調查。三、其他有關廉政事項。」即為 101 年 4 月 9 日以前廉政處組織及職掌現況。

The Organic Act for Investigation Bureau, Ministry of Justice, which was announced on December 19, 2007, by the president, went into effect on March 1, 2008 to legalize the Anti-Corruption Division. The Ministry of Justice also amended and announced all of the 27 Articles in the Investigation Bureau's Regulations for Departmental Affairs on October 17, 2008, subject to an order issued by Ministry of Justice No. 0970803813, which had been implemented on March 1, 2008. According to Subparagraph 2, Paragraph 1, Article 4, The Anti-Corruption Division is to carry out its mission through five sections, and Article 6. The Anti-Corruption Division oversees the following undertakings: I. The planning, guidance, coordination, and evaluation of corruption/malfeasance and vote-buying case investigation and prevention work. II. National security, national interest, and anti-corruption-related investigations specifically entrusted by superior agencies. III. Other pertinent anti-corruption undertakings, which were the status quo of organization and administration of the Anti-Corruption Division before April 9, 2012.

## 參、業務分工

### III. Operational Task-sharing

廉政處主管本局廉政業務，置處長綜理處務，副處長、簡任秘書襄助處理處務。

The Anti-Corruption Division is in charge of the Bureau's anti-corruption operations, and is headed by the Division Director, who oversees the overall management of departmental affairs, and the Division Deputy Director and Senior Secretary who assist with the processing of departmental affairs.

## 一、101年4月9日以前，廉政處下設5個科，各科業務分工分述如下：

A. Prior to April 9th, 2012, the Anti-Corruption Division is divided into five sections, where each section's operations task-sharing is described below:

第一科：掌理公共工程弊端案件、財物勞務採購舞弊案件之偵查偵辦、行政處理等策劃督導業務。



Section 1: In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, and monetary goods and labor rendered procurement fraud cases.

第二科：掌理北部及東部地區一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Section 2: In charge of the operational planning and supervision on the investigating and administrative processing of general corruption/malfeasance cases in the northern and eastern regions, and cases specifically assigned by superior agencies.

第三科：掌理中部及南部地區一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Section 3: In charge of the operational planning and supervision on the investigating and administrative processing of general corruption/malfeasance cases in the central and southern regions, and cases specifically assigned by superior agencies.

第四科：掌理查察賄選專案之規劃執行，移送案件偵辦流程複閱審查，貪瀆案例研究報告審核，本局內部網路廉政資料庫建置更新，廉政工作年報編輯，廉政工作手冊、犯罪調查作業手冊之編修訂等業務。

Section 4: In charge of operations on the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases, the review and approval of the study reports of the corruption/malfeasance cases, the installation and update of the internal network anti-corruption database of the Bureau, the editing and compiling of the anti-corruption yearbook, and the compiling and amending of the anti-corruption work handbook and criminal investigation operations handbook.

第五科：掌理廉政工作之策劃管考、業務統計、教育訓練、績效評定等綜合業務，籌備公共工程諮詢委員會議及不定期業務研討會議等，協調聯繫財政部賦稅署第四組等單位及辦理本處一般行政業務。

Section 5: In charge of general operations on the planning, monitoring, evaluation, business statistics, educational training, and performance evaluation of the anti-corruption work, the organizing of public works consultative committee meetings and irregular operations review meetings, the coordinating and contacting of Division Four, Taxation Agency, Ministry of Finance among other pertinent units, and the processing of the general administrative operations in the Division.

## 二、101 年 4 月 9 日以後，廉政處暫整合為 4 個科，各科業務分工分述如下：

B. As of April 9th, 2012, the Anti-Corruption Division has been temporarily restructured into four sections, where each section's operations task-sharing is described below:

北部偵辦科：掌理北部地區及金門、馬祖、宜蘭等地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

### Northern Region Investigation Section:

In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the northern region, and Kinmen, Matsu and Yilan areas, and cases specifically assigned by superior agencies.

中部偵辦科：掌理中部地區及花蓮、臺東等地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

### Central Region Investigation Section:

In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the central region, and Hualien and Taitung areas, and cases specifically assigned by superior agencies.



南部偵辦科：掌理南部地區及澎湖地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Southern Region Investigation Section:

In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the southern region and Penghu area, and cases specifically assigned by superior agencies.

賄選查察科：掌理廉政工作之策劃管考、業務統計、教育訓練、績效評定等綜合業務，籌備公共工程諮詢委員會議及不定期業務研討會議，協調聯繫財政部賦稅署監察組及關務署督察室等單位，檢調業務連繫，查察賄選專案之規劃執行，移送案件偵辦流程複閱審查，貪瀆案例研究報告審核，本局內部網路廉政資料庫建置更新，廉政工作年報編輯，廉政工作手冊、犯罪調查作業手冊之編修訂及辦理本處一般行政業務。

Vote-buying Investigation Section:

In charge of general operations on the planning, monitoring, evaluation, business statistics, training, and performance evaluation of the anti-corruption work; organizing consultation committee meetings for public projects and operations review meetings on an irregular basis; coordinating and contacting Taxation Agency and Customs Administration under Ministry of Finance as well as other units to review coordination among different units; reviewing the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases; reviewing and approving the case studies of the corruption/malfeasance cases; building and updating internal anti-corruption database; editing and compiling anti-corruption yearbook, manual and criminal investigation operations SOP, as well as administrative works.

### 三、104 年 10 月 1 日以後，廉政處分設 4 個科，各科業務分工分述如下：

C.From October 1, 2015, the Anti-Corruption Division established four sections, with different duties as follows:

貪瀆情資科：掌理貪瀆不法情資處理，透過橫向聯繫機制，綜整並研析貪瀆情資；配合本局廉政業務現況，進行本處相關資訊系統之開發、管理、維護，整合本局內部系統資料及外部公開資訊，建立完整地理資訊系統，以利發掘貪瀆不法線索。

Corruption and Malfeasance Intelligence Section:

To handle and deal with corruption and malfeasance intelligence through horizontal linkage mechanisms as well as consolidation and analysis of corruption intelligence information. In line with the current situation of our integrity businesses, the Bureau has carried out the development, management, and maintenance of its internal system information and external public information to establish a complete geographical information system to explore unlawful clues.

北部偵辦科：掌理北部地區及金門、馬祖、宜蘭、花蓮及臺東等地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Northern Investigation Section:

Handle public works defects cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; supervision and monitoring the administrative planning of the northern region and regions of Kinmen, Matsu, Ilan, Hualien and Taitung.

南部偵辦科：掌理中部、南部地區及澎湖等地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Southern Investigation Section:

Handle public works defects cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; supervision and monitoring the administrative planning of the central, southern and Penghu regions.

賄選查察科：掌理廉政工作之策劃管考、業務統計、教育訓練、績效評定等綜合業務，籌備公共工程諮詢委員會議及不定期業務研討會議，協調聯繫財政部賦稅署監察組及關務署督察室等單位，檢調業務連繫，查察賄選專案之規劃執行，移送案件偵辦流程複閱審查，貪瀆案例研究報告審核，本局內部網路廉政資料庫建置更新，廉政工作年報編輯，廉政工作手冊、犯罪調查作業手冊之編修訂及辦理本處一般行政業務。

#### Vote-Buying Investigation Section:

handling comprehensive businesses of planning control and examination, business statistics, education training, performance evaluation, preparation of Public Works Advisory Committee meetings and occasional business seminars, coordination and liaison among units of the Taxation Administration, MOF and Inspectorate of the Customs Administration and, link with investigator and inspector businesses, investigating the implementation of the planning and execution of bribery projects, transferring case investigation process and review, reviewing and studying corruption cases, establishing and updating the Bureau's internal network integrity databank, compiling and editing the annual report of integrity works, integrity service manual, crime investigation manual, and other general administrative duties.

## 肆、工作目標

### IV. Work Objectives

#### 一、查緝重大貪瀆，貫徹肅貪決心

##### A. Determination of implementing the corruption eradication for corruption crackdown

本局素為我國肅貪機關之一，五十餘年來肩負整飭貪腐使命，累積豐富貪瀆案件偵辦經驗，除培養出大批幹練的第一線調查人員外，亦建置精實的科技、鑑識與通訊監察等後勤支援，可謂是一支訓練精良、組織嚴謹的肅貪打擊部隊。

The Bureau, one of Taiwan's corruption eradication agencies, has consistently shouldered the mission of eradicating corruption and graft for more than fifty years, and has accumulated an abundance of corruption/malfeasance case investigation and processing experience. Not only has it culminated many frontline investigation personnel, but also installed solid logistical support, such as technology, forensic identification, communication, and surveillance, making it a well-trained, highly organized anti-corruption infiltration unit.

政府為展現打擊貪腐決心，回應民眾期許，於 100 年 7 月 20 日成立專責廉政機構—法務部廉政署，從事反貪、防貪與肅貪工作，惟仍期許本局繼續執行原來職掌之一「貪瀆案件調查工作」，與廉政署分進合擊，為建設廉潔家園而共同努力。是以，本局仍將秉持

一貫的肅貪決心，側重案件偵辦，尤其專注發掘層級高、集團性或犯罪金額龐大之重大貪瀆線索，以具體查緝行動，支持政府達成澄清吏治之目標。

The government, to demonstrate its determination in fighting corruption and graft and respond to public anticipation, has on July 20th, 2011 established a full-time anti-corruption institution – Agency against Corruption, Ministry of Justice. It is in charge of conducting anti-corruption, corruption prevention, and corruption eradication work, yet still anticipates the Bureau to continue executing one of its previous responsibilities, corruption/malfeasance case investigation work, and by working alongside the Agency against Corruption, they look to build a transparent and clean homestead of transparency through joint efforts. With that said, the Bureau will continue to uphold its consistent corruption-eradicating determination by focusing on case investigation and processing, particularly emphasizing on the uncovering of major corruption/malfeasance leads, such as those that are on a higher level, are of organized crime, or involve a substantial amount of money, and the tangible crackdown action to support the government's objective of achieving administrative governance transparency.

## 二、澄清政府採購，防制黑金介入

### B. Purging of governmental procurement to prevent the infiltration of illicit capital

本局偵辦公務員利用經辦公共工程採購、財物採購或勞務採購之機會從事收賄、舞弊等貪瀆犯行，歷年來均占當年度貪瀆案件偵辦類型之相當大比例。廠商為爭食政府採購，往往不擇手段，財力雄厚或勢力強大者則邀集他家廠商共同圍標，分配利益，另為確保得標或獲取更高額利潤，則對具影響力之公務員施以賄賂或其他手段，由於「額外成本」增加，因此履約必須偷工減料，然而為順利通過驗收，尚須再次對具影響力之公務員施以賄賂或其他手段。經此公務員與廠商分贓分食之政府採購，品質確實堪憂，公帑為之浪費，故本局廉政工作重點之一，在藉偵辦手段，嚴懲並防制黑金介入，尤以重大公共工程與巨額採購為注偵目標，期能建構一個公平潔淨的政府採購環境。

Over the years, the Bureau's investigation and processing of civil servants who seize the opportunity of engaging in corruption/malfeasance criminal conducts, such as accepting bribery and committing fraud through the processing of public construction procurement, monetary goods procurement, or labor rendered procurement have consistently accounted for a significant percentage of the types of corruption/malfeasance cases investigated and processed in that

particular year. Contractors, in fighting for government procurement, tend to be reckless, where well-heeled or powerful ones tend to call together other contractors to perform bid rigging and distribute the benefits. While, to ensure securing the bid or obtaining higher profit margins, these contractors would solicit influential civil servants with bribes or by other means. Due to increased extra costs, contractors would be invariably led to jerry build in order to meet contract requirements; however, to successfully pass the acceptance inspection, there is the need to once again solicit influential civil servants with bribes or by other means. Through colluding and sharing the proceeds of government procurement between civil servants and contractors, the quality becomes worrying, and public funds are wasted, thus one of the Bureau's anti-corruption work focuses, through the means of investigation, is on the severe punishment and prevention of illicit funding infiltration, particularly honing in on major public works and large sum procurement as the focused investigation targets, in anticipation to construct a fair and clean government procurement environment.

### 三、提升查賄效能，端正投機選風

#### C. Enhancement of vote-buying crackdown performance to rectify electoral practices

賄選文化係貪瀆弊端發生主因，治本之道在結合檢察、調查及警察機關之力量，加強地方首長、民意代表選舉查察賄選工作，以收正本清源之效。歷年來，針對各項公職人員、農漁會或農田水利會選舉，本局皆成立專案配合檢察機關執行查賄工作，並全力動員內外勤同仁，機先發掘賄選情資，積極查處賄選案件，貫徹政府端正選風、維護選舉秩序之決心，藉以樹立公平乾淨的選舉環境。

With the vote-buying culture being the main reason leading to the occurrence of corruption and malfeasance practices, a permanent cure lies in the combination of strength of the prosecution, investigation, and police agencies, where they step up the vote-buying investigation and crackdown work on local senior official and representative elections to achieve effectiveness by getting to the root of the problem. Over the years, in response to various public servant, farmers and fishermen s association, or irrigation association elections, the Bureau invariably sets up a taskforce to support the prosecution agency in executing the vote-buying investigation and crackdown work, and also fully mobilizing its internal duty and field duty associates to uncover and obtain vote- buying information,



actively investigate and process vote-buying cases, by which to enforce the government's determination to rectify election practices and maintain the election order, and in turn to erect a fair and transparent voting environment.

## 四、強化蒐證品質，嚴守程序正義

### D. Strengthening of the evidence-gathering quality to uphold procedural justice

現行法院實務對於證據之證據能力，要求越趨嚴格，辯方也常以控方證據調查過程具有瑕疵為由，加以抗辯，因此提升本局偵辦案件之定罪率，達到懲奸除惡目的，是本局終極目標。本局於 93 年訂定各項辦案程序規章，並因應法規修正而隨時調整細部內容，每年亦舉辦廉政工作專精講習，其目的均在教育同仁嚴守程序正義，務使證據調查過程合乎法令，有效的證明犯罪嫌疑人犯罪。

With the current court practice becoming increasingly stringent with the evidential power of the evidence presented, the defendant often resorts to the counterargument that the evidence investigation process provided by the plaintiff contains defects; hence, increasing the conviction rate on cases that the Bureau investigates and processes and attaining the objective of punishing and eradicating the unscrupulous has been the Bureau's ultimate goal. In 2004, the Bureau formulated various SOPs and guidelines, and adjusted the details subject to law amendments in a timely manner. The Bureau has also held anti-corruption seminars on a yearly basis to remind and educate our fellow associates to strictly abide by procedural justice and to ensure that their evidence-gathering process conforms to the legal requirements. So when they prove any suspect to be guilty, they will be holding effective evidence in hand.

## 五、秉持行政中立，落實依法行政

### E. Upholding of the administrative neutrality to implement a lawful administration

「行政中立」是本局的一貫立場，為精實我國民主法治根基，無論涉嫌對象所屬政黨、地方派系或宗教，只要具有貪瀆、賄選等犯罪嫌疑，本局定當依法偵辦，進行調查，務使民眾感受「調查局是國家的調查局、民眾的調查局、服務的調查局」。

Maintaining administrative neutrality has been the consistent stance of the Bureau, and in a bid to strengthen the foundation of Taiwan's democracy, regardless of the political party, local fraction, or religion of the alleged suspects,



as long as there are suspicion of criminal acts, such as corruption/malfeasance, or vote-buying, the Bureau will invariably investigate and prosecute the cases in compliance with the law, ensuring that the general public is able to perceive that the service-oriented Investigation Bureau is here to serve the nation and the general public with the greater public good in mind .

## 伍、工作重點

### V. Work Emphases

## 一、案件偵辦工作

### A. Case Investigation and Processing Work

### (一) 貪瀆案件

#### 1. Corruption/malfeasance Cases

偵辦公務員貪瀆犯罪，是本局廉政工作核心業務。所謂「貪瀆案件」，指刑法第 10 條第 2 項規範之公務員違犯貪污治罪條例、刑法瀆職罪章、刑法第 134 條不純粹瀆職罪或其他法律規定具此公務員身分始得成立之犯罪案件。

The investigation and processing of civil servants corruption/malfeasance crime is the core operation of the Bureau's anti-corruption work. The so-called corruption/malfeasance cases refer to criminal cases where civil servants breach the Anti-Corruption Act stipulated under Paragraph 2, Article 10 of the Criminal Code, breach of Offenses of Malfeasance in Office Chapter of the Criminal Code, non-simple breach of Offenses of Malfeasance in Office as stipulated under Article 134 of the Criminal code, or where a civil servant identify is required as stipulated by other laws before a case may sustain.

本局一旦發現貪瀆案件線索，即立案進行調查，務求毋枉毋縱。然而有若干線索，如廠商圍標借牌行為、司法詐欺行為、民眾破壞國土行為、民眾觸犯環保法令之行為，形式上雖非屬前述「貪瀆案件」，惟鑒於該等行為與公務員勾聯之可能性相當高，本局亦予立案調查，經查證後認無公務員牽涉其中者，則列為「非貪瀆案件」。

When leads are discovered in corruption/ malfeasance cases, the Bureau immediately sets up a case to conduct investigation and upholds the principle of not charging falsely or condoning. Yet, a number of leads, such as the act of

contractor engaging in bid rigging or license borrowing, judicial fraudulent conduct, destruction of state property by members of the general public, acts of breaching environmental protection laws and regulations by members of the general public, may not formally fall under the aforesaid corruption/malfeasance cases, yet, in view of how such conducts have a high probability of being associated with civil servants, the Bureau would also set up a case to conduct investigation, and once investigated and verified that no civil servants are involved in it, the case would be enlisted as a non-corruption/non-malfeasance case.

公立學校教師、公立醫院醫護人員及公營事業機構人員，其身分於 95 年 7 月 1 日刑法修正前為公務員，如涉嫌貪瀆犯罪，當屬貪瀆案件。刑法修正後，前述人員絕大部分已非屬公務員，惟本局對於同樣涉犯侵占、詐欺、偽造文書等行為，仍予立案調查，亦列為「非貪瀆案件」。

Cases where public school teachers, public hospital medical staff, and public enterprise personnel, whose identities are classified as civil servants prior to the amendment of the Criminal Code on July 1st, 2006, allegedly involve themselves in corruption/malfeasance crimes, would be classified as corruption/malfeasance cases. Following the amendment of the Criminal Code, a majority of the aforesaid personnel is no longer public servants; however, the Bureau would still set up cases to conduct investigation on conducts that are constituted as embezzlement, fraud, forging and tempering of documents, and these cases would be enlisted as non-corruption/non-malfeasance cases.

## (二) 賄選案件

### 2. Vote-buying Cases

違反總統副總統選舉罷免法、公職人員選舉罷免法、農會法、漁會法、農田水利會組織通則及刑法妨害投票罪章之行賄與受賄行為，屬本局職掌「賄選案件」之範疇，均為本局查察對象。

The conducts of soliciting and accepting bribes that breach the Presidential and Vice Presidential Election and Recall Act, Civil Servants Election and Recall Act, the Farmers Association Act, the Fishermen Association Act, the Act of Irrigation Association Organization, and the offenses of interference with voting Chapter of the Criminal Code do fall under the scope of vote-buying cases under the Bureau's responsibilities, and are all investigation and crackdown subjects of

the Bureau.

### (三) 司法詐欺案件

#### 3. Judicial Fraud Cases

所稱「司法詐欺」案件，係指不肖之司法機關（含各級法院、檢察署、行政執行署等）、司法警察機關（含內政部警政署、行政院海洋委員會海巡署、國防部憲兵指揮部、法務部廉政署及本局）、監獄、看守所、矯正機構、稅務機關人員或律師、代書等其他人士，利用民眾處理刑事、民事、行政、執行、戒治、查處、行政救濟等案件時，因急迫、輕率、無經驗，復不嫻熟法律、訴訟程序，藉可活動打通關節、調任閒差、減免責任等名義，向犯罪嫌疑人、被告、當事人、受刑人、義務人或其家屬親友訛詐財物、挑唆包攬訴訟等案件。

Judicial Fraud cases refer to those cases relating to judicial authorities (including all levels of courts, Prosecutors Office, Administrative Enforcement Agency etc.), the judicial police (including the National Police Agency under the Ministry of the Interior, the Coast Guard Administration under the Executive Yuan, the Military Police Command under the Ministry of National Defense, the Agency Against Corruption under the Ministry of Justice and the Bureau), prisons, detention centers, correctional institutions, taxation authority staff, lawyers or other persons taking advantage of the people when dealing with criminal, civil, administrative, enforcement, correctional, investigative, administrative remedy and other cases due to either hastiness, inexperience, being unversed in the law or litigation proceedings, for purposes of taking bribes, sinecures, reducing responsibility, or blackmailing property as well as inciting and sweeping litigation and other cases to suspects, defendants, parties, litigants, obligors or their families.

To the criminal suspects, defendants, parties, torturers, obligors or their relatives and friends to blackmail property, incite cases such as litigation

## 二、專業精進工作

#### B. Professional Refinement Work

### (一) 教育訓練

## 1. Educational Training

終身學習是使公務員專業知能與時俱進的途徑，本局定期辦理廉政工作專精講習，不定期辦理內勤與外勤同仁間之業務意見交流會議，另依據業務需求與實務見解研編工作手冊，運用本局內部網路「廉政資料庫」提供最新資訊，例如將最新法令與行政規則、某特殊類型案件之成功偵辦經驗「案例研究」、擇錄各地檢署肅貪執行小組會議重要決議、法律意見、法務部一審無罪判決案例分析等資料置於其上，期使同仁嫻熟各項辦案程序與法律規章，加強偵查實務技巧，達到相互觀摩學習、經驗交流之目的，俾提升專業水準、增進工作績效。

With lifelong learning offering a viable means for civil servants to advance their professional competency to keep up with the times, the Bureau holds anti-corruption work refinement seminars on a regular basis, holds internal duty and field duty associates' operational opinion exchange meetings on an irregular basis, and also researches and compiles work handbooks based on operational needs and practical views, and uses the internal network, the anti-corruption database of the Bureau to offer the latest information; for example, uploading information, such as the latest laws, regulations and administrative directions, the successful investigation and processing experience of certain special types of cases in the form of case study reports, selective recordings of each prosecutors office s anti-corruption executive group meeting important resolutions, legal advice, and Ministry of Justice s first instance acquittal case analyses onto the database, in anticipation that the Bureau associates would be familiar with various case processing procedures and laws and regulations, by which to step up their practical investigative skills, achieve the goals of mutual observation and learning and experience exchange, and in turn to raise the professional standards and enhance the work performance.

## (二) 諮詢會議

### 2. Consultation Meetings

82 年 12 月 1 日成立「公共工程諮詢委員會」，敦聘國內公共工程相關領域之學者、專家及社會賢達擔任諮詢委員，透過會議召開，進行專題討論或以個案諮詢方式，提供各項防弊建議，加強公共工程調查評鑑方法，以防制弊端。本會諮詢範圍如下：

On December 1st, 1993, “The Public Works Consultative Committee”

was established. Taiwan's scholars, experts, and community leaders related to the public works field are hired to be consultative committee members, where they utilize topical discussions or case consultation means to offer various fraud prevention recommendations, by which to step up the investigation and evaluation methods of public works projects to prevent fraud. The commission's range of consultation is as follows:

1. 公共工程專業知識之諮詢。

a. Consultation on the professional knowledge of public works projects.

2. 公共工程之品質評鑑。

b. Quality evaluation of public works projects.

3. 公共工程實務問題之探討。

c. Exploration and discussion of problems in public works projects.

4. 其他防制公共工程弊端事項。

d. Other matters regarding fraud prevention of public works projects.

## 第二部份

Part Two

### 廉政工作執行概況與成果

Anti-corruption Work Implementation

Status and Results



## 第二部分

*Part Two. Anti-corruption Work Implementation Status and Results*

## 廉政工作執行概況與成果

## 第二部分 廉政工作執行概況與成果

*Part Two. Anti-corruption Work Implementation Status and Results*

### 壹、案件偵辦工作

#### I. Case Investigation and Processing Work

表 2-01 係 105 年本局廉政處案件偵辦工作整體概況，分「廉政案件」及「賄選案件」兩類，105 年共計偵辦 426 案，其中「廉政案件」359 案，含移送檢方偵查者 329 案，函送後經起訴者 18 案，其他本局配合檢方偵辦後檢方逕行提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者 12 案；「賄選案件」67 案，則係經本局配合檢方偵辦，由檢察機關於 105 年間提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者。

Table 2-01 depicts the overall state of the year 2016 case investigations and processing work of the Anti-Corruption Division of the Bureau, which is divided into two categories, namely anti-corruption cases and vote-buying cases, with a total of 426 cases investigated and processed in 2016. Among them, 359 cases pertained to anti-corruption cases, which comprised 329 cases that were referred officially to the prosecutors for indictments after investigations, 18 cases that were forwarded to the prosecutors with written reports and indicted afterward, and 12 other cases that the Bureau cooperated with the prosecutors in the investigation, whereby the prosecution agencies have brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2016. Another 67 cases pertained to vote-buying cases whereby the prosecutors brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2016 under the cooperation of the Bureau with prosecutors in case investigation.

為確實呈現本局在貪瀆防制及賄選查察案件偵辦工作之執行情形，自 92 年起，「廉政案件」之統計分析依據，由起訴資料改為移送資料，而「賄選案件」則配合實務運作情

形，維持以檢察機關處分資料為統計分析依據。105 年案件偵辦工作，仍將針對「移送案件」及「賄選案件」分別作專章介紹。

To accurately demonstrate the implementation of investigation and processing work regarding corruption/malfeasance prevention and vote-buying investigation and crackdown cases, starting from 2003, the basis of statistical analysis for anticorruption cases has been refocused from prosecutorial data to referral data, while the basis of statistical analysis for vote-buying cases is still on the panel data of the prosecutor's office in support of the practical operation state. The 2016 case investigation and processing work will be introduced separately in designated chapters focusing still on referred cases and vote- buying cases.

## 一、移送案件統計

### A. Statistics on Referred Cases

移送案件分為「貪瀆」及「非貪瀆」兩大類，以移送時之主要適用法條為分類依據。貪瀆案件類型，103 年前參照「國家廉政建設行動方案」例示之易發生弊端業務類別，計分為公共工程、採購、司法貪瀆、警政、消防、矯正、都市計畫、建管、地政、稅務、關務、金融、醫療、教育、工商登記、監理、殯葬、環保、破壞國土、河川及砂石管理、社福補助、補助款等 22 類，案件性質難以歸入該等特定類型者，則歸為「其他」類。非貪瀆案件則分為公共工程、採購、司法詐欺、醫療、教育、環保、破壞國土及其他等 8 類，其中司法詐欺類自 78 年起素為本局偵辦重點之一，屬上級機關特交事項，目的在維護良善司法風氣、發掘司法貪瀆線索；醫療、教育 2 類係因應 94 年刑法第 10 條公務員定義之修正，公立醫院醫師、公立學校教師及國營事業人員原則已不具公務員身分，不適用貪污治罪條例，惟該等人員執行業務涉及刑法侵占、詐欺、背信或其他犯罪之案件，本局業務分工仍劃歸廉政處辦理；至環保、破壞國土 2 類亦係上級機關特交事項，自 88 年起本局職掌涵括濫墾、濫葬、濫伐、盜採河川砂石、濫挖農地砂石、傾倒廢土、濫倒事業廢棄物等單純違反水土保持法、山坡地保育利用條例、水利法、森林法、都市計畫法、區域計畫法、殯葬管理條例、刑法竊盜罪、廢棄物清理法等法律之案件。

The referred cases comprise two major categories, namely corruption/malfeasance and non-corruption/non-malfeasance, which is classified based on the key articles applicable at the time of referral. The corruption/malfeasance case types, before 2014, through mirroring the type of fraud practices prone to occur as demonstrated in the National Integrity Building Action Plan, were divided into 22 categories, namely: public works, procurement, judicial corruption

and malfeasance, low enforcement, firefighting, correction, urban planning, construction management, land administration, taxation, customs affairs, financial affairs, medical care, education, company registration, motor vehicle management, funeral and interment, environmental protection, impairment of land conservation, rivers and gravel management, public welfare subsidy, and subvention misuse, while those that were unable to be classified into these specific categories were grouped under the “others category”. Non-corruption/non-malfeasance cases were divided into 8 categories, namely: public works, procurement, judiciary fraud, medical care, education, environmental protection, impairment of land conservation, and others. The category of judiciary fraud has become one of the main focuses of investigation and processing by the Bureau since 1989, as instructed by the superior agency, with a goal to maintain a good judicial culture and to uncover judicial corruption and malfeasance evidence. The two categories, medical care and education, are a response to the 2005 amendment of the definition of civil servants in Article 10 of the Criminal Code, where in principle physicians in public hospitals, teachers in public schools, and staff of state-owned enterprises are no longer defined as civil servants. Thus, corruption/malfeasance laws, such as the Anti-corruption Act, are not applicable to them. However, the division of labor of the operations at the Bureau still assigned the processing of cases involving embezzlement, fraud, abuse of trust, or other criminal offenses of these personnel under the Criminal Code, to the Anti-Corruption Division. The two categories, environmental protection and impairment of land conservation, are also matters that the superior agency has assigned as priorities. Since 1999, the responsibilities of the Bureau covers cases, such as excessive cultivation, burial abuse, deforestation, illegal mining of sand and gravel in rivers, excessive digging of gravel in agricultural land, dumping of waste soil, and abuse of industrial waste disposal that simply violate laws, such as the Soil and Water Conservation Act, Slope Land Conservation Act, Utilization and Transfer of Reserved Mountainous Land Act, Water Act, Forestry Act, Urban Planning Law, Regional Plan Act, Mortuary Service Administration Act, Offense of Larceny of the Criminal Code, and Waste Disposal Act.

104 年後貪瀆案件類型配合法務部函頒「法務部辦理貪瀆案件涉案類別及特殊註記歸類原則」，涉案類別有（一）工商監督管理（二）金融保險（三）稅務（四）關務（五）電信監理（六）公路監理（七）運輸觀光氣象（八）司法（九）法務（十）警政（十一）消防（十二）營建（十三）民戶役地政（十四）移民與海岸巡防（十五）環保（十六）衛生醫療（十七）

社會福利(十八)教育(十九)農林漁牧(二十)河川及砂石管理(二十一)軍方事務(二十二)外交事務(二十三)國家安全情報(二十四)國有財產管理(二十五)國營事業(二十六)行政事務(二十七)其他等共 27 個類別標準，特殊貪瀆案件註記分 5 大項(一)採購案件(二)破壞國土(三)補助款(四)公款詐領(五)替代役。非貪瀆案件亦比照上述分類進行歸屬，以便完整呈現本局案件偵辦移送成果，本年報為整體說明及明確歸屬統計，對於採購案件不另細分工程、財物、勞務屬性及其採購標的金額級距。

After 2015, the Bureau re-categorized the types of corruption cases to comply with the announcement by the Ministry of Justice entitled “Categories and Principles of Special Notation for Corruption Cases”. The categories include the following: (1) Supervisory management for industry and commerce (2) Banking and insurance (3) Revenue (4) Customs affairs (5) Telecommunication regulation (6) Highway administration (7) Transportation, tourism and weather (8) Justice (9) Legal (10) Law enforcement (11) Fire department (12) Construction (13) Civil affairs, household registration, military service, and land administration (14) Immigration and coast guard (15) Environmental protection (16) Medical services (17) Social welfare (18) Education (19) Agriculture, forestry, fishery and animal husbandry (20) River and gravel management (21) Military affairs (22) Foreign affairs (23) National security intelligence (24) National properties management (25) State-owned enterprises (26) Administrative affairs (27) Others. A total of 27 categories were listed. There are 5 categories for special corruption case notations, including (1) Procurement (2) Vandalizing national lands (3) Allowances (4) False claim for public funding (5) Alternative military service. Non-corruption/non-malfeasance related cases should be categorized according to the aforementioned standards as well, in order to categorize the performance of the Bureau realistically. The Bureau does not specify the nature of procurment projects related to engineering, financial and labor or categorize the amount with tiers to provide a big picture and specific statistical data.

### (一) 歷年移送統計

#### 1. Statistics on Referred Cases over the Years

表 2-02 為 105 年移送各類型案件之案數、人數及涉案標的統計，保留表 2-02-1 則舊案件分類標準於 99 年至 103 年移送各類型案件之案數統計，便於對照新分類標準，完整呈現本局案件偵辦成果。

Table 2-02 shows statistical data for the number of cases regardless of categories, the total number of people involved and the amount of money involved in 2016. We reserved table 2-02-1 to enable readers to compare table 2-02 with the outdated categories from 2000-2014 to get a sense of the complete picture of the Bureau' s historical performance.

105 年總計移送檢察機關 329 案，其中「貪瀆案件」共 136 案 697 人，含公務員及準公務員 352 人、民意代表 26 人、非公職人員 319 人，與 104 年相較，移送案數減少 2 案，減少幅度 14.4%（2 案 /138 案）；移送犯罪嫌疑人數減少 9 人，減少幅度 12.7%（9 人 /706 人）。在 136 案貪瀆案件中，移送案數較多者為警政、其他及民戶役地政等類別案件。

A total of 329 corruption cases were referred to Prosecutorial Authorities, in which the "corruption cases" included 136 cases of 697 people, containing 352 civil servants and quasi- civil servants, 26 representatives of public opinion, and 319 non-public officials in 2016. Compared with 2015, the number of referred cases decreased by 2 cases, a decrease of 14.4% (2 cases vs. 138 cases); the number of referred criminal suspects decreased by 9 people, a decrease of 12.7% (9 persons vs. 706 persons). Among the 136 corruption cases, the major categories of those transferred were police administration, other, administrations of civil affairs, household registration, military service, and land administration.

「警政」類 27 案 149 人，包庇不予查緝賭場或有女陪侍聲色場所等案件，犯行主要與下列 3 項業務相關：（一）犯罪查緝，如收受非法吸金業者賄款後不予查緝、向查獲毒品持有者索賄後予以縱放、向非法持有槍砲及彈藥等管制武器者索賄後，加以縱放、收受電玩及賭場業者賄賂不予偵辦移送、機場駐衛警協助入境旅客攜帶免稅菸酒通關，以免遭查扣及行政裁罰；（二）行政取締，多與道路交通管理相關，如攔查超重違規車主後收受賄賂不予舉發、在處理交通肇事現場中向肇事者索賄後，對無照駕駛交通違規不予取締開單、查獲逾期居留外籍人士索要賄款後，予以縱放；（三）經辦警政採購業務，如航空警察局警官經辦託運行李 X 光檢查儀採購案，於索取回扣後協助不具參標資格廠商得標承攬標案等。

There were 149 people in 27 cases in the category of "Police Administration" which mainly covered gambling places or women's courtesy venues relating to the following three businesses: (1) Criminal investigation, such as accepting bribes from illegal gold buyers without eradication, sets free or facilitates the escape of drug holders after receiving bribes, solicits bribes from holders of controlled



## **P**art Two. Anti-corruption Work Implementation Status and Results

### 第二部分 廉政工作執行概況與成果

weapons such as guns and ammunition and then sets them free or facilitates their escape, receiving bribes from dealers of video games and casinos without referring them to investigate, and airport guards helping passengers carry duty-free tobacco and alcohol to pass customs clearance so as to avoid being seized and receiving administrative penalties; (2) Administrative bans are more related to road traffic management, such as receiving bribes from owners of overweight vehicles without accusation, solicit bribes from car accident perpetrators with no driving license in traffic accidents without ticketing, receive bribes from overdue stay foreign nationals and then set them free ; (3) Those who handled policing procurement business, such as aviation police officers handling luggage X-ray inspection; (4) instrument procurement cases that assisted manufacturers without the qualification to attend bids after obtaining a rebate.

「民戶役地政」類 14 案 48 人，犯行主要有：殯葬管理所員工藉辦理遺體火化之機會，以民間習俗點火、撿骨需給紅包為由，向殯葬業者索賄、區公所民政人員為使延宕已久之祭祀公業派下員公告徵求異議案儘速結案，圖利祭祀公業管理人核發派下全員證明書、原住民鄉公所土地管理所人利用承辦變更土地權利職務之便，向不知情申請人誣稱可將原住民保留地移轉變更登記給申請人，並要求支付賄款、區公所民政課人員利用辦理鄰長文康活動之機會，圖利未實際參與活動人員給予經費補助、里長利用職務上僱工清掃里內環境向區公所核銷里基層工作經費之機會，浮報雇工薪資詐領補助經費、鄉公所財經課人員將依法不得讓售予私人之鄉有土地，與土地代書勾結共同索賄後，轉售給私人等。

There were 14 cases of 48 people in the category of “Civil affairs, household registration, military service, and land administration” who mainly committed the following crimes: staff of mortuary services office solicited red-envelopes from funeral industries by taking the opportunity of cremating corpses based on folk customs of lighting a fire and picking up the bones; the issuance of full certificates by district civil office staff in order to close long-term delayed cases of notices for seeking objections of being publicized by successors of ancestor worship guilds as soon as possible, as well as providing benefits to managers of ancestor worship guilds; land allocation agents of Indigenous Township Offices who take advantage of undertaking a change of land rights to claim that the aboriginal reservations can be transferred to unscrupulous applicants, and then request payment of bribes; staff of district civil affairs sections take advantage of the opportunity in handling cultural and sports activities of neighbors to provide benefits to those who did not actually participate in such activities; borough



chiefs who took advantage of their positions by writing off the funding of grass-roots work in cleaning the environment within the district office by exaggerating employment wages to defraud allowed subsidies; and staff of Township Public Finance sections who colluded with land clerks to illegally resell township-owned lands to private people.

「其他」類 22 案 76 人，犯行主要有：公營行庫行員利用經辦代收稅款業務之機會，未依規定解繳國庫及受委託機構，加以侵占並移作他用、利用擔任縣、市議員期間，以人頭或虛報不實薪資，向議會詐領公費助理補助經費、立法院職員利用經辦憑證系統更新採購案，向有意承攬廠商索取回扣，配合業者採限制性招標，並內定特定業者承作，同時浮編採購價額，協助廠商得標承攬獲有不法利益、擔任市議員期間以國內經建考察名義，並未實際從事國內經建考察有關之活動，亦未支付旅行社任何費用款項，向旅行業者取得不實代收轉付之收據，據向議會核銷經費、水電工程業者行賄縣議員後，由縣議員向縣政府爭取補助款，內定特定業者承攬施作，配合業者指定受補助鄉鎮市公所辦理採購。

There were 76 people in 22 cases in the "Others" category with main offenses as follows: public bank staff that took the opportunity of handling the tax collection business but failed to submit to the treasury and the entrusted institution according to the regulations; county/city council members use head counts or false salaries to defraud public assistant subsidies from the council; staff of Legislative Yuan who use the procurement of voucher system update to request rebates from suppliers who intended to obtain the contract, as well as to match with companies to adopt restrictive bidding and to predetermine a specified company to undertake bids and, at the same time, doctored purchase prices to assist suppliers to obtain the contract and to obtain illegal profits; city council members who did not actually engage in activities related to inspection of domestic economic construction nor pay any fees to travel agents, but obtained false receipts from said agents and submitted them to government for expenses reimbursement; after receiving bribes, the county councilors fight for subsidies from county government which, in line with the instructions of bribers, predetermined specific industries to contract for procurements with township municipal offices.

表 2-03 統計資料顯示，貪瀆案件中與政府採購相關之「公共工程」類及「採購」類，無論移送案數、犯罪嫌疑人數、貪污金額或圖利金額，均占一定程度之比例，顯見政府採購仍係不肖公務員或民意代表與業者勾結，藉以攫取不法利益之主要工具。其餘不涉政府

採購事項者，通常係公務員或民意代表假借職務上之權力之機會，謀取私利、詐取公款、收受賄賂等貪瀆行為。

The statistics of Table 2-03 show that the corruption cases in the categories of "Public Works" and "Procurement" related to government procurements, regardless of the number of referred cases, the number of suspects, the amount of corruption or illegal benefits, all accounted for a certain percentage. It obviously revealed that there is still much collusion between unscrupulous civil servants or public opinion representatives and industries in government procurements, which is a main tool for them to seize unlawful interests. Others that were not involved in government procurement matters usually were civil servants or representatives of public opinion who tried to obtain illegal personal gain, defraud public funds, or receive bribes by virtue of the power of office opportunities.

105 年移送之「非貪瀆案件」共 193 案 493 人，含公務員及準公務員 31 人、民意代表 6 人、非公職人員 456 人，較 104 年減少 52 案 252 人，減少幅度分別為 21.2% (52 案 / 245 案) 及 33.8% (252 人 / 745 人)。

A total of 493 people in 193 "non-corruption cases" referred in 2016 comprised 31 civil servants and quasi civil servants, 6 representatives of public opinion, 456 non-public officials and, compared with 2015, there was a decrease of 52 cases of 252 people, at a decreases rate of 21.2% (52 cases / 245 cases) and 33.8% (252 persons / 745 persons), respectively.

表 2-03 顯示，非貪瀆案件以採購案件移送案數居多，並分散在其他項目中，犯罪事實多係投標廠商違反政府採購法第 87 條各項罪名者「其他」類案件 57 案，其他有司法詐欺、民眾盜採砂石、違法開發山坡地、竊佔國有地搭建住屋或經營農牧事業、非都市土地使用違反縣市政府編定用途者；再次為「教育」類案件 26 案，犯罪事實多係詐領校務經費或侵占家長會相關經費等；至「國營事業」類案件 23 案中，協助公司行號竊電、詐領交通或其他津貼等。

Table 2-03 shows that the number of non-corruption cases referred to procurement was scattered among other items, of which the crime facts of 57 cases mostly belonged to the violation of various provisions of "Others" stipulated in Article 87 of the "Government Procurement Act". In addition, there were also judicial fraud, grabs and sewers stealing, illegally exploiting hillsides,

stealing or occupying state-owned lands to build houses or operate farming and animal husbandry businesses, and the use of non-urban land in violation of the government-designated purposes of counties and cities; followed by 26 case of the "Education" category, in which the criminal facts were more fraudulence of school funds or embezzlement of parent association related funds; As for the 23 cases of "State-owned enterprise" category, they mainly consisted of assisting companies in stealing electricity, cheating on transportation expenses or other allowances.

非貪瀆案件之偵辦，主要係因公務員涉嫌貪瀆之線索於查證後，貪瀆部分犯罪事證不明確，或公務員所犯之法律非屬貪瀆罪名，或非屬刑法第 10 條第 2 項各款所定義務公務員身分，如學校教職員工、公營事業員工等涉犯刑法或其他刑事法規，因此最後以非貪瀆案件移送地檢署。該類案件，內容多與公務員之風紀及公務機關形象關係密切。例如在非貪瀆類採購案件中，承辦採購業務之公務員與投標廠商合意圍標，該公務員雖未歸類為貪瀆罪犯，但嚴重破壞政府機關風紀；又如司法詐欺案件中，未具律師執業資格，向提訟民眾謊稱是律師，可為案件代理人進行訴訟或以仲介行賄之名行詐騙之實，亦破壞司法的公正形象。因此，是類案件之偵辦對廉潔政府之建立亦有相當助益，即使並非直接涉嫌貪瀆，仍有杜絕必要。

The investigation and processing of non-corruption/non-malfeasance cases primarily begins after the verification of the evidence about the alleged involvement of civil servants in corruption/malfeasance, where a portion of criminal evidence on corruption/malfeasance is deemed unclear, or the law a civil servant has breached is other than the charge of corruption/malfeasance, or people involved do not fall under the definition of civil servants under Paragraph 2 Article 10 in the Criminal Code - such as employees and teachers at school or staff in state-owned enterprise - become involved in crimes or violate other Criminal Codes, thus, eventually, these are referred to the prosecutor's office as non-corruption/non-malfeasance cases. Of said types of cases, the content is often closely related to the civil servants' ethics and government agencies' image. For example, of the procurement cases that fall under the non-corruption/non-malfeasance category, where a civil servant undertaking the procurement operation has colluded with bidders in bid rigging, even though said civil servant may not be classified as a criminal suspect of corruption/malfeasance, he or she has, however, severely sabotaged the government agencies' ethics; also, as in judiciary fraud cases, there were cases of people without a lawyer's license

claiming that they were lawyers and claiming legal fees from the general public by pretending to be allowed to process litigation cases for clients or take bribes as middlemen. This type of behavior also infringes on people's faith in our judicial system. Consequently, the investigation and processing of such type of cases also contributes greatly to establishing a clean government, and even if the cases do not involve corruption/malfeasance directly, it is still necessary to eliminate the crime.

值得注意的是，法務部廉政署（下稱廉政署）於 100 年 7 月 20 日成立<sup>1</sup>，在此之前，本局為我國職司廉政業務之唯一司法警察機關，此後二機關共同肩負貪瀆犯罪調查重任，本局不再獨占肅貪業務優勢，雖推行多年的防貪工作中止，惟核心業務—肅貪工作（即案件偵辦工作）及反貪繼續貫徹執行，持平而言，此項變革影響較大者應在外部因素—線索來源，除民眾檢舉多了一個選擇管道，中央及地方機關政風機構線索通報匯集廉政署，對本局受理的線索數量仍具一定程度衝擊，而線索乃案件啟動調查的「著力點」，優質線索有助於案件調查之成功遂行，係影響調查機關案件偵辦工作總體成效的因素之一。

It's worth noting that the Agency Against Corruption, Ministry of Justice (hereinafter referred to as AAC) was established on July 20, 2011<sup>1</sup>. Prior to this date, the Bureau was the only judicial police institute responsible for cracking down on corruption. Now, the two agencies collaborate to take responsibility for investigating corruption cases. The Bureau is no longer the only team that works on anti-corruption. Even though, after years of efforts in fighting and preventing corruption, this has now ceased to be one of our job descriptions, our core business of prosecuting corruption cases and anti-corruption action will continue to remain as part of our job. To be honest, what changes the most is that our sources of leads will be affected. People in Taiwan now have one more channel to report suspicious cases, and the central and local governments are required to report to the AAC, so our sources of leads will definitely suffer. Clues are the focus when initiating the investigation of a case. Quality clues help successfully carry out the investigation of cases, which is one of the factors that influences the overall effectiveness of case investigation and processing work of the investigating authorities.

1. 我國專責廉政機構，專責於國家廉政政策規劃，執行防貪、反貪及肅貪業務，成立初期首重防貪與反貪工作，於執行貪瀆或相關犯罪之調查職務時，與本局相同亦具有司法警察權，此外，全國各機關政風機構相關業務與組織人員管理等事項，歸由該署掌理。

1.A dedicated anti-corruption institute in Taiwan that is responsible for national anti-corruption policy planning, it executes the operations of corruption prevention and corruption eradication. In the beginning, it focused on corruption prevention work, where when executing investigation duties on corruption/malfeasance or related crimes, it also has judicial police powers, just like the Bureau. In addition, this Agency oversees matters related to operations in all the government ethics organizations and organizational personnel management, and so forth.



表 2-04 為本局 105 年移送案件之線索來源案數統計，並以圖 2-01 呈現該年度移送案件各類線索來源占全部移送案數之比例。我們發現：（一）整體線索來源前 3 名，分別為本局主動發掘、檢察署發交及其他，其中在貪瀆案件之各類線索來源中，主動發掘、檢察署發交亦是居於前 2 名；非貪瀆案件之各類線索來源前 3 名，亦與整體線索數排名相同。（二）政風機構提供線索且「成案」之案數占整體線索數之比例約 0.9%，在非貪瀆案件線索來源僅 3 案，係廉政署未成立前，由政風機構通報線索經偵辦移送，主要係全國各機關（構）政風單位發掘廠商圍標等單純違反政府採購法案件，透過檢察機關發交本局進行調查，以往來自政風機構提供線索，其中不乏一些優質、深具追查價值者，從中發掘貪瀆案件加以偵辦。（三）線索來源屬本局主動發掘<sup>2</sup>者，居全部各類線索來源之冠，比例約達 46.5%（153 案 / 329 案），在貪瀆案件及非貪瀆案件線索來源數均係各居第 1 位，主要係本局外勤單位同仁於經營轄區或透過運用關係蒐報相關不法情資，從中發掘涉案對象，主動立案加以偵辦移送，足見此類線索仍為本局執行肅貪工作的根本，亦為本局特有的無形資產。

Table 2-04 depicts the statistics about the number of clues sources of cases referred by the Division in 2016, and that Figure 2-01 presents the proportion of clue sources of various categories over all referred case. We found that: (1) Sources of the top three clues were those that were actively explored by the Division, handed over by Prosecutors Offices, and others. Among the sources of corruption cases in various clues, the first two were actively explored by the Division and handed over by Prosecutors Offices; while the rank of the top three clue sources of non-corruption cases in various categories were the same as those of whole clue quantity. (2) The number of “established cases” with clues provided form Government Employee Ethics Units accounted for 0.9% of the overall number of clues. In terms of non-corruption clues, there were only 3 cases, which were referred to investigation through the report clues of Government Employee Ethics Units before the establishment of the Agency. Those cases were mainly comprised of manufacturers’ bid rigging that violated the provisions of the “Government Procurement Act” and explored by the organs’ Employee Ethics Units of the country, and then referred, through prosecution authorities, to the Division for investigation. In the past, many clues provided from Government Employee Ethics Units of the government agencies were of high-quality as well as with deep pursuit value, from which corruption

2. 指本局外勤處站人員自行發現或蒐集犯罪嫌疑人不法資料後，通報本局立案偵處之案件。

2.Refers to the Bureau’ s field work personnel autonomously finding or gathering information on the suspect and then reporting it to initiate an investigation.

cases were dug out for investigation. (3) One source of clues was originated from the Division<sup>2</sup>, which ranked the highest of all clue sources, accounting for about 46.5% (153 cases / 329 cases) and ranking at the top in terms of the number of clue sources of corruption cases and non-corruption cases. This was mainly because our colleagues from field service units investigated their jurisdictions or used relations to uncover the evidence involved, and then voluntarily presented the case for investigation and reference. This shows that such clues are still the foundation of the Division's operation, as well as a unique and intangible asset in the implementation of fighting against corruption.

## (二) 移送法律統計

### 2. Statistics on Applicable Laws of Referred Cases

表 2-05 係統計 105 年各種類型移送案件主要適用法律情形。

Table 2-05 depicts statistics on the state of key applicable laws for the various types of cases referred in 2016

105 年移送之 136 案「貪瀆案件」中，以貪污治罪條例為主要適用法律移送之 119 案最多，占 87.5% (119 案 / 136 案)，詳細情形，併表 2-08 說明。次之，以刑法移送者計 17 案，占 12.5% (17 案 / 136 案)，犯罪嫌疑人有鄉鎮區長及公所職員、民意代表、警察、軍職人員、稅關務人員、縣市政府職員、鄉鎮、村里長，所犯罪名以公文書登載不實罪及洩露國防以外之秘密罪為主。

Of 136 “corruption cases” referred in 2016, the largest number of 119 cases were referred under the applicable law stipulated in the “Anti-Corruption Act”, accounting for 87.5% (119 cases / 136 cases). Details are given in Table 2-08. It is followed by 17 referred cases under the laws of the Criminal Code, accounting for 12.5% (17 cases / 136 cases). Those suspects included township mayors and staff, public opinion representatives, military personnel, tax officials, county government staff, township/village chiefs of which the crimes committed were mainly false publication of official documents and disclosure of secrets other than national defense.

105 年移送之 193 案「非貪瀆案件」中，以政府採購法移送之 127 案最多，占 65.8% (127 案 / 193 案)，其中又以該法第 87 條第 3 項「以詐術或其他非法之方法，使廠商無法投標或開標發生不正確結果罪」（俗稱詐術圍標）移送 82 案最多；以第 87



條第 5 項「意圖影響採購結果或獲取不當利益，借用他人名義或證件投標罪」（俗稱借牌投標）移送 35 案次之；以第 87 條第 4 項「意圖影響決標價格或獲取不當利益，協議使廠商不為投標或不為價格競爭罪」（俗稱聯合圍標）移送之 8 案再次之；其餘 2 案係 88 條第 2 項未遂犯移送。違犯該等政府採購法案件之犯罪嫌疑人，絕大部分是參與投標的廠商，涉案廠商所染指之採購案發包機關，除中央部會所屬單位、縣市政府或鄉鎮市公所、公立醫院、公立學校等外，公營事業也包含在內，其中不乏有軍事單位辦理採購，可見不肖廠商不因發包機關性質較為敏感特殊，而有所忌諱。

Of the 193 "non-corruption cases" referred in 2016, the 127 cases referred under the violation of the "Government Procurement Act" were the largest, accounting for 65.8% of total cases (127 cases / 193 cases). Among them, the majority were 82 referred cases that committed the crime of "A person who commits fraud or uses any other illegal means to make the supplier unable to tender or cause the opening of tenders to have an incorrect result" specified in Paragraph 3 of Article 87, "Government Procurement Act" (commonly known as fraudulent bid rigging); it was followed by 35 referred cases that committed the crime of "a person who borrows or assumes any other's name or certificate to tender, with the intent to adversely affect the result of procurement or to gain illegal benefits" specified in Paragraph 5, Article 87 of the same Act; 8 referred cases committing the crime of "A person who causes the supplier not to tender or not to proceed with price competition by means of contract, agreement, or other forms of meeting of minds, with the intent to adversely affect the price of award or to gain illegal benefits" specified in Paragraph 4 of Article 87 of the same Act; the remaining 42 referred cases were those committed the crime of "an attempt to commit an offense" specified in Paragraph 2, Article 88 of the same Act. Criminal suspects who violated the provisions prescribed in the "Government Procurement Act" were mostly suppliers who participated in tenders, which mainly focused on contracting cases of procurement agencies, including units affiliated with central ministries, county and township governments or township offices, public hospitals, public schools, public enterprise, and military units, which could acknowledge that suppliers were not sensitive to the nature of contracting authorities.

193 案「非貪瀆案件」中，以刑法移送之 47 案次之，占 24.4%（47 案 / 193 案），其中以「其他」類案件 19 案最多；屬「教育」類之案件有 14 案，均係觸犯普通詐欺罪，主要是公立國中小學教職員詐領活動費、出差費、上課鐘點費等；觸犯普通詐欺罪之「司

法詐欺」類案件則有 10 案，犯行以佯稱自己為律師，可協助處理官司，而後騙取受害人金錢，或係具律師資格，利用擔任案件辯護人，向當事人佯稱能疏通院檢而詐取財物，其餘有「環保」、「國營事業」等類別案件，多係涉犯偽造文書罪嫌。至於以其他法律移送者有 19 案，占 9.8%（19 案 / 193 案），有違反廢棄物清理法、水土保持法、區域計畫法等案件。

Among the 193 "non-corruption cases", 47 cases were referred under the Criminal Code, accounting for 24.4% (47 cases / 193 cases), of which 19 cases in the category of "Others" accounted for the majority; there were 14 cases in the category of "Education", all were guilty of ordinary fraud of staff in public primary and junior high schools that cheated activities fees, travel expenses, and class hour fees; 10 cases committing ordinary fraud of Judicial fraud included crimes of pretending to be a lawyer to help deal with lawsuits and then cheated victims' money, or qualified lawyers undertook defendant cases and used the excuse of being able to lobby the courts and prosecutors to swindle properties; the rest were cases guilty of ordinary frauds in "Environment protection" and "State-owned enterprises" categories; another 19 cases were referred by other laws, accounting for 9.8% (19 cases / 193 cases), with crimes of violating the Laws of "Waste Disposal Act", "Soil and Water Conservation Act", and "Regional Planning Act".

表 2-06 係 101 年至 105 年移送案件以「主要適用法律」作歸類之案數統計，圖 2-02 則顯示 105 年移送案件以「主要適用法律」作歸類之案數統計比例。

Table 2-06 is the referred cases from 2012 to 2016 that were the statistics of case numbers classified by the principal applicable laws. Figure 2-02 shows the cases referred in 2016 which were the case statistic numbers classified by "the main applicable laws".

本局偵辦之廉政類案件，歷年來均以貪污治罪條例之適用比例最高，其次為政府採購法及刑法，在 105 年貪污治罪條例 119 案占移送總數 36.2%（119 案 / 329 案）退居第二位，政府採購法 127 案占移送總數 46.7%（127 案 / 329 案）躍為第一位，刑法 64 案占移送總數 19.5%（64 案 / 329 案）仍居於第三位，主要係因 105 年積極清理單純政府採購案件之積案，所致排名變化；而適用其他法律者僅 19 案，占移送總數 5.8%（19 案 / 329 案），多為非貪瀆案件，其中廢棄物清理法係環保犯罪案件之主要適用法律，近五年來均高居第 4 位。

Over the years, the highest percentage of applicable laws for anti-corruption case was the “Anti-Corruption Act”, followed by “Government Procurement Act” and “Criminal Code”. In 2016, 119 referred cases violating regulations stipulated in “Anti-Corruption Act” dropped to the second place, accounting for 36.2% of all referred cases (119 cases/329 cases), while 127 referred cases violating provision prescribed in “Government Procurement Act” jumped to the first place, accounting for accounting for 46.7% of all referred cases (127 cases/329 cases), and 64 referred cases violating regulations specified in “Criminal Code” remained in the third place, accounting for 19.5% of all referred cases (64 cases/329 cases).

表 2-07 係 101 年至 105 年移送案件以「主要適用法律」作歸類之人數統計，圖 2-03 則顯示 105 年移送案件以「主要適用法律」作歸類之人數統計比例。

Table 2-07 shows the statistical number of referred cases classified as "principle applicable laws" from 2012 to 2016, and Figure 2-03 shows the statistical percentage of referred cases classified as "principle applicable laws" in 2016.

105 年以貪污治罪條例移送之犯罪嫌疑人人數為 493 人，占移送總數 41.4% (493 人/1,190 人)，以政府採購法移送者 440 人次之，占移送總數 37% (440 人/1,190 人)，再次為觸犯刑法罪名者 182 人，占移送總數 15.3% (182 人/1,190 人)。101 年至 105 年之移送人數排序，原則上依次為貪污治罪條例、政府採購法及刑法，至於以廢棄物清理法移送者，為數亦不少，近年排序位居當年度第 4 位或第 5 位。

The number of criminal suspects referred under the “Anti-Corruption Act” in 2016 was 493, accounting for 41.4% (493 persons /1,190 persons) of the total number of referred cases; 440 persons were referred by the “Government Procurement Act”, accounting for 37% of the total cases (440 persons / 1,190 persons); followed by 182 referred persons under the violation of Criminal Code, accounting for 15.3% (182 persons/1,190 persons) of the total cases. The sequence of relevant laws by which cases were referred were “Anti-Corruption Act”, “Government Procurement Act” and Criminal Code from 2012 to 2016. The number of persons who were convicted under the “Waste Disposal Act” were also significant, and ranked fourth or fifth place in the current year.

表 2-08 係 101 年至 105 年以貪污治罪條例移送之案件，各罪名適用情形。該表顯示

移送案數排名除 102 年及 105 年外，前 3 者為第 6 條第 1 項第 4 款、第 5 條第 1 項第 2 款、第 4 條第 1 項第 5 款，在近五年大致呈現相同之排序情形。

Table 2-08 shows the cases where offenses were referred according to the “Anti-Corruption Act” from 2012 to 2016. The ranking of the first three places shown in this table, except for 2013 and 2016, were offenses of Subparagraph 4, Paragraph 1 of Article 6, Sub-Paragraph 2, Paragraph 1 of Article 5, and Subparagraph 5, Paragraph 1 of Article 4, which showed a similar order sequence in recent years.

105 年以貪污治罪條例為主要適用法律者有 119 案，其中以同法第 5 條第 1 項第 2 款「利用職務上之機會，詐取財物者」移送 32 案最多，其次為同法第 4 條第 1 項第 5 款「違背職務收受賄賂罪」移送 30 案，再次為同法第 6 條第 1 項第 4 款「對於主管或監督事務圖利罪」移送之 24 案。

In 2016, there were 119 cases where the “Anti-Corruption Act” was the main applicable law, in which 32 cases were referred according to “fraudulently making others deliver personal property or a third person's property under cover of legal authority” stipulated in Subparagraph 2, Paragraph 1 of Article 5 of the Act, followed by 30 cases referred according to “demanding, taking or promising to take bribes or other unlawful profits by acts that violate official duties” stipulated in Subparagraph 5, Paragraph 1 of Article 4 of the Act, and 24 cases referred under “Intending to obtain profits from matters under one’s charge or inspection” specified in Subparagraph 4, Paragraph 1 of Article 6 of the Act.

以「利用職務上機會詐取財物罪」係公務員常觸犯的貪瀆罪名，犯行大致可歸納為 2 類，一係以虛偽人頭、發票或其他憑證向相關機關詐領公款，另一係利用民眾不諳公務員職務內容、權限範圍或作業規定而騙取民眾金錢，通常以第一類占大多數，犯罪嫌疑人利用請領經費機會，明知未墊支費用、未實際交易或舉辦活動，卻心存僥倖，持假造單據、不實人員名冊報銷請款，藉此欺瞞手段獲取金錢利益。105 年移送之 32 案：一、涉及政府採購業務者均屬第一類犯行，主要為中央或地方行政機關，向廠商索取不實發票核銷經費，或根本未購買器材或物品而逕將核銷款項歸入私囊。二、未涉政府採購業務者有補助款及「其他」等類型。犯行屬第一類者，有向機關申報與實情不符之出差旅費、膳雜費、加班費、薪資、特別費、助理費、村里基層工作費，或有利用辦理活動機會，事後以不實請領清冊、單據或偽造相關證明文件，核銷經費等。105 年查獲公務員「違背職務要求、期約或收受賄賂罪」計 30 案，多係犯罪嫌疑人監督或承辦公共工程及監工、驗收之權力，藉故刁難廠商，要求廠商招待前往有女陪侍酒店消費，配合給予展延工期及不實驗收、部



分亦以掌握發包資訊洩漏工程底價等招標訊息，向投標廠商收受取為數不等賄款或要求性招待、工程標案發包施作期間，承辦及督辦人員圖利承攬廠商，追加或調降預算金額，並索要賄款；另有不肖員警收取賭場、電玩、色情業者之金錢，護航不予查緝，或收受違規車輛車主賄款，以不予稽查取締為對價等。

There were 119 cases referred according to principle applicable laws of the "Anti-Corruption Act" In 2016, in which "the crime of taking advantage of his position to defraud property from people" is a crime of corruption often committed by civil servants. Such crime can be broadly classified into two categories of using false headcount, invoices or other certificates to defraud public funds from relevant agencies, and the other was to take advantage of the public not understanding civil servants job content, scope of authority or operating rules to defraud public money. Usually the first category accounted for the majority, by which the suspects took the opportunity to request funding knowing that the cost is not paid, fake transactions, not holding activities but presenting fake documents, invalid staff roster to apply for salary reimbursement in order to profit through such cheating ways. Crimes committed by 32 referred cases in 2016 mainly were as follows: 1. Those involved in the first category of crimes of government procurement operations were mainly central or local government agencies that requested false invoices from suppliers to write off expenses, or no purchase of equipment or articles at all but writing off the amount for self profit. 2. Those not involved in government procurement business but got subsidies, and "other" categories. The crimes of the first category included declaring travel expenses, meal expenses, overtime pay, salary, special fee, assistant fee, village grass-roots work costs that were inconsistent with actual spending, or taking the opportunity of handling activities and then using false apply registers, invoices or false certificate documents to write-off funds. In 2016, 30 civil servants were found guilty of "breach of duty to request, contract, or accept bribes". Most such criminal suspects were those with powers of supervising, contracting, monitoring or inspecting public works, who then requested suppliers to provide sexual-related entertainment for agreeing to performance period extensions, or conducting fake acceptance by making things difficult for manufacturers. Those also included ones who, during the contract performance period of engineering tender, to benefit the suppliers, the contractors and supervision personnel increased or reduced the amount of the budget and asked for bribes. In addition, there were unscrupulous police officers who received bribes from video gaming

industries or pornographers to provide protection through avoiding investigation, or receiving bribes from vehicle owners who violated traffic regulations without being banned and investigated.

以「對於主管或監督事務圖利罪」移送之 24 案中，多與政府採購業務相關之公共工程或採購類型案件為主，犯行主要有：明知投標廠商有圍標、借牌、資格不符等情形，不依法處理，卻護航得標承攬；明知得標廠商工程偷工減料、財物給付或勞務提供不符招標規範，卻仍驗收通過，讓廠商順利請款。

Among the 24 cases referred by offenses of profiting on matters under one's administration or supervision, cases mainly fell under the public works or procurement category that related to government procurement, and the criminal conducts primarily pertained to: conscious that a bidder was engaged in bid rigging, license borrowing, or was unqualified, yet took no action, and assisted the bidder to secure the bid; conscious that a contractor was jerry building during construction, and the property payments or the services provided are inconsistent with the tender specifications, yet still allowing it to pass the acceptance inspection and letting the contractor successfully obtain payment.

105 年查獲公務員「違背職務要求、期約或收受賄賂」計 30 案，此罪名與「對於職務上之行為，要求、期約或收受賄賂罪」不同之處，在於公務員收受賄賂後，進而於公務處理程序與結果違背法令，與不違背職務收受賄賂行為係本於職權而為，只是基於其裁量權，對於行賄者所關心之事項，但仍具重大影響；此外，法律原不處罰行賄者，100 年 6 月 29 日貪污治罪條例經總統公布修正，處「關於不違背職務之行為」行賄者三年以下有期徒刑，較「關於違背職務之行為」行賄者一年以上七年以下有期徒刑，仍屬較低。以此罪名移送案件，多涉及政府採購或公共工程案件，行賄廠商心態多於得標初始即行交付者，主要是希望履約過程順利，不被刁難；驗收過後交付者，不是希望發包機關儘速付款，就是希望預留下次合作空間，或鄉鎮市公所人員採購人員直接收取定額金錢或接受性招待等不正利益等。

In 2016, 30 cases of "breach of job requirements, contract or acceptance of bribes" by civil servants were processed. This charge differs from the "offense of taking the opportunity of job position to demand, contract or receive bribes" in that, after receiving bribes, the public servants further processed official procedures with the results that were non-compliant with the law, which does not violate the duties in taking bribes; however, it still has a significant impact on matters of concern to bribers based on its discretion. In addition, the original



law did not punish those who bribed. Yet, the “Anti-Corruption Act” on being amended according to the Presidents Order dated June 29, 2011 has changed the rules of punishment to sentence the bribers to not more than three years imprisonment. Compared with those of “violating duties “ who were sentenced more than one year and not more than seven years, the amended punishment is still relatively lower. Referred cases with this charge were more involved in government procurement or public works, and the bribing manufacturers’ mentality was more in conducting bribes in the initial stage of the successful tendering, with the main hope of a smooth performance process without facing difficulties from relevant public servants; while those deliver bribes after acceptance were either expecting that the contracting authorities will pay as quickly as possible or reserving the next bid or influencing the purchasing staff of townships directly engaged in illegal interests, through collecting a fixed-amount of money or accepting entertainment.

以「經辦工程或採購舞弊罪」移送之 6 案，於縣市政府或鄉鎮市公所發包之工程及採購案件，依照工程經費之一定成數向廠商收取回扣，舞弊方式大多為變更施工規範、浮編工程預算、洩漏底價等應秘密招標訊息、勾結廠商借牌圍標得標承攬、或為不實驗收故意放水等。

The 6 cases referred according to “fraud of handling construction or procurement” were those engaged in constructions and procurements contracted by county and town governments or township and town offices, which received a certain percentage of rebates from suppliers according to construction funds, and that most of the fraud was to change the construction specifications, revise the construction budgets, disclose confidential tender information such as reserve prices, collude with manufacturers to obtain tenders through borrowing certificates or tender rigging, or deliberately conducting false acceptances.

「藉勢藉端勒索或強占財物罪」是公務員依恃擁有與人民權益關係密切之公權力，或行使職務具相當裁量權限，迫使民眾屈服交付財物，並從中獲取不法利益之犯罪，105 年計移送 3 案，有以里長、警察身分或舉辦活動辦理採購機會利用權勢，藉端向民眾或廠商脅迫或勒索金錢。

“Offenses of extorting or taking possession of property through authorities or excuses ” is civil servants who rely on the public rights which are closely related to public interests or exercise duties with considerable discretion to

force people to yield and deliver their property to obtain unlawful interests. 3 cases were referred in 2016, including borough chiefs or police who utilized their position or procurement opportunities of organizing activities, to coerce or extort money from the public or suppliers.

表 2-09 係 101 年至 105 年以刑法移送之案件，各罪名適用情形。該表顯示移送案數最多者為刑法第 339 條第 1 項普通詐欺取財罪，除 103 年以刑法第 320 條第 2 項竊佔罪為最多外，其餘年度仍以前者居冠。

Table 2-09 refers to the cases referred by applicable laws of the Criminal Code from 2012 to 2016. The table shows that the maximum number of referred people was for the crime of common fraud as prescribed in the provisions of Paragraph 1, Article 339 of the Criminal Code. Except for the offense of occupying real property prescribed in Paragraph 2, Article 320 of Criminal Code, the crime mentioned in the preceding paragraph still ranked in first place.

105 年以刑法為主要適用法律之「貪瀆案件」有 17 案，「非貪瀆案件」有 47 案，合計 64 案，前者多屬刑法第 4 章瀆職罪或第 15 章與公文書相關之偽造文書印文罪，後者多屬刑法第 320 條至第 342 條之財產犯罪或第 15 章與私文書相關之偽造文書、印文罪。

In 2016, there were 17 “corruption cases” convicted according to the principal laws of the Criminal Code and, added with 47 “non-corruption cases”, consisted of a total of 64 cases. The former mostly belonged to “offenses of malfeasance” of Chapter 4 and “offenses of forgery” of Chapter 15 of the Criminal Code, while the latter mostly belong to “property crimes” under Articles 320 to 342 of the Criminal Code, or offences of “forging Instruments or seals related to private documents” as specified in Chapter 15 of Criminal Code.

105 年以刑法第 339 條第 1 項普通詐欺取財罪移送之 21 案最多，占刑法案件之 32.8%（21 案 /64 案），多為司法黃牛詐欺案件、公營事業人員及公私立學校教師詐領公款案件；以刑法第 213 條「公文書登載不實罪」移送之 9 案次之，占刑法案件之 14.1%（9 案 /64 案），多為行政機關人員經辦業務於公文書未依事實而為虛偽登載；再次之，以刑法第 320 條第 1 項「竊盜罪」移送之 6 案，占刑法案件之 9.4%（6 案 /64 案），多為竊佔國有林地或國有土地案件，與以刑法第 132 條「洩露國防以外之秘密罪」移送之 6 案，占刑法案件之 9.4%（6 案 /64 案），多為公務員經辦工程或採購洩漏底價或評選委員名單等。

In 2016, 21 referred cases were mainly the offenses of normal embezzlement

specified in Paragraph 1, Article 339 of the Criminal Code, accounting for 32.8% of criminal cases (21 cases / 64 cases), most of those were offences of judicial scalping, public funds embezzled by public employees and public and private school teachers, followed by 9 cases referred in accordance with “forging or altering official documents” as prescribed in Article 213 of the Criminal Code, which were mostly personnel of administrative organs falsely publishing public documents not in accordance with the facts, accounting for 14.1% of criminal cases (9 cases / 64 cases). Next were the 6 referred cases in accordance with “offence of larceny” as prescribed in Paragraph 1 of Article 320 of the Criminal Code, accounting for 9.4% of criminal cases (6 cases / 64 cases), and most of those were cases of stealing state-owned forests or lands. Another 6 cases were referred according to the offence of "disclose secrets other than national defense" which accounted for 9.4% (6 cases / 64 cases) of criminal law cases. Most of them were civil servants handling projects or procurement that disclosed reserve prices or the list of evaluation committee members.

### (三) 犯罪嫌疑人資料統計

#### 3. Statistics of the suspects

表 2-10 係對 101 年至 105 年移送案件犯罪嫌疑人之身分及性別作統計，圖 2-04 則顯示 105 年移送各類身分嫌疑人之身分性別比例。105 年移送之 1,190 名犯罪嫌疑人中，男性犯罪嫌疑人 955 人，占 80.3% (955 人 / 1,190 人)，高、中、低階公務員男性犯罪嫌疑人分別占各類別之 86.2% (25 人 / 29 人)、85.4% (111 人 / 130 人) 及 77.4% (103 人 / 133 人)，男性於貪瀆案件中所占之比例明顯高於女性，而歷年資料亦呈現相同情形。

Tables 2-10 is the statistics of the identity and sex of referred suspects from 2012 to 2016, and Figure 2-04 shows the ratio of sex and identity of referred suspects of different categories in 2016. Of the 1,190 criminal suspects referred in 2016, 955 were male suspects, accounting for 80.3% (955 persons / 1,190 persons). Male suspects of High, medium and low-ranking civil servants accounted for 86.2% (25 persons / 29 persons), 85.4% (111 persons / 130 persons), and 77.4% (103 persons / 133 persons), respectively. The proportion of males in corruption cases was significantly higher than that of females, and historical data also showed the same situation.

圖 2-05 係統計 101 年至 105 年移送各階公務員、準公務員及民意代表等公職人員之

人數比例。105 年低階公務員比例 35% 最高，中階公務員 34.2% 次之，準公務員 18.7% 再次之，續之是高階公務員 7.6%，民意代表 4.5% 最低，105 年比例走勢以低階公務員比例為最高外，其餘年度仍以中階公務員層級涉案人數為最多。

Figure 2-05 shows the proportion of the referred number of public servants, quasi-public servants and public opinion representatives from 2012 to 2016. In 2016, the low-ranking civil servants accounted for the highest proportion, 35%, followed by 34.2% of middle-ranking civil servants, 18.7% of quasi civil servants, 7.6% of high-ranking civil servants and 4.5% of elected representative. In 2016, low-rank civil servants accounted for the highest number in the proportion trend, while the number of middle-rank civil servants was the largest in prior years.

表 2-11 為 105 年移送各類身分犯罪嫌疑人的主要適用法律。

Table 2-11 is the main applicable law for the referred suspects of various categories in 2016.

105 年以貪污治罪條例移送之各階公務員、準公務員及民意代表，共計 310 人，為涉嫌貪瀆犯罪之公職人員適用最廣泛的法律。以同條例移送之「非公職人員」183 人中，與公務員共同違犯第 4 條至第 6 條等貪瀆罪名或涉犯第 11 條行賄罪，行賄對象有：鄉鎮市長、鄉鎮民代表、縣市政府工務、民政、一般行政業務相關之職員（如局處長、科長、技士、專員等）、鄉鎮市公所職員（如行政室主任、建設課課長、技士、約聘僱人員等）、中央所屬機關人員、監理人員、警察、公立國中小校長等負責採購之人員、公營事業機構負責採購之人員等。

A total of 310 civil servants, quasi civil servants and public opinion representatives were referred under the “Anti-Corruption Act” in 2016, with the most widely applicable law was for public officers suspected of embezzlement. Among them, 183 non-public officials were referred under the same corruption regulations as public servants for violating the provisions of Articles 4 to 6, or engaging in bribery offences stipulated in Article 11. The bribe recipients were: township mayor, township people's representative, county government worker, civil affairs, general administrative staff (such as bureau chief, section chief, technician, specialists, etc.), township and town office staff (such as the executive director, construction section manager, technicians, hire workers, etc.), central government agencies and personnel, supervisors, police, principals of public elementary and junior high schools, and staff responsible for procurement

in private and public institutions.

105 年依政府採購法移送之公職人員人數計有 4 人，涉案對象為一般行政機關人員共犯借牌圍綁標，與其職務職權無關，然而以該法移送之非公職人員則有 436 人，占全部移送人數之 36.6%（436 人 / 1,190 人），根據本年報已往統計資料，普遍存在此種情形，顯見國人為了得標政府工程或採購案，試圖取巧操控得標機會之歪風，始終未減。

In 2016, 4 public officials were referred under the regulations stipulated in the Government Procurement Act. Those involved in the cases were general administrative organ staff committing offences of lending certificates and bid rigging or collusion, which were not related to their positions and powers. However, 436 referred non-public officials accounted for 36.6% (436 persons / 1,190 persons) of the total number of referees. Based on past statistical data in this annual report, this kind of situation is ubiquitous, indicating that in attempts to win bids for government projects or procurements, the trend of unscrupulous companies trying to manipulate their chances of winning the bidding has never diminished.

表 2-12 為 105 年移送各類身分犯罪嫌疑人之學歷統計。如排除學歷不詳部分，該表顯示涉案公務員的階層越高，學歷通常也較高；民意代表學歷普遍低於行政機關公務員；非公職人員則以高中學歷居多，大學學歷次之，與往年相較，大學或專科學歷有逐漸增多的趨勢。碩士以上學歷 123 人中有 12 人為準公務員，多係授權公務員辦理採購，圖利廠商或收受賄款而涉貪瀆。

Table 2-12 shows the referred suspects' academic status of various categories in 2016. Excluding the unknown part of the qualifications, the table shows that the higher the level of civil servants involved, the higher the qualifications were; academic backgrounds of public opinion representatives were generally lower than those of civil servants in administrative organs; most non-public officials were high school education background, followed by university degree. Compared with previous years, there was a gradual increase in university or college degree. 12 of 123 people with master's degree or above were quasi civil servants, and many of them were civil servants authorized to handle procurement, who committed corruption crimes intended to profit suppliers, or accepted bribes.



圖 2-06 顯示 101 年至 105 年移送之公職人員學歷分布比例。

Figure 2-06 shows the distribution of educational background of civil servants referred from 2012 to 2016.

105 年移送之公職人員（含公務員、準公務員及民意代表）確知其學歷者有 345 人，具專科學歷者占 26.1%（90 人 / 345 人）居多，以具大學學歷者占 25.5%（88 人 / 345）次之，餘依次為碩士以上學歷者占 20.3%（70 人 / 345 人），國中以下學歷者占 15.7%（54 人 / 345 人），高中學歷者占 12.5%（43 人 / 345 人）。比較特殊是 102 年因大量偵辦大專院校教師接受國科會委託專案研究計畫，詐領補助經費關係，致具碩士以上學歷人數為最多，應屬一時現象，不致成為常態。105 年度學歷比例消長情形，整體而言與前 4 年相當類似，差異不大，仍以大學學歷與高中學歷居於前 2 位，應與我國教育普及學歷普遍提升有關。

345 of the referred public officers (including civil servants, quasi civil servants and representatives of public opinion) in 2016 held academic records, including the majority of 26.1% (90 people / 345 people) with a college diploma, followed by 25.5% (88 persons / 345) with some university education. Master's degree or above accounted for 20.3% (70 people / 345 people), college degree for 15.7% (54/345 people), and 12.5% (43/345 people) with high school education. More unique was because of intensive investigation regarding fraudulent grant funding of professors in colleges and universities accepting research projects commissioned by the NSC, people with masters degree or above accounted for the highest number, which should be a temporary phenomenon and will not become a normal trend. The overall growth rate of 2016 academic degrees was similar to that of the previous 4 years, with little difference. The top two ranks were university degree and high school degree, which should be related to the general promotion of educational attainment in our country.

表 2-13 顯示 101 年至 105 年移送各類民選公職人員之人數統計，其中 105 年移送各級民意代表 19 人，地方自治團體首長 19 人，概述如下：

Table 2-13 shows the statistics on the referred number of people elected to public office from the year of 2012 to 2016. Among them, 19 public opinion representatives at all levels and 19 heads of local governments were referred as follows:

1、移送縣市議員 18 人

a. 18 referred county/city council members

移送縣市議員 18 人，犯行分別為：擔任議員期間未實際參加議會舉辦國內經建業務考察行程，向旅行業者取得不實代收轉付之收據，向議會核銷經費；利用擔任縣、市議員期間，以人頭或虛報不實薪資，向議會詐領公費助理補助經費；利用擔任議員建議核撥縣政府地方建設補助款之職權，結合多位議員共同依補助款比例，向廠商收取賄款後，遂要求受補助鄉鎮公所配合於共同供應契約，辦理採購行賄廠商所販售之設備等。

Offences committed by these 18 referred county/ city council members were as follows: not actually engaged in activities related to inspection of domestic economic construction nor paying any fees to travel agents, but obtained false receipts from said agents or used false accounts to submit them to the government for expenses reimbursement during their service term; using the power of councilors to authorize the construction of local government projects and combining with a large number of members to request bribes from suppliers, then demand subsidized town and township governments to participate in the joint supply contract and make equipment purchases from the bribing suppliers.

2、移送鄉鎮市長 6 人

b. 6 referred mayors of townships

移送鄉鎮市長 6 人，犯行分別為：鄉長與土地代書勾結共同索賄後，將依法不得讓售予私人之鄉有土地，轉售給私人；利用鎮長職權明知投標廠商有圍標、借牌、資格不符等情形，卻護航得標承攬；鄉長明知得標廠商工程偷工減料、財物給付或勞務提供不符招標規範，卻仍放水通過驗收，讓廠商順利請款。

Offences committed by the 6 mayors of townships were: colluding with land brokers to request bribes for selling village-owned lands to private individual which were forbidden to sell to private citizens; assisting unqualified suppliers who engaged in bid rigging and license borrowing to win tenders; knowing that the winning bidders' cut corners, and goods or services or labor work did not comply with the tender specification, but still loosened the acceptance requirements to enable suppliers to receive payments.

3、鄉鎮市民代表會 1 人

c. One Township Council representative

鄉鎮市民代表會 1 人，犯行為鄉代表會代表與投標廠商勾結，利用鄉代身分介入鄉公所辦理代表會議事廳整修採購案，協助資格不符投標廠商參與圍標、借牌，並護航得標承攬該工程。

One township council representative committed an offence by virtue of his position to collude with tendering suppliers to intervene in a township government office repair procurement case, which assisted unqualified suppliers to involve in bid rigging, to borrow certificates, as well as to win the tenders.

4、移送村里長 13 人

d. 13 referred village chief

移送村里長 13 人，犯行主要為：擔任村長利用於鄉公所舉辦慶典活動，侵佔代發工作人員之薪資；里長卸任後，未將職務上持有公用器材列入移交，而據為己有；里長利用辦理鄰長文康活動機會，明知未實際支出，卻以不實單據向區公所核銷請款等；里長利用經管里民活動中心機會，未依規定辦理出借，將該活動中心場地提供給特定里民使用等。

13 village chiefs were referred due to offences of: village chief who used celebrations held by the township governments to encroach wages of staff and workers; borough chiefs who held public facilities and refused to turn them over after being relieved of offices; or, took advantage by organizing cultural and sports activities to verify false expenses with faked invoices; or, used the opportunity of managing civilian activity centers to lend the place to specific residents without being in accordance with the provisions of lending.

## 二、賄選案件統計

### B. Statistics on Vote-Buying Cases

本年報統計之賄選案件，係指經本局配合檢察機關偵辦後，由各地檢署提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴之案件，因性質與廉政類移送案件不同，故 2 者分別計列。由於聲請簡易判決處刑、緩起訴或職權不起訴，係檢察官針對適用簡易程序案件

或輕微案件所為之處分，性質類似於起訴，皆認被告涉嫌犯罪，與刑事訴訟法第 252 條之絕對不起訴案件有別，故本年報為便於敘述，均歸類為「起訴案件」。

Vote-buying cases tallied in the yearbook refer to the cases, following the Bureau's support of the prosecution agency with investigation and processing, that the prosecutor's office has proceeded to file for public prosecution, applied for summary judgment, by deferred prosecution, or by ex officio non-prosecution, and due to the nature of these cases being different than those referred through the anti-corruption category, thus, the two are tallied separately. Given that the circumstances of applying for summary judgment, deferred prosecution, or ex officio non-prosecution are rulings the prosecutor makes that are applicable to summary procedural cases or minor cases, which in nature are similar to prosecution, where the defendant is deemed to have allegedly committed the crime different from the absolute non-prosecution cases as stipulated under Article 252 of the Code of Criminal Procedure, the yearbook, for the convenience of description, hereby classifies them as indictment cases.

## (一) 歷年起訴統計

### 1. Statistics on Indictment Cases Over the Years

現行法律對賄選行為有規範之選舉，有「公職人員選舉」及「非公職人員選舉」2 種類型，前者包含總統副總統、立法委員、直轄市長、縣市長、鄉鎮市長、村里長、直轄市議會議員、縣市議會議員、鄉鎮市民代表會代表等 9 種選舉，後者則包含農會會員代表及職員選舉、漁會會員代表及職員選舉、農田水利會會務委員及會長選舉等 3 種選舉。

Elections that the existing law regulates in terms of vote-buying conduct can be divided into two domains, civil servants election and non-civil servants election, where the former encompass nine types of elections, namely the president/vice president, legislators, mayors of the special municipality, county/city mayors, township mayors, village chiefs, councilors of the special municipality, county/city councilors, township council representatives, while the latter encompass three types of elections, namely the farmers' association representatives and employees, fishermen's association representatives and employees, irrigation association executive directors and commissioner.

本局執行查賄任務，係依各種選舉類別與性質之不同設定工作目標，分別訂立專案工作計畫，由各轄區處站擔任查賄主力，輔以航業調查處及北、中、南、東 4 個地區機動工

作站或局本部派出支援人力，以最大的查賄能量完成各項專案任務。

The working objectives of the bribery crackdown missions that the Bureau executes are defined according to the differences in category and nature of the various types of elections by drafting specific project working plans for the respective division holding the purview, where they spearhead the bribery crackdown force, supported by the Navigation Investigation Division and backup manpower from the four region mobile offices from northern, central, southern, and eastern Taiwan and the Bureau's head office, to complete the various project missions with maximum bribery crackdown energy.

表 2-14、表 2-15 係本局偵辦之賄選案件 85 年至 105 年起訴案數統計及近十年起訴人數統計，各類選舉之選舉年度相關數據以紅色標示，俾能更清楚了解各屆選舉之查賄成果。以 105 年度為例，黑色數字表示 105 年度未舉辦該選舉，統計數字係 105 年或先前年度舉辦者，經本局調查蒐證後檢察官於 105 年起訴之成果；而紅色數字則代表為當年度之選舉，並於同年經檢察官起訴者。

Tables 2-14 and Table 2-15 give the number of indictment cases on vote-buying the Bureau investigated and processed between 1996 and 2016 and statistics on the number of suspects indicted over the past ten years, Relevant figures in the election year of various types of elections are labeled in red, so as to clearly indicate the bribery crackdown results on various elections over time. Taking 2016 as an example, the figures in black represents those elections that were not held in 2016, the statistical figures pertain to the results of elections held in 2016 or earlier that the Bureau has investigated and gathered evidence on, where the prosecutor has indicted the cases in 2016; while the figures in red represent elections that were held that year, where the prosecutor has indicted the cases that same year.

105 年本局主要任務為 105 年 1 月 16 日分區舉行之「第 14 任總統、副總統與第 9 屆立法委員選舉」賄選查察，為使選舉清新公正，本局秉持行政中立原則，擬定偵蒐計畫及行政資源事項，配合選舉時程及法務部查賄工作綱領，逐步推動各項查賄工作，選舉工作雖於 105 年初結束，但大部分賄選案件在同年度期間起訴，統計 105 年度，各級公職人員選舉起訴案件共 67 案，起訴人數達 563 人。

The main mission of the Bureau in 2016 was to conduct vote-bribery cases for the geographical election of “14th President and Vice President and the



9th Legislatives” which was held on January 16, 2016. To ensure that the elections for government officials were absolutely fair, the Bureau, based on the principle of administrative neutrality, initiated investigation projects and allocated administrative resources to gradually launch each task in line with the election schedules and the key points of bribery investigation of the Ministry of Justice. Even though the election ended in the beginning of 2016, most vote-buying cases were prosecuted during the same year. Statistics of 2016 showed that of public officials at all levels, 67 cases were filed for election prosecution, numbering 563 people.

表 2-14、表 2-15 顯示，105 年經檢察官直接提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴之賄選案件計 67 案 563 人，被告身分除候選人本人外，多係涉嫌行賄買票之候選人的樁腳、親友、支持民眾及選區受賄選民。

Table 2-14 and Table 2-15 depict 2016 vote-buying cases the prosecutor has brought prosecution directly, or applied for summary judgment, deferred prosecution, or ex officio non-prosecution, which totaled to 67 cases, involving 563 individuals, where the defendants’ identities, except the individual per se, often involved a candidate’s campaign staffers, family and friends, and supporting members of the public who allegedly gave bribes, and voters who accepted bribes in the electoral district.

上開 67 件起訴案件當中，以在 102 年農田水利會 1 案，103 年基層村里長選舉 11 案、鄉鎮市民代表 4 案、鄉鎮市長 5 案、縣市議員 8 案、直轄市議員 1 案，105 年立法委員 37 案，起訴概況分述如下：

The above-mentioned 67 prosecution cases include one (1) case of Irrigation Associations in 2013, eleven (11) cases of village/ borough chief election in 2014, four (4) cases of township citizens representatives, five (5) cases of township mayors, eight (8) cases of county and city councilors, one (1) case of municipal councilors, and 37 cases of Legislators in 2016, with the summary of prosecutions as follows:

#### 1、立法委員：

##### a. Legislators:

105 年中央公職人員立法委員選舉賄選起訴 37 案 388 人，各縣市立法委員候選人透過樁腳，以每人新臺幣（下同）500 元不等之對價，向選區具選舉權之選舉人買票。

388 people in 37 cases were prosecuted with the suspicion of vote-buying in the 2016 Central Public Service Legislator Election; those were suspected of engaging in buying votes from persons who have voting rights in the designated election area for some legislator candidate in various counties and cities, at a price of NT\$500 per person, through vote brokers.

2、直轄市議員：

b. Councilors of the Special Municipality:

103 年地方公職人員直轄市議員選舉賄選起訴 1 案 5 人，直轄市議員候選人透過椿腳，舉辦賄選餐會，向選區具選舉權之選舉人買票。

One case of 5 people was prosecuted for buying votes in the election of local public official municipal councilors in 2014, in which some electoral candidates bought voting rights in their own electoral districts through their vote brokers, or by organizing bribe election dinners.

3、縣市議員：

c. County and city councilors:

103 年地方公職人員縣市議員選舉賄選起訴 8 案 107 人，縣市議員賄選案多數是現金買票，候選人利用舉辦造勢活動或椿腳，以茶水費或走路工等名義，以每人 500 元、1,000 元不等現金之對價，向具選舉權之選舉人行賄買票。

107 people in 8 cases were prosecuted for buying votes in 2014 Public Officials County/ City councilor elections, and the majority of them were engaged in buying votes with cash. Candidates organized campaigns or used their vote brokers under the name of tea fee or walker to bribe qualified voters at a price of NT\$500 to 1,000.

4、鄉鎮市長：

d. Township mayors:

103 年地方公職人員鄉鎮市長選舉賄選起訴 5 案 25 人，大部分為現金買票案件，鄉鎮市長候選人透過椿腳或鄰長抄錄選區內可行賄選民名單，分別以每票 1,000 元、2,000 元、3,000 元不等現金，向選區之選民買票賄選。

Five cases of 25 people were indicted for buying votes in the election of local public official township mayors in 2014, in which some electoral candidates bought voting rights with cash through their vote brokers or neighborhood magistrates by means of listing costs of different values, such as NT\$1,000, NT\$2,000 or NT\$3,000.

#### 5、鄉鎮市民代表：

##### e. Township Councilor:

103 年地方公職人員鄉鎮市民代表選舉賄選起訴 4 案 6 人，大多數是現金買票賄選，鄉鎮市民代表候選人透過樁腳分別以每票 500 元、1,000 元不等現金，向選區之選民買票賄選。

6 people in 4 cases were prosecuted for buying votes in 2014 Public Official Township Councilor Elections, and the majority of them were engaged in buying votes with cash. Such candidates bribed the qualified voters in their electoral district at prices of NT\$500 to 1,000 through their vote brokers.

#### 6、村里長選舉：

##### f. Village Chief Election:

103 年縣市基層村里長選舉賄選起訴 11 案 31 人，以現金買票案件為多，因村里長選舉選區幅員小，候選人與選民彼此熟稔，若能影響些許選民之投票意向，即可能使選舉結果大幅翻盤，因此部分候選人或支持者願意鋌而走險，以買票方式圖謀投機以求勝選。回顧 105 年起訴 11 案，加上近幾年如 104 年起訴 117 案、103 年起訴 8 案、102 年起訴 2 案、101 年起訴 6 案及以前年度，合計達 615 案，在數量上遠高於其他舉辦之公職人員選舉起訴案數，可見基層村里長選舉的賄選風氣仍非常氾濫，實有加強淨化選風必要。

In 2014 Counties/Cities Village Chief Elections, there were 31 people in 11 cases who were indicted for vote buying, and the majority were engaged in buying votes by cash. Due to the small territory size of such elections, the candidates and the electors are mutually familiar, and if the voting intentions of a few voters can be affected, the outcome of the election may be sharply reversed. Therefore, some candidates or their supporters are willing to take the risk and try their luck to win the election by buying votes. Recalling the 11 cases indicted in 2016 and a total of 615 such indictments in recent years, 117 cases in 2015, 8 cases in 2014, 2 cases in 2013, and 6 cases in 2012, the number of indicted persons in this kind

of election are far higher than those of other public official elections. It is obvious the conduct of vote buying in the village/ borough chief elections is still rampant. In fact, it is necessary to strengthen and clean such election conduct.

7、農田水利會選舉：

**g. Election of Irrigation Associations:**

103 年農田水利會選舉賄選起訴計有 1 案 1 人，查獲農田水利會會務委員選舉候選人以現金 2,000 元向會員賄選買票，顯示在非公職之基層農田水利會選舉仍存在賄選之風。

In 2014 Election of Irrigation Associations, one person in one case was indicted for buying votes, in which a candidate member of an Irrigation Association Council was seized for buying votes from other members at the cash price of NT\$2,000. It indicated that there is still a pattern of bribery in the election of non-government Irrigation Associations.

(二) 起訴法條統計

**2. Statistics on Applicable Articles of Indictment Cases**

禁止賄選行為並明文科以刑事罰之現行法律，在公職選舉領域方面，總統副總統選舉較為特殊重要，獨立規範於總統副總統選舉罷免法，其他公職人員選舉則規範於公職人員選舉罷免法，該二法未特別規範者，則適用刑法妨害投票罪章相關規定；在非公職選舉領域方面，另依舉行選舉之組織類別，分別規範於農會法、漁會法及農田水利會組織通則。

Of the existing law that bans and also clearly stipulates criminal penalty of the vote-buying conduct, in the domain of civil servants elections, the presidential/vice presidential elections are deemed more unique and important, and thus, are independently stipulated in the Presidential and Vice Presidential Election and Recall Act, and for the other types of civil servants elections, they are stipulated in the Civil Servants Election and Recall Act, and of those not stipulated by said two laws, relevant stipulations in the offenses of interference with voting Chapter of the Criminal Code are applied; in the domain of non-civil servant elections, they are separately regulated, according to the type of organizations that stages the elections, under the Farmers Association Act, Fishermen's Association Act, and Organic Act of the Irrigation Association.

表 2-16 係 105 年賄選案件起訴被告所適用之主要法條及人數統計，依適用法條之不

同，分別說明如下：

Table 2-16 depicts the statistics on key articles applicable to the defendants being indicted in the vote-buying cases and the defendant count in 2016, which is described separately by varied applicable article:

## 1、對選民之賄選：

### a. Vote-Buying the Voters:

藉招待選民吃飯、旅遊或致贈禮品等方式攏絡選民，甚至直接發放金錢買票或以暴力方式，將使選民投票意向非根據候選人才識品德，而是根據所獲取之利益多寡，造成選舉結果不公情形，與選賢與能之終極目的背道而馳，我國法律長期以來均禁止該等賄選行為，本局歷次查賄專案也以之為查緝重點。

Using the means of treating voters to meals, travel excursion, gifts or violence, and so forth, for the purpose of securing voter commitment, or even resorting to vote-buying by distribution of money, the tactic leads voters to determine their vote not by a candidate's competency and morality, but rather by the amount of gain, which causes the election result to be unfair. As the practice runs against the ultimate purpose of electing the candidate that is able and capable, the law of Taiwan has long banned such type of vote-buying conducts, and in the previous investigation and crackdown projects, the Bureau has consistently enlisted it as the crackdown focus.

在公職選舉領域，105 年檢察官依公職人員選舉罷免法「對有投票權人行賄罪」起訴 493 人。

Regarding elections for civil servants, the prosecutors prosecuted 493 people in 2016 under the Civil Servants Election and Recall Act for bribery to voters .

在非公職選舉領域，105 年檢察官依農田水利會組織通則「對有投票權人行賄罪」聲請簡易判決處刑 1 人。

With respect to elections in the non-civil servant field, the prosecutors prosecuted one person in 2016 under the “Act of Irrigation Association Organization “ for bribery of voters.

## 2、對候選人賄選：



b. Vote-buying Candidates:

在公職選舉領域，105 年檢察官依公職人員選舉罷免法「對候選人包攬賄選罪」起訴 1 人。

On elections in the civil servant field, the prosecutors prosecuted one person in 2016 under the “Civil Servants Election And Recall Act” for bribery to voters.

(三) 賄選型態統計

3. Statistics on Vote-buying Modes

賄選案件之行受賄標的，法律區分為「賄賂」及「其他不正利益」2 類，未明確指出具體內容，目的在因應隨時變化的社會趨勢與科技發展。為使候選人及選民能了解法律規範的界線，最高法院檢察署訂定「賄選犯行例舉」供國人參考遵循，並視實務發展狀況隨時因應修訂，100 年 11 月 14 日最新修訂版本，除列示司法實務界已達成共識之具體賄選型態 23 類外，另把概括性條款「行求、期約或交付其他類型賄賂或不正利益」列為第 24 類，避免掛萬漏一，禁絕候選人或其支持者心存僥倖，惟仍強調：各類型行為是否構成賄選，仍應由承辦檢察官視具體個案情形審慎依法認定之。

Vote-buying cases, by soliciting or accepting bribes, are distinguished by law into two categories, namely bribery ” and other improper gains, ” and the purpose that no tangible content has been specified has been to cater to the ever-changing society trends and technological development. To enable candidates and voters to understand the boundaries of legal guidelines, the Supreme Prosecutors Office has promulgated the Illustrated Vote-Buying Criminal Conduct Examples ” for the general public to reference to and abide by, with timely revisions and amendments made alongside the state of practical implementation development, and of the latest amended version on November 14th, 2011, it not only enlisted the 23 types of tangible vote-buying modes the practical legal practicing sector had reached a consensus on, but it had also enlisted the collective provision of soliciting, promising, or presenting other forms of bribes or improper gains as type 24, in a bid to prevent any omission, which will curtail candidates or their supporters from having any opportunistic mindsets; however, it does still emphasize that whether a particular conduct constitutes as vote-buying is still subject to rendering by the prosecutor based on the specific circumstances of each case in compliance with the legal stipulations.

檢視本局歷年偵辦之賄選案件，可歸納出較常見的賄選型態有金錢買票、贈送禮品、招待餐飲、招待旅遊、捐助團體經費及其他等 6 大類，表 2-17 及圖 2-07 係近六年經檢察官起訴及 105 年之本局偵辦案件賄選型態統計，分別說明如下：

By examining vote-buying cases the Bureau has investigated and processed over the years, some of the more common vote-buying modes can be summarized into six major types, namely vote-buying with money, gift giving, food and beverage entertainment, travel entertainment, funding donations to organizations and others; Table 2-17 and Figure 2-07 depict statistics on cases the prosecutor has since indicted in the past years and the cases the Bureau has investigated and processed in 2016 grouped by vote-buying modes, which are separately described as follows:

#### 1、金錢賄選：

##### a. Vote-Buying with Money:

105 年金錢賄選案件起訴 56 案，占同年起訴案件 67 案之 83.6%，近六年合計起訴 656 案，占全部起訴案件 809 案之 81.1%，比例不可謂不高，可見直接對選民現金買票，仍舊係候選人或其支持者認為較有效率且「投資報酬率」較高的賄選方式。

In 2016, 56 cases of money vote-buying cases were indicted, which accounted for 83.6% of the 67 indictment cases in the same year, while a total of 656 cases were indicted over the past six years, which accounted for 81.1 % of the 809 total indictment cases, making it difficult to say the proportions were not high, and highlighting how vote-buying using money remains an efficient and higher rate of return means of vote-buying for candidates or their supporters.

直接向選民現金買票的金額，通常以五百元鈔或千元鈔為單位。，從選區幅員較小之村里長選舉，至鄉鎮市民代表選舉、鄉鎮長選舉及縣市長選舉，甚或是立法委員及總統選舉，一般係一票 500 元占大多數，不少案例達至 1,000 元以上，僅原住民選區之賄選價額則高於一般選區，一票有達 2,000 元者。

The amount of vote-buying made directly to voters in cash often heels to the unit of five hundred TWD bills or one thousand TWD bills. From village chief elections in smaller electoral districts to township councilor/mayor, county/city mayor elections, or even legislator and presidential elections, the majority of the votes were around TWD \$500, with a certain number of cases over TWD \$1,000. The amount of vote-buying was higher only in aboriginal electoral districts

compared to the general electoral districts, where a vote can reach as high as TWD \$2,000.

## 2、禮品賄選：

### b. Vote-Buying with Gifts:

105 年禮品賄選案件起訴 1 案，本類型賄選通常係候選人直接對選民行賄，佯為拜訪選民，實為致贈禮品，藉以博取好感，央求將來投票支持當選。

In 2016, 1 case of gift vote-buying case was indicted. Said vote-buying type often entails candidates offering bribe to voters directly on the pretense of paying a visit to voters but is actually for bestowing gift, by which to garner voters' favor and asking voters to vote and support their being elected.

## 3、餐飲賄選：

### c. Vote-Buying with Food and Beverage:

105 年餐飲賄選案件經起訴 3 案，該型態賄選，行賄者通常會假藉活動名義，邀集有投票權且參與活動之成員免費赴宴，期間安排候選人上台致詞或逐桌敬酒拜票，要求在席者將來投票支持。

In 2016, 3 cases of food and beverage vote-buying cases were indicted. Said vote-buying mode often resorted to the name of hosting an activity by which to invite members with voting rights and who participated in the event to a complimentary banquet, during which, arrangements are made for the candidate to take the stage to deliver a keynote or toast table by table in canvassing, demanding the attendees' support by voting for the candidate in the future.

## 4、旅遊賄選：

### d. Vote-Buying with Travel Excursions:

105 年並無起訴旅遊賄選案件，近年來，採用招待旅遊這種較引人注目的賄選方式，已有減少趨勢。

In 2016, no travel excursions vote buying cases were indicted. In recent years, the trend of using the more obvious travel excursion as a vote-buying mode has declined.

## 5、捐助經費：

e. Vote-Buying with Funding Donations:

105 年並無起訴捐助經費案件，此型態係候選人假借贊助各種活動名義，捐助相關經費，間接地達到向選民買票之目的。

In 2016, no one related to funding donation was indicted. This type of corruption is related to candidates indirectly committing the crime of vote buying in the name of donations or sponsorship for all types of activities.

6、其他：

f. Others:

105 年起訴案件中，難以歸入前述 5 種賄選型態者有 7 案，占同年起訴案件之 10.4%，此類別案件大多數是有意勝選之參選人在完成候選人登記，向選區內擬參選人在未完成選舉登記前，以搓圓仔湯方式，向擬參選人給付 100 萬元不等之金錢，要求放棄參選，或向候選人包攬賄選要求酬金等。

In 2016, 7 cases were unable to be categorized in the afore-mentioned types, about 10.4% of the total prosecution cases. Most of those cases had to do with candidates who had registered for an election, bribing/coercing candidates that had yet to register with TWD\$ 1 million in exchange for giving up their candidacy, or requested remuneration from the candidates by monopolizing the election.

近六年來餐飲、旅遊及捐助經費等傳統賄選型態之起訴案數，相較於金錢賄選或致贈禮品等，顯得零星，其原因在於行賄者以辦理餐飲或旅遊等方式，過於招搖容易引起檢調單位介入偵辦，候選人意圖賄選時，為避免遭偵辦及起訴，選後官司纏身，多不採用此等方式。然而，隱密性與蒐證難度更高之金錢賄選，起訴案數卻年年高居第一，究其原因有二：一、本局歷年配合政府政策，置查賄重點於影響選風最厲之金錢賄選地區，從投票日前一年起部署，蒐集情資，過濾清查選區內高風險賄選者，鎖定意圖賄選之特定候選人，進行蒐證，至選前全面動員查緝及偵辦，一方面查獲不少賄選犯行，另方面也嚇阻其他投機者僥倖之心；二、為數不少的熱心民眾及時提供或檢舉金錢賄選訊息，讓本局外勤單位得以在第一時間進行蒐證，鞏固賄選相關之事證。是以，民眾的積極參與，也是決定選風得否純潔乾淨的因素之一。

In the past six years, the number of indictment cases on conventional vote-buying modes, such as through food and beverage, travel excursion, funding donations, and so forth has appeared scattered, when compared with vote-buying through money and gifts. The reasoning for this is that conducting bribery

methods such as food or travel is much more likely to incite prosecution. To avoid this, bribers mostly choose not to use these methods. However, cash bribery ranks as the most common type every year even though it is difficult to obtain evidence of it as it's usually private. The reasons are as follows: The Bureau has been allocating resources toward the areas that are historically infamous for cash vote-buying in line with the government policies a year from an election to start to collect information, identify the potential candidates that have malicious intentions and focus on them. Prior to the election, the Bureau would engage all forces to investigate these candidates. Therefore, we have been able to nip such crimes in the bud, and scare other speculators away from committing the same crime. In addition, a lot of concerned citizens report information related to potential vote-buying in time so that we can collect evidence easily in the very beginning to confirm the fact of a criminal act. For this reason, active public participation has also been credited as one of the reasons contributing to whether the electoral practices are done transparently and legitimately.

## 貳、專業精進工作

### II. Proficiency Refinement Work

#### 一、辦理廉政專精講習

##### A. Staging Anti-corruption Refinement Seminars

為協助內外勤辦案同仁熟稔法令規定、充實各項偵查技巧、吸收辦案新知，以提升廉政工作專業知能，廉政處分別：（一）105 年 4 月 19 日、4 月 21 日舉辦「105 年廉政工作幹部」短期講習（二）105 年 6 月 6 日舉辦「因應刑法沒收新制實務」研討會（三）105 年 12 月 5 日至 105 年 12 月 7 日舉辦「政府採購法」短期講習，分別調訓內外勤負責廉政業務之科長、副主任、組長、承辦人等共計 423 人。

To assist the internal and external colleagues of case handling to better understand the laws and regulations, as well as to enhance various investigation techniques and absorb new knowledge of case handling so as to increase professional knowledge and skills and the integrity of their work, the Anti-Corruption Division separately organized: (1) A short-term seminar of "2016 Integrity Task of Cadres" on April 19 and April 21, 2016. (2) A seminar of "New Confiscating System in Accordance with Criminal Law" on June 6, 2016, (3)



A short-term workshop from December 5 to 7 which respectively trained 423 internal and external section chiefs, deputy supervisors, division chiefs, and case officers who are in charge of integrity businesses.

在課程安排方面：（一）本局廉政工作理念與實踐、貪瀆風險地圖操作與技巧、政府採購法案件偵辦釋義、移送案件後檢察署處分之分析與探討。（二）新修正刑法總則沒收的效果、獨立沒收、犯罪不法利得之剝奪、刑法沒收新制修法歷程與政策推行。（三）最有利標簡介及評選辦法說明、違反政府採購法之圖利案件不起訴或無罪判決案例及原因分析、偵辦違反政府採購法案件發生問題癥結點、台電六輪工程弊案專案報告、屏東縣偏鄉地區鄉長收受工程回扣案案例報告、偵辦案件標準作業程序及蒐證要領。

The curriculum arrangement was: (1) The Agency' s working concepts and practices, corruption risk map operations and skills, case investigation interpretation of “Government Procurement Act” , and analysis and discussion on disposition of Public Prosecutors Office after cases have been referred. (2) The confiscation effectiveness of new amended Criminal Code, independent confiscation, deprivation of criminal gains, and the history and policy implementation of the new confiscation system of the Criminal Code. (3) Introduction of the most advantageous tender and description of selection method, cases of no prosecution or acquittal and reasons analysis in the violation of the “Government Procurement Act” for self-benefit, the crux of problems occurring in the investigation of cases that violate the provisions of the “Government Procurement Act” , the ad hoc report of Taipower' s sixth transmission project scandal, the case report of a township chief in a poverty-stricken area of Pingtung County who received counterattacks, and the standard operating procedures and the essentials of evidence collection in handling and investigating cases.

延請本局內外勤辦案經驗豐富之同仁，並外聘院、檢機關、行政機關及大學教授等學有專精者擔任講座，進行講解、研討或經驗分享方式授課，希藉此精進同仁專業知能，透過參訓學員之辦案心得交換，精進蒐證技巧，提升廉政工作成效。

Invite our colleagues, who are experienced in outbound logistics operations, and external specialists of academics, government agencies, university professors, etc., to host lectures to explain, discuss, or share experiences, with a view to enhancing colleagues' professional knowledge and expertise through the exchange of experiences of participating attendees; the sophistication of

evidence gathering skills, and the enhancement of integrity task achievements.

## 二、運用網路交流學習

### B. Utilizing the Internet to Exchange Learning

由於網路科技日趨便捷，資訊的傳遞、交流與整合，已破除地域藩籬、不受時間限制，透過網路資料庫之運用，可達到資訊整合與使用便利之目的。有鑑於此，廉政處於 93 年底建置本局內部網路「廉政資料庫」，以共同學習與分享為預期功能，彙整偵辦案件相關法令、實體法與程序法實務見解、本局各項作業規範及內外勤同仁平時工作的成果、經驗與心得，區分為公布欄、業務簡介、廉政法令、作業規範、案例研究、參考文獻、工作年報、查賄專區等，適時更新，希提供全局同仁分享，達到精進專業知能，創新工作思維的理想。

Thanks to the increasingly convenient Internet technology, information conveyance, exchange, and integration are able to transcend regional boundaries without any time constraint. Through utilizing the Internet database, the objectives of information integration and convenient access can now be achieved. In light of this, the Anti-Corruption Division launched the internal network Anti-Corruption Database of the Bureau at the end of 2004, by which to attain the anticipated functions of joint learning and sharing, and to compile case investigation and processing-related laws and regulations, practical views on the substantive laws and procedural laws, various operational guidelines of the Bureau, and the internal duty and field duty associates' routine work results, experiences, and reflections, with the database presenting categories, namely the bulletin board, operations profile, anti-corruption laws and regulations, operational guidelines, case study reports, reference literature, yearbooks, bribery crackdown area, etc., which are updated regularly, in anticipation of sharing with the Bureau associates and attain the ideology of refining professional competency and innovative working mentality.

## 三、研編案例研究報告

### C. Researching and Compiling Case Study Reports

本局於 105 年間偵辦立法院資訊處人員辦理 102 年憑證系統更新採購涉嫌不法案、航警局辦理 103 年度雙射源託運行 X 光機檢查儀採購涉嫌不法案、私立南榮科技大學校

長黃○○辦理教師升等涉嫌不法案、吉○藥品公司經理陸○○等涉嫌行賄高雄市立醫院醫師不法案 等，每案均引起媒體、人民與政府高度注意，同時也引起後續制度改革及人事更替之效應。

Each of procurement-related corruption cases of 2013 voucher system renewal committed by the Information Office of Legislative Yuan, corruption-related cases of check-in baggage X-ray inspection instrument conducted by Aviation Police Bureau in 2014, corruption case relating to teachers' rank promotion committed by Hung ○ ○ , the president of Nan Jeon University of Science and Technology (NJU), suspicion of bribing physicians of Kaohsiung City Hospital by Lu ○ ○ , the manager of Ji ○ pharmaceutical company, that were investigated and handled by the Division during 2016 has attracted great attention from the media, people and government, and also contributed to follow-up system reform and personnel turnover.

該等案件之調查過程，歷盡艱辛，絕非一朝一夕所能竟功，幾乎都是集「耐煩、堅持、團隊、決心」等因素的大成，其中犯罪嫌疑人職務生態、調查技巧與協調配合事項，殊值偵辦類似案件時參考。

The investigation process of said cases was extremely difficult, and not something that can be completed overnight. It invariably relies on a combination of factors, such as perseverance, creativity, teamwork, determination, in which the criminal suspects job environments, investigation skills, and coordination and cooperation measures are of special reference value for the associates of the whole Bureau when investigating and processing similar cases.

# **第三部份**

Part Three

## **105 年社會矚目案件 偵辦輯要**

Summary of High Profile

Investigations in 2016

## 第三部分

*Part Three. Summary of High Profile Investigations in 2016*

# 105 年社會矚目案件偵辦輯要

## 第三部分 105 年社會矚目案件偵辦輯要

*Part Three. Summary of High Profile Investigations in 2016*

### 壹、航警局辦理 103 年度託運行李 X 光機檢查儀採購涉貪案

1. Corruption-related cases of check-in baggage X-ray inspection instrument conducted by Aviation Police Bureau in 2014

本案起訴情形，可參閱本年報第四部分起訴案例 02。

#### 一、發掘由來

案係本局桃園市調查處主動發掘，並啟動本案調查，據以逐步蒐集證據，擴大偵辦。

#### 二、偵辦歷程

本案對涉案公務員及廠商進行非公開之調查作為，偵辦前向警政機關調閱相關資料超過 100 卷以上，期間向 24 家銀行查調相關交易明細、外匯及租用保管箱資料，全面清查涉案孫○○及廠商漢○公司間資金往來關係。

本案於發動偵辦前，與承辦檢察官多次研商，擬定偵辦方向，先後執行 2 次搜索、搜索孫○○、廠商辦公處所及住所等 16 處，查扣案關證物，並配合檢方指揮，傳喚孫○○等 5 人到案詢問，另向相關 12 名證人進行查證，經檢方向法院聲押孫○○等 2 人獲准，其後多次借提在押孫○○等到案詢問，釐清所有相關案情。

在偵辦期間，經檢視整理相關扣押物，並逐一過濾 2 萬餘封電子郵件及相關檔案資料，藉由本局辦案鑑識科學技術，將犯嫌扣案手機內電子郵件、通訊軟體等資料，進行還原，方能在最短期間，迅速完整建構本案犯罪事實，並配合詢問過程突破主嫌心防，得以順利



偵破全案，並移送檢方偵辦起訴。

### 三、偵後影響

偵辦本案期間媒體高度關注本案發展，並嚴厲指責任職航警單位孫○○之貪腐行徑，造成機場安檢工作治安死角，影響飛安之虞，促成警政機關注意加強整飭航空警務人員之操守。

## 貳、私立南榮科技大學校長黃○○辦理教師升等涉貪案

2. Corruption case relating to teachers' rank promotion involved by Hung ○○, the president of Nan Jeon University of Science and Technology (NJU)

本案起訴情形，可參閱本年報第四部分起訴案例 07。

### 一、發掘由來

案係本局臺南市調查處主動發掘，並配合檢方指揮擴大偵辦。

### 二、偵辦歷程

本案自立案蒐證長達約 10 個月，期間執行通訊監察達 5 個多月之久，監聽多達 10 線行動電話門號，順利掌握主嫌黃○○實際使用之行動電話門號，並截獲相關通話資料佐證相關不法犯行。

執行偵辦前，逐一清查相關犯罪嫌疑人及證人實際住所及掌握其等日常作息，以確保均能執行傳喚到案，並與檢方協商執行當天，配合支援檢察官及檢察事務官參與偵辦，經執行搜索主嫌、共犯辦公處所及住居所共 20 個處所，查扣相關數位證據，並傳喚犯罪嫌疑人及證人共 31 人到案，經詢問對案情有重要突破，取得黃嫌等人自白相關供述，由檢方向法院聲押黃○○等人獲准，奠定本案偵破之基礎。

由於本案犯罪嫌疑人眾多，待清查關係人通信紀錄、信用卡聯合徵信中心資料繁多，配合檢方依職權聲請通訊監察，本局負責通訊監察內容解譯及資金清查，檢調分工明確，使本案得以順利執行，本案因有進入大學校園搜索之必要，為避免發生爭議，協調由檢察官帶隊，並於該校主任秘書陪同下進入校園搜索，遵守辦案程序，對該校聲譽影響降至最低，無衍生相關副作用，本案涉案事實明確經移送檢方偵辦起訴。

### 三、偵後影響

本案偵辦後對高等教育教師升等制度具有正面意義，促使教育主管機關檢討專科以上學校教師資格審定辦法等相關規定，遏止再次發生類似本案教師升等擔任審議委員黃○○等人受賄之歪風，造成國家高等教育品質下降，影響極其深遠，引起社會大眾重視。

## 參、吉○藥品公司經理陸○○涉嫌行賄高雄市立醫院醫師案

3. Suspicion of bribing physicians of Kaohsiung City Hospital by Lu ○○, the manager of Ji ○ pharmaceutical company.

本案起訴情形，可參閱本年報第四部分起訴案例 06。

### 一、發掘由來

案係本局人員策動檢舉，經高雄市調查處立案調查，循線擴大偵辦。

### 二、偵辦歷程

本案於立案後即調閱案關醫院藥品速普新採購全卷，並確認主嫌林○○具準公務員身分及涉案程度，適時解除檢方對本案偵辦適法性疑義，並全力支持偵辦本案。

本案執行通訊監察期間，配合清查主嫌陸○○等人相關銀行帳戶，發現涉案廠商支付賄款係連同個人業績獎金一併匯入出面行賄人相關銀行帳戶，掌握行賄金流重要事證。

經執行搜索案關人員住處及辦公室共 13 個處所，並查扣載有收受回扣筆記本等重要相關事證，找到本案重要突破口，並約談主嫌、行賄廠商等 23 人到案，於詢問時配合提示相關監察譯文，除主嫌林○○矢口否認，其餘共犯均自白詳細交代相關案情，涉案情節明朗，掌握行賄方藥商賄款出處、交付方式及受賄方索回扣模式，經送檢方複訊向法院聲押主嫌林○○，法院以罪證明確無使案情晦暗之虞，經裁定交保，本案偵辦基礎穩固，本案後續經調查完竣移送檢方偵辦起訴。

### 三、偵後影響

藥廠為求銷量支付醫師回扣、招待食宿等現象普遍存在於各大醫院，亦是公立醫院辦理藥品採購由來已久之弊病，不肖醫師與藥商勾結，採購實際不需要之藥品如本案，造成健保支出增加，浪費醫療資源，本局藉由持續偵辦公立醫院醫師辦理採購藥品勾結藥商收取回扣案件，引起社會輿論廣大迴響，促使醫政主管機關加強控管藥品採購程序。

## 肆、立法院資訊處人員辦理 102 年憑證系統更新採購涉貪案

4. Procurement-related corruption case of 2013 voucher system renewal committed by the Information Office of Legislative Yuan

本案起訴情形，可參閱本年報第四部分起訴案例 12。

### 一、發掘由來

案係一般民眾檢舉，經本局北部地區機動工作站立案調查，並循線擴大偵辦。

### 二、偵辦歷程

本案經民眾檢舉後即立案調查，依檢舉內容向中山科學院、立法院等調閱 101 年至 104 年憑證系統採購相關案卷，經比對過濾龐雜資料，確認檢舉內容與事實相符，掌握特定廠商涉案不法事證。

本案向銀行調取大額通貨交易紀錄，對得標承攬廠商、關係人 10 餘人，進行資金清查，發現廠商負責人銀行帳戶有不明現金提領情形，對應主嫌銀行帳戶亦有不明現金存入情形，期間對主嫌等 7 人實施通訊監察，並配合行動蒐證，掌握主嫌林○○與廠商負責人碰面及交付賄款相關事證，案情始於明朗，偵辦時機成熟。

本案發動偵辦，動員百餘名調查官同步對立法院及涉案廠商公司辦公處所等 19 個處所進行搜索，並約談主嫌林○○、蕭○○等 18 人到案，經突破涉案廠商內部人員供出行賄林○○之事實，經檢察官向法院聲押主嫌林○○等 4 人獲准，後續借提林○○等人到案詢問，林○○始坦承收取回扣及賄款之犯行，並主動繳回不法所得，本案犯罪事實調查明確經移送檢方偵辦起訴。

### 三、偵後影響

立法院係我國最高立法機關，依憲法掌有監督行政機關施政及審查全國各項法案、中央政府各機關預算之權限，如本案主嫌長期在立法院擔任要職，利用經辦公共工程或購辦公用器材、物品機會從中舞弊，安排特定廠商得標，並收取回扣，嚴重敗壞官箴，凸顯該機關辦理採購缺乏合理監督之制度缺失，本案偵辦獲社會矚目及媒體大幅正面報導，充分展現我司法機關貫徹政府整飭官箴、矯正風氣之決心，對於提升司法形象實有助益。





## 第四部份

Part Four

## 105 年起訴案例簡介

Summary of Prosecution Cases

in 2016

## 第四部分

Part Four. Summary of Prosecution Cases in 2016

### 105 年起訴案例簡介

## 第四部分 105 年起訴案例簡介

Part Four. Summary of Prosecution Cases in 2016

### 案例 01 法務類

#### 高雄地檢署前檢察官井○○涉嫌索賄案

Case 01      Legality  
Alleged bribing cases of former Kaohsiung District Prosecutor  
Jing ○○

- ◎案件類型：法務
- ◎主辦單位：本局嘉義縣調查站
- ◎起訴日期：105 年 12 月 20 日
- ◎起訴機關：高雄地方法院檢察署
- ◎起訴被告：井○○ 等 2 人
- ◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款不違背職務之行為收受賄賂罪

高雄地檢署檢察官井○○於 98 年 7 月間，利用民眾吳○○、王○○等債權人，向債務人邱○○提起損害債權訴訟之機會，透過白手套呂○○以分案、偵查與起訴 3 階段與吳○○等人期約須支付新臺幣（下同）15 萬元、50 萬元與 100 萬元之賄款，作為井○○起訴邱○○損害債權訴訟案之對價，後於 98 年 8 月間井○○果真分案承接上開案件並展開偵查，復於同年 11 月間將邱○○起訴，呂○○即依約並按前述 3 階段於吳○○、王○○及渠等友人林○○之陪同下，將吳○○交付之現金賄款分別於 98 年 8 月、9 月及 11 月間如數轉予井○○收執。

## 案例 02 警政類

### 航警局辦理 103 年度託運行李 X 機檢查儀等採購 涉貪案

**Case 02      Police Administration**  
**Corruption-related cases of check-in baggage X-ray inspection**  
**instrument conducted by Aviation Police Bureau in 2014**

- ◎案件類型：警政
- ◎主辦單位：本局桃園市調查處
- ◎起訴日期：105 年 7 月 22 日
- ◎起訴機關：本局桃園地方法院檢察署
- ◎起訴被告：孫○○ 等 2 人
- ◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款購辦公用物品浮報價額、數量、收取回扣或其他舞弊情事罪等

航警局於 103 年間辦理「103 年度託運行李 X 光檢查儀 4 部採購案」、「103 年度貨運 X 光檢查儀 8 部採購案」、「103 年度 X 光圖檔訓練測試軟體採購案」、「103 年度 X 光車 3 部採購案」及「103 年度託運行李 X 光檢查儀 2 部採購案」5 件標案承辦人航警局航空保安科股長孫○○，與漢○公司、明○公司及捷○公司實際負責人蔡○○勾結，為使不具參標資格之大陸清華○○威視技術公司取得前述 5 件標案，與該公司經理李○○基於共同犯意，由蔡○○以漢○公司、明○企業或捷○公司名義參標，並由李○○準備參標文件及後續供貨事宜，孫○○則從中配合護航通過規格審查，協助使漢○公司等順利取得前揭標案，再親自或透過李○○向蔡員收取回扣款項 306 萬元。

### 案例 03 營建類

#### 屏東縣長治鄉鄉長許○○辦理人行環境新建工程 招標涉貪案

**Case 03 Construction**  
Corruption-related case about the bidding of pedestrian environment construction project committed by Chu ○○, the former township chief of Changzhi township in Pingtung County

- ◎案件類型：營建
- ◎主辦單位：本局屏東縣調查站
- ◎起訴日期：105 年 12 月 28 日
- ◎起訴機關：屏東地方法院檢察署
- ◎起訴被告：許○○ 等 9 人
- ◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款違背職務之行為收受賄賂罪

屏東縣長治鄉鄉長許○○與配偶劉○○共同基於受賄之犯意，利用取得縣政府等之補助款以辦理鄉公所相關工程，並由劉員決定該等工程施作地點及內容，許○○復應劉員要求以清潔隊員名義聘用劉員好友傅○○之子傅○，並無視鄉代會之質疑仍執意調任傅○於行政室辦理工程招標作業，使傅○得以承劉○○指示除將相關標案指定翔○土木包工業負責人黃○○等特定廠商得標承攬外，並透過無業之黃○○指使李○○、黃○○、李○○及林○○等人進行截標、圍標，黃○○等指定廠商得標後即依約交付得標金額 10% 至 12% 之賄款，交由傅○轉交許○○、劉○○收受，其中黃○○因而得標計 15 件工程、依約交付之賄款金額總計 86 餘萬元。

## 案例 04 民戶役地政類

### 桃園市政府殯葬管理所中壢區服務中心吳○○等 涉貪案

**Case 04** Civil affairs household registration, military senite, and land administration  
Related cases of Wu ○○, a former staff of Zhongli District Service Center of Mortuary Services Office of Taoyuan City Government

- ◎案件類型：民戶役地政
- ◎主辦單位：本局桃園市調查處
- ◎起訴日期：105 年 9 月 10 日
- ◎起訴機關：桃園地方法院檢察署
- ◎起訴被告：吳○○ 等 2 人
- ◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款不違背職務之行為收受賄賂罪等

中壢殯葬所火化場班長吳○○及班員李○○2 人，明知對於民眾申辦遺體火化應依桃園市政府殯葬管理所公立殯儀館及火化場收費基準表規定，收取火化規費，不得再藉故向喪家或代辦之殯葬業者收取任何費用，共同基於收受賄賂之犯意，藉辦理遺體火化之機會，以民間習俗點火、撿骨需給紅包為由，趁機向代辦喪葬業務之殯葬業者索賄，否則即予以藉故刁難或拖延火化時間，殯葬業者乃將該筆費用轉嫁予喪家，吳○○等人於 101 年至 104 年間，以每筆 500 元或 1,000 元不等之點火、撿骨紅包及加排或安插，以便如期火化遺體等為由，分別向通○禮儀公司總務葉○○、白○葬儀社負責人羅○○、金○禮儀社負責人袁○○、高○葬儀社負責人黃○○、啟○國際喪務公司負責人曹○○等人，合計收取賄款 101 餘萬元。



## 案例 05 入出國及移民與海岸巡防類 移民署宜蘭收容所所長林○○涉嫌圖利案

**Case 05**      **Entry & Exit, Immigration and Coastal Patrol**  
**Private profit-related case of Lin ○○, the former Yilan Shelter**  
**Director of Immigration Agency**

- ◎案件類型：入出國及移民與海岸巡防
- ◎主辦單位：本局臺北市調查處
- ◎起訴日期：105 年 9 月 6 日
- ◎起訴機關：宜蘭地方法院檢察署
- ◎起訴被告：林○○ 等 2 人
- ◎起訴法條：貪污治罪條例第 6 條第 1 項第 4 款於主管或監督之事務圖利罪等

移民署宜蘭收容所於 104 年 8 月間，發生受收容人阮○○、黃○○意圖脫逃，破壞該所 A 區第 6 寢室浴廁之鐵窗，遭值勤科員陳○○、洪○○及時制伏，依程序向當日宜蘭收容所值勤官朱○○、總值勤官所長林○○回報，並將逃逸未遂情事記載於工作紀錄簿，林○○為免該事件向上陳報後，遭上級機關追究責任致影響仕途，林○○在朱○○填寫執勤交接紀錄表上，不填載重大事故通報單及上報，以避免上級機關獲悉此情。

林○○在掩蓋逃逸未遂事件後，明知阮○○、黃○○所為逃逸未遂行為應移請宜蘭縣專勤隊調查後，移送宜蘭地檢署偵辦，基於圖利他人之犯意，特別指示所屬儘快辦理阮、黃 2 員驅逐出境手續，宜蘭收容所遂將該 2 人申請出境送移民署北區事務大隊宜蘭縣服務站辦理出境手續，另檢具申請公務經費或就業安定基金支付遣返機票所需資料，送請移民署北區事務大隊函轉移民署申請公費購買遣返機票，阮、黃 2 員順利離境，得免受刑事追訴處罰及支付返國機票和繳交行政罰鍰，並獲有 1 萬餘元不法利益。

## 案例 06 衛生醫療類

### 吉○藥品公司涉嫌行賄高雄市立醫院醫師案

#### Case 06 Health and Medicine

Suspicious case of bribing physicians of Kaohsiung City Hospital committed by Lu ○○, the manager of Ji ○ Pharmaceutical Company

◎案件類型：衛生醫療

◎主辦單位：本局高雄市調查處

◎起訴日期：105 年 10 月 30 日

◎起訴機關：高雄地方法院檢察署

◎起訴被告：林○○ 等 4 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款購辦公用物品浮報價額、數量、收取回扣或其他舞弊情事罪等

103 年元月間，吉○藥品公司業務主管李○○到高雄市立民生醫院拜會醫師林○○，李員與林員基於支付收受回扣之合意，林○○要求以藥品速普新每支健保價 1,099 元中提供 350 元回扣，作為提升用量之對價，李○○則以每月至少 200 支用量作為條件交換，經該公司負責人鄭○○同意後，該公司每月依據民生醫院下訂速普新之總額換算回扣，由李○○提領現金，協同業務王○○或交由王○○親送民生醫院面交林○○。

嗣速普新健保價調降為 709 元，李○○認為仍按 350 元條件行賄將導致不符成本，乃與林○○會商，提出降低回扣之要求，林○○主仍堅持每支回扣 350 元，遭鄭○○拒絕，林員即停用速普新，於民生醫院辦理 104-105 年度關節注射液 3 項採購案，其中品項速普新關節內注射劑由凱○公司以單價 645 元得標，李○○隨即與王○○赴民生醫院拜訪林○○，林員再度提出以速普新院內得標單價與署聯標單價之差額 265 元作為施打代價，經鄭○○同意以每支回扣 260 元達成協議，嗣後速普新用量果逐漸回穩，迄 105 年 3 月間，鄭○○因不堪負荷請李○○再與林○○商量，要求回扣降為每支 200 元，惟林員堅拒妥協，吉○公司無奈放棄民生醫院速普新業績，即終止支付林○○回扣。

## 案例 07 教育類

### 私立南榮科技大學校長黃○○辦理教師升等涉貪案

**Case 07 Education**  
**Corruption case relating teachers' rank promotion involved by Hung ○○, the president of Nan Jeon University of Science and Technology (NJU)**

- ◎案件類型：教育
- ◎主辦單位：本局臺南市調查處
- ◎起訴日期：105 年 9 月 2 日
- ◎起訴機關：臺南地方法院檢察署
- ◎起訴被告：黃○○ 等 16 人
- ◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款違背職務之行為收受賄賂罪等

私立南榮科技大學校長黃○○參與該校教師資格審查相關業務，係刑法第 10 條第 2 項第 1 款後段所稱公務員，103 年間起向該校尚不具升等為助理教授資格之講師張○等 11 人施壓，若不儘快升等將依該校 569 條款改聘為兼任講師或不續聘，可以以數十萬元代價向其購買哥斯大黎加英培爾大學博士學位，無須上課即可取得學位，同時可提供數篇國外期刊論文供該等講師以著作升等方式升等為助理教授，張○等 11 人即依黃○○指示匯款至黃某妻吳○○等特定帳戶，嗣後再透過知情之南榮大學人事主任蕭○○、科技中心主任陳○○、推廣教育中心職員許○○等人，以非講師親自著作之不實論文提出升等申請並護航通過教評會審查，終順利助使取得助理教授資格，總計行受賄金額達 551 萬餘元。

黃○○、吳○○、南榮科大研究發展處處長劉○○及推廣教育中心主任王○○等人，共同對蘇○○等 19 名民眾鼓吹購買不用實際上課即可取得之英培爾大學學士學位，據以辦理南榮科大插大轉學以取得大學學籍，致蘇○○等 19 人陷於錯誤而支付 20 萬元至 50 萬元不等金錢，嗣後提供蘇○○等人偽造學位證書、成績單等資料辦理轉學手續，抵免學分，使其等順利插入南榮科大三年級就讀，詐取金額合計 609 萬餘元。

黃○○、吳○○、劉○○及王○○共同向陳○○等民眾 48 人誑稱獲英培爾大學授權在臺灣開辦海外學士、碩士、博士學程，無需高中畢業即可就讀，無需大學學歷即可就讀碩博士學程，致陳○○等 48 人陷於錯誤而分別交付數十萬元不等金錢，黃○○乃偽編未實際開課之課程成績單、虛偽英培爾大學學位證明，交付前揭受騙民眾，詐取金額合計 2,732 萬餘元。

## 案例 08 農林漁牧類

### 彰化農田水利會溪州站站長林○○等涉貪案

**Case 08**      **Agriculture, Forestry, Fisheries and Pasturage**  
**Corruption-related case of Lin ○○, the former head of Xi-Zou**  
**Station of Changhua Farmland Water Conservancy Association**

◎案件類型：農林漁牧

◎主辦單位：本局彰化縣調查站

◎起訴日期：105 年 1 月 20 日

◎起訴機關：彰化地方法院檢察署

◎起訴被告：林○○ 等 21 人

◎起訴法條：貪污治罪條例第 5 條第 1 項第 2 款利用職務上機會詐取公有財物罪

彰化農田水利會溪州工作站前後任站長林○○、賴○○及職員施○○等 5 人基於共同犯意，於 102 年至 103 年間辦理 10 萬元以下浚漂工程計 71 件採購案，採購金額合計 540 餘萬元，明知依農田水利會組織通則第 38 條第 1 項規定，水利會會務委員不得直接或間接承包各該會工程，包庇會務委員葉○○承攬施作該工作站所有浚漂工程，由葉○○虛偽填寫施工項目及金額，並以順○工程行等 5 家廠商提供空白發票報銷請款，林○○配合製作相關文件及完工後驗收，葉○○獲有不法利益 155 萬餘元。

彰化農田水利會埤頭工作站前後任站長陳○○、莊○○及職員王○○等 4 人基於共同犯意，於 102 年至 103 年間辦理 10 萬元以下浚漂工程計 67 件採購案，採購金額合計 962 餘萬元，明知依農田水利會組織通則第 38 條第 1 項規定，水利會會務委員不得直接或間接承包各該會工程，護航水利會會務委員張○○承攬施作該工作站所有浚漂工程，由張○○虛偽填寫施工項目及金額，並以順○工程行等 5 家廠商提供空白發票報銷請款，陳○○等人配合製作相關文件及完工後驗收，張○○獲有不法利益 86 萬餘元。



## 案例 09 河川及砂石管理類

### 南投縣政府辦理濁水溪新武界橋上下游河段疏濬 招標涉貪案

**Case 09 River and Gravel Management**  
Corruption-related case of Nantou County Government in handling  
the dredging bidding for upper and lower reaches of Shiwugei  
Bridge of Zhuoshuixi river

◎案件類型：河川及砂石管理

◎主辦單位：本局南投縣調查站

◎起訴日期：105 年 6 月 16 日

◎起訴機關：南投地方法院檢察署

◎起訴被告：黃○○ 等 6 人

◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款不違背職務之行為收受賄賂罪

南投縣政府工務處承辦人黃○○於 101 年 11 月間，經辦經濟部水利署第四河川局委託南投縣政府「101 年濁水溪新武界橋上下游河段疏濬工程」及土石標售招標業務，勾結南投縣縣議員游○○、砂石業者許○○等人，於本標案公告前，先後由許○○、黃○○主動接洽砂石業者曾○○，表示本標案標售砂石數量 40 萬立方公尺，施工部分以協助辦理展延工期，可載運砂石超過 40 萬立方公尺，將有厚利可圖為由，說服曾○○參標，並索賄 1,200 萬元，曾某因資金不足及參標廠商不熟悉，即找同業康○○合夥，並由康○○提供本標案工程部份參標廠商帶○營造公司、信○砂石行，本標案開標前一天，由黃○○、許○○告之參標金額，且順利由帶○營造有限公司標得工程標部分，信○砂石行標得收入標部分。決標後康女提領現款後，赴大○砂石場交付曾○○，曾○○將賄款 1,200 萬元轉交許○○，許○○再轉交南投縣縣議員游○○，再由游○○進行分贓，黃○○分得贓款 600 萬元。

## 案例 10 國有財產管理類

### 澎湖縣望安鄉公所 100 年度讓售土地涉嫌不法案

**Case 10 State-Owned Property Management**  
**Suspicious illegal case of land sales in 2011 conducted by Wangan Township Administration, Penghu County**

- ◎案件類型：國有財產管理
- ◎主辦單位：本局臺南市調查處
- ◎起訴日期：105 年 1 月 18 日
- ◎起訴機關：澎湖地方法院檢察署
- ◎起訴被告：葉○○ 等 7 人
- ◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款違背職務之行為收受賄賂罪

澎湖縣望安長葉○○、鄉公所秘書許○○、財經課職員高○○及澎湖縣議員葉○○等人，明知望安鄉所有、位於新北市永和區保平段地目為「道」（公共設施保留地）之 3 筆土地，依土地法、都市計畫法、澎湖縣自治規章及相關函釋，不得讓售予私人，在土地掮客廖○○遊說下，由高○○簽擬公文以土地公告現值 100% 即 2,151 萬餘元讓售予新○都更有限公司，略過曾表示反對意見之代理課長陳○○，逕呈核公所秘書歐○○代為決行，代書汪○○嗣於 100 年 12 月間完成土地過戶，新○都更有限公司實際負責人蔡○○支付佣金 1275 萬餘元，由廖○○、汪○○及都更所轄 2 名里長等朋分，廖○○分得 50% 即 636 萬元；廖○○於 101 年 1 月間親自交付賄款 100 萬元予高○○，分別在臺北交付賄款 60 萬元予許○○，在高雄交付賄款 210 萬元予葉○○。

## 案例 11 其他類

### 前臺北縣政府客家事務局局長何○○涉嫌索賄案

#### Case 11 Others

Bribes soliciting case of Ho ○○, the former head of Hakka Affairs Bureau of Taipei County.

◎案件類型：其他

◎主辦單位：本局新北市調查處

◎起訴日期：105 年 3 月 17 日

◎起訴機關：新北地方法院檢察署

◎起訴被告：何○○ 等 7 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 2 款藉勢藉端勒索財物罪

前臺北縣政府客家事務局局長何○○藉辦理「2009 臺北縣客家文化節及義民祭典活動」勞務採購案，利用於職務上核准權限，向承包商奪○公司負責人張○○要求並收受賄款 5 萬元。另明知違反政府採購法，仍要求廠商名○公司楊○○等投標客家局 98 年及 99 年「海峽兩岸客家藝文交流計畫委外服務案」，於得標後交由何員及其家族共同經營之翔○旅行社承作，圖得自己及翔○旅行社之不法利益 20 萬元，復指示名○公司等圍標承攬「客家文化園區附設餐廳暨禮品店委外經營」標案並交何○○經營，圖得自己 47 萬元之不法利益，嗣再以名○公司未來無法得標客家事務局採購案等語要脅，致使楊○○支付賄款 90 萬元。

## 案例 12 其他類

### 立法院資訊處人員辦理 102 年憑證系統更新採購 涉貪案

#### Case 12 Others

Procurement-related corruption case of voucher system renewal  
committed by the Information Office of Legislative Yuan in 2013.

◎案件類型：其他

◎主辦單位：本局北部地區機動工作站

◎起訴日期：105 年 4 月 29 日

◎起訴機關：臺北地方法院檢察署

◎起訴被告：林○○ 等 13 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款購辦公用物品浮報價額、數量、收取  
回扣或其他舞弊情事罪等

於 102 年 11 月間，立法院秘書長林○○利用核決該院行政、採購事務之權限，基於收取回扣及賄賂之犯意，指示資訊處處長陳○○，洩漏採購新增項目資訊予網○公司負責人李○○，並依李○○提出報價單，配合刪除新增採購項目及降低相關規格方式，協助網○公司標得「立法院 102 年度國會憑證管理系統更新暨服務整合案」。另於 104 年 7、8 月間，指示秘書長室科長陳○○、資訊處處長陳○○及資訊處通訊系統科科長高○○，違法將已完成評選之民意匯流案廢標，復將該案之預算，挪為辦理李○○另提之「行動裝置網路安全強化建置案」，復由高○○指示所屬分析師王○○抄襲網○公司提出之服務建議書徵求說明書，據以制訂採購目的、效益、預算金額、專案建置需求內容、產品設備規格及履約期限等採購需求，協助網○公司順利得標承攬該採購案，林○○總計向李○○收取現金回扣金額 3,650 萬元。

## 表目錄

表 2-01 105 年案件偵辦工作統計總表

Table2-01 Summary Table of the Investigation Work Performed in 2016

單位：案  
Unit: Case

案件分類 Category			案數 No. of Case	說 明 Description
廉 政 案 件	Corruption Cases	移送檢方 Referred officially to Prosecutors	329	經本局偵辦後，於105年間以移送書方式送檢察機關者。 Cases referred officially to prosecutors for indictments 2016 after investigations
		函送起訴 Forwarded to Prosecutors	18	經本局偵辦後，以函文方式送檢察機關，檢察機關嗣於105年間起訴者。 Cases forwarded to prosecutors with written reports and indicted afterward in 2016 after investigations.
		其他 Others	12	經本局配合檢方偵辦，檢察機關於105年間逕行提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者。 Cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2016 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio.
		小計 Subtotal	359	占全年成果統計案數84.27%。 Accounts for 84.27 %of the year.
賄選案件 Vote-buying Cases			67	經本局配合檢方偵辦，檢察機關於105年間提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者，占全年成果統計案數15.73%。 The Bureau has cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2016 brought indictments, summary judgments,deferred prosecutions, or non-prosecutions ex officio., which accounts for 15.73%.
總計 Total			426	註1：本表統計期間為105年1月1日至105年12月31日。 Note 1 : The period for statistics is between January 1 2016 December 31, 2016.  註2：本年報「案件偵辦工作」單元，係針對「移送檢方案件」及「賄選案件」作專章介紹。 Note 2 : The chapter "Investigation Work" of this Yearbook indicates the "referred cases" and "vote-buying cases"



表 2-02 105 年移送案件統計總表

**Table 2-02 Summary of Statistics on Cases Referred in 2016**

單位：案、人、元  
Unit: case/person/TWD

項目 Status  類型 Category		案數 No. of Case	嫌疑人數 No. of Suspects			涉案標的 Amount of Money Involved in Cases				
			公務員 Civil Servant	民意代表 Elected representative	非公職人員 Non-civil servant	貪污金額 Corruption	圖利金額 Profiting	採購金額 Procurement	其他犯罪金額 Others	
貪	Corruption/ malfeasance	工商監管 Supervisory management for industry and commerce	2	2	0	4	100,000	—	—	—
		稅務 Taxation	1	2	0	0	—	—	—	—
		公路監理 Highway administration	1	1	0	1	—	—	—	—
		運輸觀光氣象 Transportation, tourism and weather	1	3	0	0	400,000	—	—	—
		法務 Legal	5	6	0	3	3,212,422	10,330,000	—	—
		警政 Law enforcement	27	68	0	81	37,351,700	885,411,916	—	—
		消防 Firefighting	2	2	0	0	100,000	—	—	—
		營建 Construction	13	31	0	61	15,549,754	39,628,025	3,000,000	—
		民戶役地政 Civil affairs, household registration, military service, and land administration	14	29	7	12	45,249,538	2,025,940	—	—
		移民及海巡 Immigration and coastal guard	2	4	0	1	45,222	17,580	—	—
瀆	Corruption/ malfeasance	環保 Environmental protection	6	10	1	0	1,073,093	—	—	—
		衛生醫療 Medical service	1	2	0	3	2,832,600	—	—	—
		社會福利 Social welfare	2	2	0	1	117,927	—	—	—
		教育 Education	7	22	0	49	12,553,880	455,508	—	—
		農林漁牧 Agriculture, forestry, fishery and animal husbandry	6	29	0	14	890,709	2,601,200	15,020,000	—
		河川砂石管理 River and gravel management	4	73	2	26	41,900,000	—	—	—
		軍方事務 Military affairs	3	7	0	6	226,035	—	—	—
		國有財產 State-owned properties	4	7	1	7	5,554,500	—	—	—
		國營事業 State-owned enterprises	5	6	1	15	6,586,929	—	—	—
		行政事務 Administrative affairs	8	19	0	0	80,947	183,300	—	—
	其他 Others	22	27	14	35	218,826,483	123,044,996	—	—	
	小計 Sub-total	136	352	26	319	392,651,739	1,063,698,465	18,020,000	—	

Table 2-02 Summary of Statistics on Cases Referred in 2016 (Continue)

非	貪	Non-corruption/non- malfeasance	2017年12月31日							
			項目	2017年12月31日	2017年12月31日	2017年12月31日	2017年12月31日	2017年12月31日	2017年12月31日	2017年12月31日
瀆	工商監管 Supervisory management for industry and commerce	1	1	0	0	—	—	150,000	—	
	關務 Customs affairs	1	1	0	0	—	—	—	—	
	運輸觀光氣象 Transportation, tourism and weather	8	1	1	14	—	—	35,881,980	—	
	警政 Law enforcement	2	0	0	8	—	—	24,348,740	—	
	民戶役地政 Civil affairs, household registration, military service, and land administration	4	2	0	10	—	—	1,148,079	—	
	移民及海巡 Imigration and coastal guard	4	0	0	9	—	—	3,428,519	—	
	環保 Environmental protection	18	1	3	47	—	—	153,721,344	—	
	衛生醫療 Medical service	6	0	0	17	—	—	12,327,932	—	
	教育 Education	26	11	0	48	—	—	66,089,352	—	
	農林漁牧 Agriculture, forestry, fishery and animal husbandry	7	0	0	28	—	—	68,168,178	—	
	河川砂石管理 River and gravel management	6	0	0	15	—	—	85,738,132	—	
	軍方事務 Military affairs	14	2	0	27	—	—	62,648,350	—	
	國有財產 State-owned properties	5	0	0	11	—	—	—	—	
	國營事業 State-owned enterprises	23	2	0	73	—	—	770,218,262	8,710,222	
	營建 Construction	10	5	0	30	—	—	62,309,323	—	
	行政事務 Administrative affairs	1	1	0	0	—	—	—	1,554	
	其他 Others	57	4	2	119	—	—	431,604,721	51,369,612	
	小計 Sub-total	193	31	6	456	—	—	1,777,782,912	60,081,388	
總計 Total			329	383	32	775	392,651,739	1,063,698,465	1,795,802,912	60,079,834

表 2-02-1 99 年至 103 年移送案件統計表 (舊涉案類別項目)

**Table 2-02-01 Table of Statistics on Cases Referred from 2010 to 2014  
(Items and Categories of Old Referred Cases)**

單位：案  
Unit: Case

類型 Category		年度 Year	2010	2011	2012	2013	2014	Unit: Case Subtotal
貪	Corruption/ malfeasance	公共工程 Public works	59	58	46	45	36	244
		採購 Procurement	38	53	61	156	32	340
		司法貪瀆 Judicial corruption and malfeasance	1	2	3	4	3	13
		警政 Law enforcement	24	35	24	40	29	152
		消防 Firefighting	2	1	2	2	0	7
		矯正 Correction	6	2	4	1	1	14
		都市計畫 Urban planning	1	5	1	0	0	7
		建管 Construction management	5	7	5	3	8	28
		地政 Land administration	3	7	2	3	2	17
		稅務 Taxation	2	0	2	2	1	7
瀆	Corruption/ malfeasance	關務 Customs affairs	2	7	1	4	4	18
		金融 Financial affairs	1	0	0	0	0	1
		醫療 Medical care	2	8	0	2	2	14
		教育 Education	5	4	7	2	4	22
		工商登記 Company registration	0	0	0	0	0	0
		監理 Motor vehicle management	1	1	2	2	1	7
		殯葬 Funeral and interment	7	4	2	0	1	14
		環保 Environmental protection	8	12	5	5	5	35
		破壞國土 Spoil of land conservation	0	1	0	0	3	4
		河川及砂石管理 Rivers and gravel management	1	2	1	0	0	4
		社福補助 Public welfare subsidy	1	1	1	3	1	7
		補助款 Subvention	1	9	4	6	5	25
		其他 Others	80	85	47	48	37	297
		小計 Sub-total	250	304	220	328	175	1,277

Table 2-02-01 Table of Statistics on Cases Referred from 2010 to 2014  
(Items and Categories of Old Referred Cases) (Continue)

非		公共工程 Public works	101	73	69	69	61	373
		採購 Procurement	128	119	105	107	136	595
貪	Non-corruption/non-malefeasance	司法詐欺 Judiciary fraud	7	10	14	6	9	46
		警政 Law enforcement	0	0	0	0	1	1
		消防 Firefighting	0	0	0	0	1	1
		都市計畫 Urban planning	0	0	0	0	17	17
		關務 Customs affairs	0	0	0	0	1	1
		金融 Financial affairs	0	0	0	0	1	1
		醫療 Medical care	4	3	1	2	4	14
		教育 Education	10	14	17	6	3	50
		環保 Environmental protection	3	13	22	11	19	68
		破壞國土 Spoil of land conservation	17	18	16	12	65	128
瀆		其他 Others	24	20	14	12	9	79
		小計 Sub-total	294	270	258	225	327	1,374
		總計 Total	544	574	478	553	502	2,651

Table 2-03 Table of Statistics on Cases Referred from 2015 to 2016 (Items and Categories of Old Referred Cases)

單位：案

類型 Category			年度 Year	104年 2015	105年 2016				合計 Subtotal
貪   <									



**Table 2-03 Table of Statistics on Cases Referred from 2015 to 2016 (Items and Categories of Old Referred Cases) (Continue)**

非   
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表 2-04 105 年移送案件案源統計表

Table 2-04 Statistics of Case Sources on Cases Referred in 2016

單位：案  
Unit: Case

案源類別 Categories	民衆檢舉 Reports from the public	民衆自首 Self- surrenders	檢察署 Prosecutors offices	政風機構 Governmental ethics authorities	本局 主動發掘 MJIB initiative	其他 Others	合計 Subtotal
貪瀆案件 Corruption/ malfeasance	13	0	28	0	94	1	136
非貪瀆案件 Non- corruption/non - malfeasance	15	1	78	3	59	37	193
Total	28	1	106	3	153	38	329

表 2-05 105 年移送案件主要適用法律統計表

**Table 2-05 Statistics of Key Applicable Laws on Cases Referred in 2016**

單位：案

Unit: Case

適用法律 Applicable laws			貪污治罪條例 Anti-Corruption Act	政府採購法 Government Procurement Act	刑法 Criminal Code	其他 Others	合計 Subtotal
類型 Category							
貪   							

表 2-05 105 年移送案件主要適用法律統計表(續)

Table 2-05 Statistics of Key Applicable Laws on Cases Referred in 2016 (Continue)

非	貪	Non-corruption/non-maleficance	工商監管 Supervisory management for industry and commerce	—	1	0	0	1
			關務 Customs affairs	—	0	1	0	1
非	貪	Non-corruption/non-maleficance	運輸觀光氣象 Transportation, tourism and weather	—	6	2	0	8
			警政 Law enforcement	—	2	0	0	2
非	貪	Non-corruption/non-maleficance	民戶役地政 Civil affairs, household registration, military service, and land administration	—	3	1	0	4
			移民及海巡 Immigration and coastal guard	—	4	0	0	4
非	貪	Non-corruption/non-maleficance	環保 Environmental protection	—	7	2	9	18
			衛生醫療 Medical service	—	6	0	0	6
非	貪	Non-corruption/non-maleficance	教育 Education	—	12	14	0	26
			農林漁牧 Agriculture, forestry, fishery and animal husbandry	—	3	1	3	7
非	貪	Non-corruption/non-maleficance	河川砂石管理 River and gravel management	—	6	0	0	6
			軍方事務 Military affairs	—	13	0	1	14
非	貪	Non-corruption/non-maleficance	國有財產 State-owned properties	—	0	2	3	5
			國營事業 State-owned enterprises	—	20	3	0	23
非	貪	Non-corruption/non-maleficance	營建 Construction	—	7	1	2	10
			行政事務 Administrative affairs	—	0	1	0	1
非	貪	Non-corruption/non-maleficance	其他 Others	—	37	19	1	57
			小計 Sub-total	0	127	47	19	193
			總計 Total	119	127	64	19	329

表 2-06 近五年移送案件主要適用法律統計表之一（以案數統計）

Table 2-06 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years (By No. of Cases)

<div>年度 Year</div> <div>法律名稱 Law</div>	101年 2012		102年 2013		103年 2014		104年 2015		105年 2016	
	案數 No. of Case	百分比 %	案數 No. of Case	百分比 %	案數 No. of Case	百分比 %	案數 No. of Case	百分比 %	案數 No. of Case	百分比 %
貪污治罪條例 Anti-Corruption Act	200	41.8%	299	54.1%	145	28.9%	115	30.0%	119	36.2%
政府採購法 Government Procurement Act	159	33.3%	157	28.4%	169	33.7%	179	46.7%	127	38.6%
刑法 Criminal Code	83	17.4%	74	13.4%	132	26.3%	63	16.4%	64	19.5%
毒品危害防制條例 Narcotics Hazard Prevention Act	0	0.0%	1	0.2%	0	0.0%	0	0.0%	0	0.0%
陸海空軍刑法 Criminal Code of the Armed Forces	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.3%
懲治走私條例 The Smuggling Penalty Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
公務員服務法 Civil Servant Service Act	0	0.0%	1	0.2%	3	0.6%	1	0.3%	0	0.0%
廢棄物清理法 Waste Disposal Act	23	4.8%	10	1.8%	18	3.6%	10	2.6%	8	2.4%
森林法 Forestry Act	1	0.2%	1	0.2%	1	0.2%	1	0.3%	0	0.0%
水土保持法 Soil and water Conservation Act	2	0.4%	3	0.5%	10	2.0%	3	0.8%	4	1.2%
山坡地保育利用條例 Utilization and Transfer of Reserved Mountainous Land	1	0.2%	2	0.4%	7	1.4%	0	0.0%	1	0.3%
都市計畫法 Urban Planning Law	0	0.0%	0	0.0%	2	0.4%	0	0.0%	0	0.0%
區域計畫法 Regional Plan Act	5	1.0%	4	0.7%	14	2.8%	7	1.8%	5	1.5%
律師法 Attorney Regulation Act	4	0.8%	0	0.0%	0	0.0%	1	0.3%	0	0.0%
水利法 Water Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%



表 2-06 近五年移送案件主要適用法律統計表之一 (以案數統計)(續)

Table 2-06 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years (By No. of Cases)  
(Continue)

水污染防治法 Water Pollution Control Act	0	0.0%	1	0.2%	1	0.2%	1	0.3%	0	0.0%
稅捐稽徵法 Tax Collection Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
公職人員利益衝突迴 避法 Act on Recusal of Public Servants Due to Conflict of Interest	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
殯葬管理條例 Mortuary Service Administration Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
電腦處理個人資料保 護法 Computer-Processed Personal Data Protection Act	0	0.0%	0	0.0%	0	0.0%	1	0.3%	0	0.0%
國家機密保護法 The Classified National Security Information Protection Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
政治獻金法 Political Donations Act	0	0.0%	0	0.0%	0	0.0%	1	0.3%	0	0.0%
總計 Total	478	100.0%	553	100.0%	502	100.0%	383	100.0%	329	100.0%

表 2-07 近五年移送案件主要適用法律統計表之二（以人數統計）

Table 2-07 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years (By No. of Suspects)

<div> <div>年度</div> <div>Year</div> </div> <div> <div>法律名稱</div> <div>Law</div> </div>	101年 2012		102年 2013		103年 2014		104年 2015		105年 2016	
	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %
貪污治罪條例 Anti-Corruption Act	825	45.1%	1532	57.2%	831	46.5%	631	43.5%	493	41.4%
貪污治罪條例 Government Procurement Act	535	29.2%	604	22.5%	504	28.2%	577	39.8%	440	37.0%
刑法 Criminal Code	354	19.3%	460	17.2%	327	18.3%	183	12.6%	182	15.3%
毒品危害防制條例 Narcotics Hazard Prevention Act	5	0.3%	1	0.0%	0	0.0%	0	0.0%	0	0.0%
槍砲彈藥刀械管制條例 Controlling Guns, Ammunition and Knives Act	0	0.0%	2	0.1%	0	0.0%	0	0.0%	0	0.0%
陸海空刑法 Criminal Code of the Armed Forces	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
通訊保障及監察法 The Communication Security and Surveillance Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
公務員服務法 Civil Servant Service Act	0	0.0%	1	0.0%	3	0.2%	1	0.1%	0	0.0%
廢棄物清理法 Waste Disposal Act	37	2.0%	18	0.7%	67	3.7%	20	1.4%	28	2.4%
森林法 Forestry Act	15	0.8%	23	0.9%	1	0.1%	13	0.9%	0	0.0%
水土保持法 Soil and water Conservation Act	2	0.1%	4	0.1%	21	1.2%	6	0.4%	6	0.5%
山坡地保育利用條例 Utilization and Transfer of Reserved Mountainous Land	4	0.2%	1	0.0%	12	0.7%	0	0.0%	3	0.3%
都市計畫法 Urban Planning Law	0	0.0%	0	0.0%	2	0.1%	0	0.0%	0	0.0%
區域計畫法 Regional Plan Act	9	0.5%	4	0.1%	19	1.1%	10	0.7%	9	0.8%
商業會計法 Business Entity Accounting Act	35	1.9%	24	0.9%	0	0.0%	0	0.0%	25	2.1%

表 2-07 近五年移送案件主要適用法律統計表之二（以人數統計）（續）

Table 2-07 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years (By No. of Suspects) (Continue)

稅捐稽徵法 Tax Collection Act	1	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
洗錢防制法 Money Laundering Control Act	2	0.1%	5	0.2%	0	0.0%	0	0.0%	2	0.2%
律師法 Attorney Regulation Act	6	0.3%	0	0.0%	0	0.0%	1	0.1%	0	0.0%
電腦處理個人資料保護法 Computer-Processed Personal Data Protection Act	0	0.0%	0	0.0%	0	0.0%	1	0.1%	0	0.0%
野生動物保護法 Wildlife Conservation Act	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
水污染防治法 Water Pollution Control Act	0	0.0%	0	0.0%	2	0.1%	7	0.5%	0	0.0%
政治獻金法 Political Donations Act	0	0.0%	1	0.0%	0	0.0%	1	0.1%	0	0.0%
總計 Total	1,830	100.0%	2,680	100.0%	1,789	100.0%	1,451	100.0%	1,190	100.0%

表 2-08 近五年移送案件主要適用法條統計表之一（以貪污治罪條例為主要適用法條）

Table 2-08 Statistics of Key Applicable Articles of the Criminal Code on Cases Referred in the Past 5 Years 單位：案  
Unit: Case

條 Article	項 Paragraph	款 Subparagraph	構成要件 Details of the Anti-corruption Act	101	102	103	104	105
				2012 Year	2013 Year	2014 Year	2015 Year	2016 Year
4	1	1	竊取或侵占公用或公有器材、財物者。 Larceny or embezzlement of public equipments or properties.	10	12	7	8	12
4	1	2	藉勢藉端勒索、勒徵、強占或強募財物者。 Obtaining properties by coercion, extortion, conversion or collection on an illegal excuse or by misusing his power and influence.	7	8	5	4	3
4	1	3	建築或經辦公用工程或購辦公用器材、物品，浮報價額、數量、收取回扣或有其他舞弊情事者。 False reports about the price or quantity; receiving an unauthorized commission; engaging in other corrupt acts relating to the construction of government projects or the procurement of government equipments or materials.	15	19	10	3	6
4	1	5	對於違背職務之行為，要求、期約或收受賄賂或其他不正利益者。 Demanding, soliciting, dealing or receiving bribes or other illegal profits in return for violating, reducing or failing to perform the official or commissioned duties.	39	28	25	15	30
5	1	1	意圖得利，擅提或截留公款或違背法令收募稅捐或公債者。 With intent to profit, withdrawing or withholding public funds without authorization; collecting taxes or government bonds in violation of laws.	0	0	0	0	0
5	1	2	利用職務上之機會，詐取財物者。 Obtaining properties by committing fraudulence through one's position.	46	157	24	26	32
5	1	3	對於職務上之行為，要求、期約或收受賄賂或其他不正利益者。 Demanding, soliciting, dealing or receiving bribes or other illegal profits in return for supplying someone with unusual convenience when performing the official or commissioned duties.	31	25	25	22	10
6	1	1	意圖得利，扣留不發職務上應發之財物者。 Retaining properties that should be released to people for the intention of making illegal profits.	0	1	0	0	0
6	1	2	募集款項或徵用土地、財物，從中舞弊者。 Malfeasance for collecting money, land, or property from people.	0	0	0	0	0

表 2-08 近五年移送案件主要適用法條統計表之一（以貪污治罪條例為主要適用法條）（續）

Table 2-08 Statistics of Key Applicable Articles of the Criminal Code on Cases Referred in the Past 5 Years (Continue)

6	1	3	竊取或侵占職務上持有之非公用私有器材、財物者。 Larceny or embezzlement of private equipments or properties possessed by him because of his official position.	1	2	3	7	0
6	1	4	對於主管或監督之事務，明知違背法令，直接或間接圖自己或其他私人不法利益，因而獲得利益者。 Knowing that something done would be against the law but might directly or indirectly make himself or others gain illegal profits, and still deciding to execute it and finally obtaining the profits. The said "something" should relate to the affairs under his management or supervision.	50	43	43	28	24
6	1	5	對於非主管或監督之事務，明知違背法令，利用職權機會或身分圖自己或其他私人不法利益，因而獲得利益者。 Knowing that something done would be against the law but might directly or indirectly make himself or others gain illegal profits, and still deciding to execute it and finally obtaining the profits. The said "something" should relate to the affairs under his management or supervision.	1	4	1	0	1
6之1 6-1			公務員財產增加與收入顯不相當，受檢察官之命就來源可疑之財產提出說明，無正當理由未為說明、無法提出合理說明或說明不實者。 If it is obvious that the increase in property of civil servants do not correspond with their income, with the received orders from the prosecutor, they are to provide explanations for the property from suspicious sources and eventually give no explanations, give unreasonable explanations, or give false explanations.	0	0	1	0	0
11	1		對第二條人員，關於違背職務之行為，行求、期約或交付賄賂或其他不正利益者。 Enticing, dealing or offering bribes or other illegal profits to a civil servant in return for violating, reducing or failing to perform the civil servant's official or commissioned duties.	0	0	1	2	0
13	1		直屬主管長官對於所屬人員明知貪污有據，而予包庇不為舉發者。 The immediate superior who has actual or direct proof that a person under their supervision has committed one or more of the acts listed in the Act and has failed to expose case to the competent authorities	0	0	0	0	1
Total				200	299	145	115	119



表 2-09 近五年移送案件主要適用法條統計表之二（以刑法為主要適用法條）

Table 2-09 Statistics of Key Applicable Articles of the Criminal Code on Cases Referred in the Past 5 years

單位：案  
Unit: Case

條 Article	項 Paragraph	罪名 Description	101	102	103	104	105
			2012 Year	2013 Year	2014 Year	2015 Year	2016 Year
122	2	違背職務受賄罪 Offense of accepting bribes and breaching one's duties	0	1	0	0	0
123	1	準受賄罪 Quasi-bribery-taking	0	0	1	0	0
129	2	違法扣留或剋扣款物罪 A civil servant intercepting or embezzling money or objects that should be issued to people	0	1	0	0	0
132	1	洩漏國防以外之秘密罪 A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	6	5	12	0	6
132	2	過失洩漏國防以外之秘密罪 A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	1	0	0	0	2
132	3	非公務員洩漏國防以外之秘密罪 A non-civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	0	1	0	4	0
134		公務員犯罪加重處罰之規定 Regulations of punishment increase on public officials that commit offenses	0	0	0	0	1
138		妨害職務上掌管之文書物品罪 Destroying or hiding documents, objects supervised by civil servants	1	0	0	0	0
157	1	挑唆包攬訴訟罪 Luring someone to enter a lawsuit and then taking the case	0	0	1	0	0
165		湮滅刑事證據罪 Destruction of criminal evidence	0	0	1	0	0
169	1	誣告罪 Malicious accusation	0	0	1	0	0
185	3	妨害公眾往來安全未遂罪 Offence of attempting to endanger the safety of public traffic	0	0	0	0	1
187-2	1	逸放核能放射線罪 Offence of nuclear radiation emission	0	0	0	0	1
210		偽造、變造私文書罪 Offence of forging or altering official documents	4	1	6	1	1
211		偽造、變造公文書罪 Offence of forging or altering official documents	2	1	2	0	0
212		偽造變造特種文書罪 Forgery of limited kinds of documents	0	0	0	0	0
213		公文書不實登載罪 A civil servant fraudulently filling in something on official documents	5	12	7	10	9

表 2-09 近五年移送案件主要適用法條統計表之二（以刑法為主要適用法條）（續）

Table 2-09 Statistics of Key Applicable Articles of the Criminal Code on Cases Referred in the Past 5 years (Continue)

214		使公務員登載不實罪 Causing a civil servant to make fraudulent entries into official documents	0	1	1	0	1
215		業務上文書登載不實罪 Fraudulently filling in something on private documents due to business	2	4	1	2	2
216		行使偽變造或登載不實文書罪 Using the forged, falsified, or false information-entry documents	0	2	5	0	0
217	1	偽造印章印文或署押罪 Forging a seal, the impression of a seal, or a signature	0	0	0	0	1
217	2	盜用印章印文或署押罪 Using a seal, the impression of a seal without authority	0	0	1	0	1
218	2	盜用公印或公印文罪 Using a public seal or the impression of a public seal without authority	1	0	0	0	0
231	2	公務員包庇媒介性交及猥褻罪 Using a public seal or the impression of a public seal without authority	0	0	1	0	0
268		常業賭博罪 Frequent gambling crime	0	1	1	0	0
304	1	強制罪 Offense of coercion	0	0	1	1	0
320	1	竊盜罪 Larceny	0	1	4	14	0
320	2	竊佔罪 Larceny of real estate	7	3	42	0	6
321	1	加重竊盜罪 Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	0	0	0	0	1
335	1	侵占罪 Embezzlement	0	1	1	3	0
336	1	公務公益侵占罪 Embezzling properties possessed on the occasion of official matters or public welfare	2	0	0	2	2
336	2	業務侵占罪 Embezzling properties possessed on the occasion of profession or business	4	1	2	0	1
339	1	普通詐欺取財罪 Fraud (illegally gaining properties)	34	33	26	23	21
339	2	普通詐欺得利罪 Fraud (illegally gaining profits)	3	0	0	2	0
339	3	詐欺未遂罪 Failure of fraud	1	1	2	0	1
339-4	2	加重詐欺罪 Offenses of aggravated fraud	0	0	0	0	2
342	1	背信罪 Abuse of trust	10	4	13	1	3
342	2	背信未遂罪 Attempt on breach of Trus	0	0	0	0	1
總計 Total			83	74	132	63	64

表 2-10 近五年移送案件犯罪嫌疑人資料統計表（以身分及性別統計）

Table 2-10 Statistics of Suspect Demographics in Cases Referred in the Past 5 Years (By Status and Gender)

單位：人  
Unit: person

類別 Statu	高階公務員 High-ranking civil servant		中階公務員 Middle-ranking civil servant		低階公務員 Low-ranking civil servant		準公務員 Quasi-civil servant		民意代表 Elected representative		非公職人員 Non-civil servant		合計 Subtotal	
	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female		
年度 Year	101年 2012	92	11	247	20	120	10	92	33	16	4	956	229	1,830
		103		267		130		125		20		1,185		
102年 2013	164	37	327	56	224	46	192	51	51	21	1,183	328	2,680	
	201		383		270		243		72		1,511			
103年 2014	72	1	162	25	86	9	101	33	18	3	1,057	222	1,789	
	73		187		95		134		21		1,279			
104年 2015	32	2	110	17	115	16	27	11	14	5	845	257	1,451	
	34		127		131		38		19		1,103			
105年 2016	25	4	111	19	103	30	60	11	10	7	646	164	1,190	
	29		130		133		71		17		810			
總計 Total	385	55	957	137	648	111	472	139	109	40	4,687	1,200	9,994	
	538		1,288		880		569		173		6,546			

表 2-11 105 年移送案件犯罪嫌疑人資料統計表之一（以主要適用法律及身分統計）

Table 2-11 Table Statistics of Suspect Demographics in Cases Referred in 2016 (By Applicable Laws and Status)

單位：人  
Unit: person

身分 Status	法律 Laws	貪污治罪條例 Anti-Corruption Act	政府採購法 Government Procurement Act	刑法 Criminal Code	其他 Others	合計 Subtotal
高階公務員 High-ranking civil servant		23	1	5	0	29
中階公務員 Middle-ranking civil servant		102	1	25	2	130
低階公務員 Low-ranking civil servant		105	1	26	1	133
準公務員 Quasi-civil servant		65	0	5	1	71
民意代表 Elected representative		15	1	0	1	17
非公職人員 Non-civil servant		183	436	121	70	810
總計 Total		493	440	182	75	1,190

表 2-12 105 年移送案件犯罪嫌疑人資料統計表之二（以學歷及身分統計）

Table 2-12 Statistics of Suspect Demographics in Cases Referred in 2016 (By Education and Status)

單位: 人  
Unit: person

身分 Educational Level	學歷 Status	碩士以上 Master or above	大學 Bachelor	專科 College	高中 Senior high school	國中以下 Junior high school or below	不詳 Unknown	合計 Subtotal
高階公務員 High-ranking civil servant		19	4	2	2	1	1	29
中階公務員 Middle-ranking civil servant		26	41	45	6	3	9	130
低階公務員 Low-ranking civil servant		9	33	39	26	10	16	133
準公務員 Quasi-civil servant		12	7	3	8	35	6	71
民意代表 Elected representative		4	3	1	1	5	3	17
非公職人員 Non-civil servant		53	142	136	199	126	154	810
總計 Total		123	230	226	242	180	189	1,190



表 2-13 近五年移送民選公職人員統計表

Table 2-13 Statistics of Elected Public Servants Referred in the Past 5 Years

單位：人  
Unit: person

民意代表 Elected representative		人數 No. of suspect						地方自治團體首長 Principal of local self-governing body	人數 No. of suspect					
		101年 2012	102年 2013	103年 2014	104年 2015	105年 2016	合計 Subtotal		101年 2012	102年 2013	103年 2014	104年 2015	105年 2016	合計 Subtotal
立法院 Legislative Yuan	立法委員 Legislators	3	0	0	1	0	4	縣市長 Mayor of County/ City	6	1	1	0	0	8
縣市議會 County/ City Council	議長 Speaker of the Council	0	0	0	1	0	1	鄉鎮市長 Mayor of Township	15	29	9	8	6	67
	副議長 Vice-speaker of the Council	0	1	1	0	0	2	村里長 Village Chief	21	50	6	11	13	101
	縣市議員 County and city council	5	44	6	12	18	85							
鄉鎮市民代表會 Township Council	主席 Chairperson of the Council	4	4	4	3	0	15							
	副主席 Vice-chairperson of the Council	2	1	1	1	0	5							
	代表 Township Councilor	6	25	9	1	1	42							
總計 Total		20	75	21	19	19	154	總計 Total	42	80	16	19	19	176

表 2-14 歷年賄選案件起訴情形統計表 (以案數統計)

Table 2-14 Statistics of Indictment Vote-buying Cases Investigated by the Bureau (By No. of Cases)

單位：案  
Unit: Case

選舉別 Categories 年度 Year	正副總統 President and vice president	直轄市長 Mayor of the special municipality	縣市長 Mayor of County/ City	鄉鎮市長 Mayor of Township	村里長 Village Chief	立法委員 Legislators	直轄市議員 Councilor of the special municipality	縣市議員 County and city councilor	鄉鎮市民代表 Township Councilor	農會 Farmers association	漁會 Fishermen association	水利會 Irrigation association	合計 Subtotal
85年 1996	1	—	0	2	0	51	—	0	0	0	0	—	54
86年 1997	0	—	3	1	0	3	—	0	0	42	3	—	52
87年 1998	0	—	12	15	13	8	—	32	9	3	0	—	92
88年 1999	0	—	3	2	4	25	—	1	2	1	1	—	39
89年 2000	6	—	1	0	0	1	—	2	0	1	0	—	11
90年 2001	1	—	9	1	7	41	—	1	7	81	7	—	155
91年 2002	0	—	23	57	98	46	—	141	60	9	1	—	435
92年 2003	2	—	2	7	31	5	—	19	12	3	0	—	81
93年 2004	7	0	0	2	0	20	3	0	0	0	0	—	32
94年 2005	0	0	8	85	1	116	0	143	0	16	0	—	369
95年 2006	1	1	36	94	95	4	3	185	77	1	0	—	497
96年 2007	1	1	5	6	34	1	24	3	16	0	0	—	91
97年 2008	5	0	0	3	8	127	2	2	1	0	0	—	148
98年 2009	1	0	1	9	2	4	0	22	0	60	3	—	102
99年 2010	0	0	14	67	56	4	2	130	49	8	1	11	342

表 2-14 歷年賄選案件起訴情形統計表 (以案數統計)(續)

Table 2-14 Statistics of Indictment Vote-buying Cases Investigated by the Bureau (By No. of Cases) (Continue)

100年 2011	0	0	1	5	122	0	64	1	23	2	0	1	219
101年 2012	5	0	0	1	6	30	0	0	3	1	0	0	46
102年 2013	0	0	0	0	2	1	0	1	0	74	1	0	79
103年 2014	0	0	0	2	8	1	1	4	6	4	0	13	39
104年 2015	0	0	2	44	117	0	32	83	79	1	0	1	359
105年 2016	0	0	0	5	11	37	1	8	4	0	0	1	67
總計 Total	30	2	120	408	615	525	132	778	348	307	17	25	3,309

註1：紅字者為選舉年。

Note 1: Color red indicates a year with election.

註2：92年以前之統計，「縣市長」選舉包含「直轄市長」選舉，「縣市議員」選舉包含「直轄市議員」選舉。

Note 2：Before the year 2003, category "Mayor of county/city" includes the election of "Mayor of the special municipality"; category "county/city councilor" includes the election of "Councilor of the special municipality"

註3：各級民意機關之選舉包含立法院正副院長、直轄市議會正副議長、縣市議會正副議長及鄉鎮市民代表會正副主席之選舉；農漁會選舉包含各級代表及理監事之選舉；農田水利會選舉包含會長及會務委員選舉。

Note 3：Every sort of representatives election includes it's speaker and vice-speaker campaign such as the speaker and vice-speaker of Legislative Yuan, the speaker and vice-speaker of the special municipality council, the speaker and vice-speaker of county/city council, township council chairperson and vice-chairperson. Farmers association election Includes the campaign for representatives, commissioners, and supervisors of the association, and so does fishermen association election. Irrigation association election includes the campaign for commissioners and the president.

註4：本表除檢察機關提起公訴之案件外，尚包括聲請簡易判決處刑、緩起訴及職權不起訴案件。

Note 4：In addition to the major indictment cases, the statistics also count some cases of summary judgment application, deferred prosecution and non-prosecution ex officio.

表 2-15 近十年賄選案件起訴情形統計表（以人數統計）

Table 2-15 Statistics of Indictment Vote-buying Cases in the Past 10 Years (By No. of Suspects)

單位：人  
Unit: person

選舉別 年度 Categories Year	正副總統 President and vice president	直轄市長 Mayor of the special municipality	縣市長 Mayor of County/City	鄉鎮市長 Mayor of Township	村里長 Village Chief	立法委員 Legislators	直轄市議員 Councilor of the special municipality	縣市議員 County and city councilor	鄉鎮市民代表 Township Councilor	農會 Farmers association	漁會 Fishermen association	水利會 Irrigation association	合計 Subtotal
96年 2007	2	16	10	29	258	4	108	19	79	0	0	—	525
97年 2008	28	0	0	8	33	653	3	4	2	0	0	—	731
98年 2009	2	0	2	29	22	29	0	77	0	260	5	—	426
99年 2010	0	0	39	304	172	15	12	773	195	39	2	46	1,597
100年 2011	0	0	11	13	616	0	532	1	80	5	0	1	1,259
101年 2012	8	0	0	4	18	208	0	0	16	3	0	0	257
102年 2013	0	0	0	0	3	3	0	6	0	170	2	0	184
103年 2014	0	0	0	17	19	3	4	7	33	18	0	82	183
104年 2015	0	0	6	144	638	0	206	379	341	10	0	1	1,725
105年 2016	0	0	0	25	31	388	5	107	6	0	0	1	563
總計 Total	40	16	68	573	1,810	1,303	870	1,373	752	505	9	131	7,450

註1：紅字者為選舉年。

Note 1: Color red indicates a year with election.

註2：各級民意機關之選舉包含立法院正副院長、直轄市議會正副議長、縣市議會正副議長及鄉鎮市民代表會正副主席之選舉；農漁會選舉包含各級代表及理監事之選舉；農田水利會選舉包含會長及會務委員選舉。

Note 2: Every sort of representatives election includes its speaker and vice-speaker campaign such as the speaker and vice-speaker of Legislative Yuan, the speaker and vice-speaker of the special municipality council, the speaker and vice-speaker of county/city council, township council chairperson and vice-chairperson. Farmers association election includes the campaign for representatives, commissioners, and supervisors of the association, and so does fishermen association election. Irrigation association election includes the campaign for commissioners and the president.

註3：被告身分可能為候選人本人、其他行賄者、收賄者或與賄選事件關聯之其他犯罪者。

Note 3: Defendants may be candidates, other persons who conducted bribes, bribe receivers or other criminals connected with vote-buying.

表 2-16 105 年賄選案件起訴情形統計表（以主要適用法條及被告人數統計）

Table 2-16 Statistics of Vote-buying Cases Indicted in 2016 (By Key Applicable Laws and No. of Defendants)

單位：人  
Unit: person

起訴法條 Key applicable laws		處分情形 Measures	提起公訴 Prosecutions	聲請簡易判決處刑 Summary Judgment Application	緩起訴 Deferred Prosecution	職權不起訴 Non-Prosecution ex officio	合計 Subtotal
公職人員選舉罷免法 The Public Servant Election and Recall Act	第97條第1項 (對候選人行賄而約其放棄競選罪) Paragraph 1, Article 97 (Offering bribes for making candidates abandon campaign for elections)		0	0	0	0	0
	第97條第2項 (候選人收賄而許以放棄競選罪) Paragraph 2, Article 97 (Candidates taking bribes in consideration of quitting the campaign)		0	0	0	0	0
	第99條第1項 (對有投票權人行賄罪) Paragraph 1, Article 99 (Offering bribes to voters)		493	0	0	0	493
	第99條第2項 (預備對有投票權人行賄罪) Paragraph 2, Article 99 (Preparation for bribing voters)		0	0	0	0	0
	第100條第1項 (地方民意機關正副首長選舉對有投票權人行賄罪) Paragraph 1, Article 100(Offering bribes to voters in district council chairperson campaign)		0	0	0	0	0
	第100條第2項 (地方民意機關正副首長選舉有投票權人收賄罪) Paragraph 2, Article 100(Voters taking bribes in district council chairperson campaign)		0	0	0	0	0
	第103條第1項 (包攬賄選罪) Article 103 (Undertaking vote-buying to seek profit)		1	0	0	0	1
	第104條 (誹謗候選人罪) Paragraph 104 (Spreading rumors or false sayings about candidates)		2	0	0	0	2
總統副總統選舉罷免法 Presidential and Vice Presidential Election and Recall Act	第86條第1項 (對有投票權人行賄罪) Paragraph 1, Article 86 (Offering bribes to voters)		0	0	0	0	0
農會法 The Farmers Association Act	第47條之1第1項第1款 (有選舉權人受賄罪) Subparagraph 1, Paragraph 1, Article 47-1 (Eligible voters taking bribes)		0	0	0	0	0
	第47條之1第1項第2款 (對有選舉權人行賄罪) Subparagraph 2, Paragraph 1, Article 47-1 (Offering bribes to eligible voters)		0	0	0	0	0



表 2-16 105 年賄選案件起訴情形統計表（以主要適用法條及被告人數統計）（續）

Table 2-16 Statistics of Vote-buying Cases Indicted in 2016 (By Key Applicable Laws and No. of Defendants)  
(Continue)

農會法 The Farmers Association Act	第47條之1第1項第3款 (對候選人行賄而約其放棄競選罪) Subparagraph 3, Paragraph 1, Article 47-1 (Offering bribes for making candidates abandon campaign for elections)	0	0	0	0	0
	第47條之1第1項第4款 (候選人受賄而許以放棄競選罪) Subparagraph 4, Paragraph 1, Article 47-1 (Candidates taking bribes in consideration of quitting the campaign)	0	0	0	0	0
漁會法 The Fishermen Association Act	第50條之1第1項第2款 (對有選舉權人行賄罪) Subparagraph 2, Paragraph 1, Article 50-1 (Offering bribes to eligible voters)	0	0	0	0	0
農田水利會 組織通則 The Act of Irrigation Association Organization	第38條之1第1項第1款 (有選舉權人受賄罪) Subparagraph 1, Paragraph 1, Article 38-1 (Eligible voters taking bribes)	0	0	0	0	0
	第38條之1第1項第2款 (對有選舉權人行賄罪) Subparagraph 2, Paragraph 1, Article 38-1 (Offering bribes to eligible voters)	0	1	0	0	1
	第38條之1第1項第3款 (對候選人行賄而約其放棄競選罪) Subparagraph 3, Paragraph 1, Article 38-1 (Offering bribes for making candidates abandon campaign for elections)	0	0	0	0	0
刑 法 Criminal Code	第143條第1項 (有投票權人受賄罪) Paragraph 1, Article 143 (Voters taking bribes)	0	0	0	2	2
	第146條第2項 (妨害投票結果正確罪) Paragraph 2, Article 146 (Procuring an incorrect result from voting by fraud or other illegal means)	27	0	37	0	64
	第165條 (湮滅刑事證據罪) Paragraph 1, Article 165 (Forging, destroying, or concealing evidence in the criminal cases)	0	0	0	0	0
	第168條 (誣謗罪) Article 168 (Malicious accusation)	0	0	0	0	0
總計 Total		523	1	37	2	563

表 2-17 近六年賄選案件賄選型態統計表

Table 2-17 Statistics of Vote-buying Cases Indicted in the Past 6 Years

單位：案  
Unit: Case

年度 Year	型態 Type	金錢 Money	禮品 Gifts	餐飲 Food and beverage	旅遊 Travel excursion	捐助經費 Funding donations	其他 Others	合計 Subtotal
100年 2011		156	22	8	3	5	25	219
101年 2012		36	0	2	0	0	8	46
102年 2013		75	2	0	0	0	2	79
103年 2014		31	5	1	0	0	2	39
104年 2015		302	14	8	1	1	33	359
105年 2016		56	1	3	0	0	7	67
總計 Total		656	44	22	4	6	77	809

# 圖目錄

圖 2-01 105 年移送案件案源比例圖

Figure2-01 Scale Drawing of Case Sources on Cases Referred in 2016

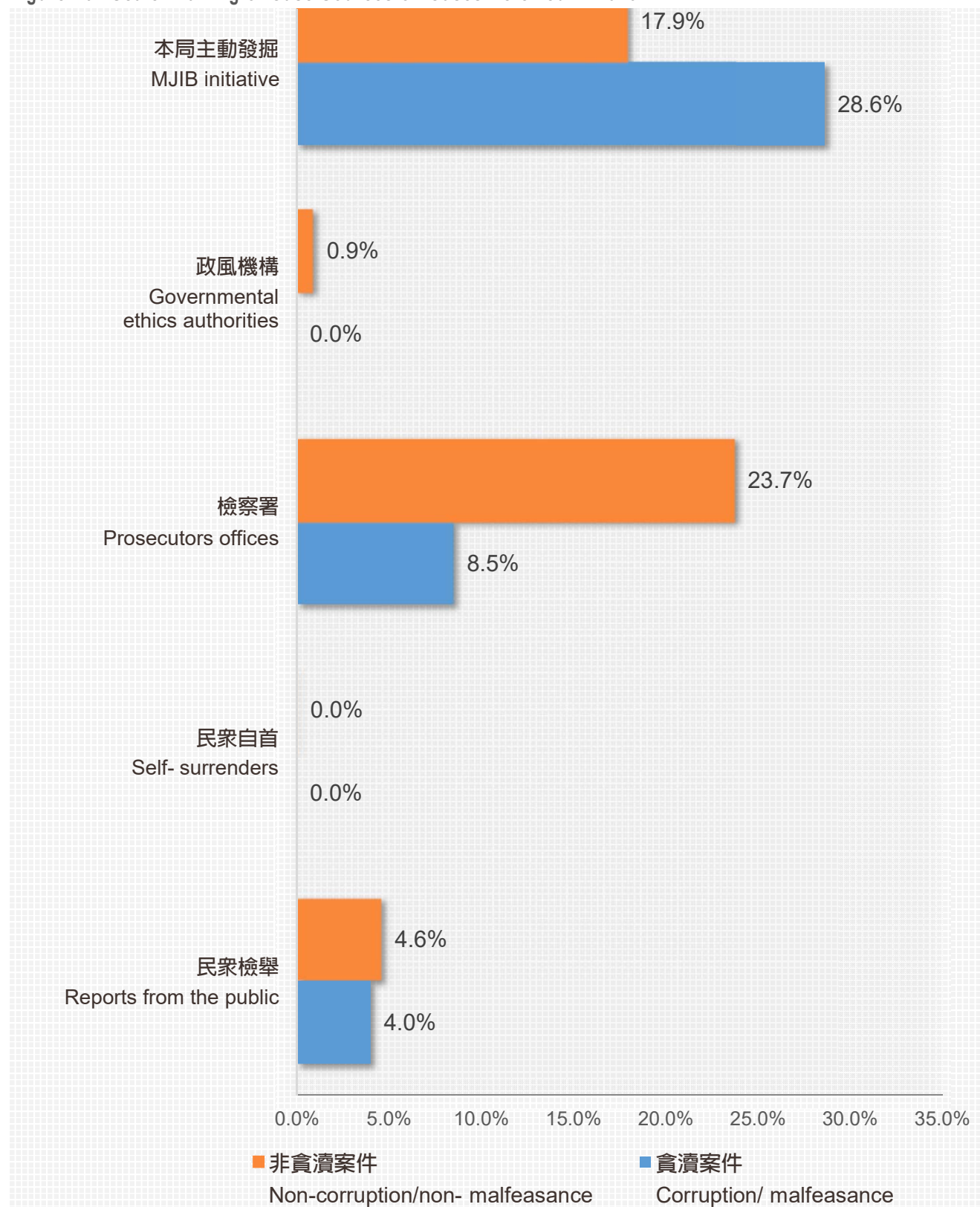
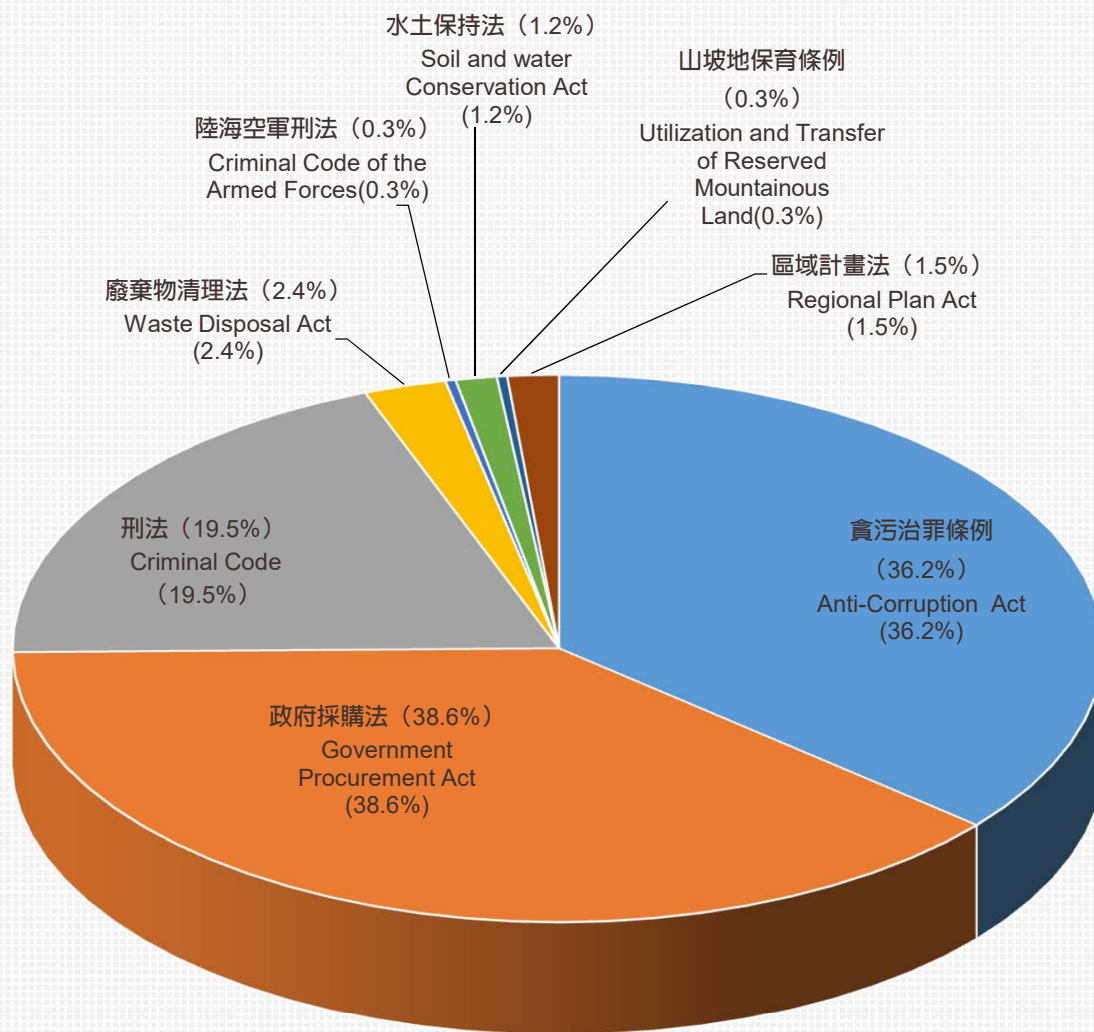


圖 2-02 105 年移送案件主要適用法律比例圖之一（案數）

Figure 2-02 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2016  
(By No. of Cases)



- |   |  |
|---|--|
| ■ 貪污治罪條例 (36.2%)<br>Anti-Corruption Act (36.2%)                           | ■ 政府採購法 (38.6%)<br>Government Procurement Act (38.6%)    |
| ■ 刑法 (19.5%)<br>Criminal Code (19.5%)                                     | ■ 廢棄物清理法 (2.4%)<br>Waste Disposal Act (2.4%)             |
| ■ 陸海空軍刑法 (0.3%)<br>Criminal Code of the Armed Forces (0.3%)               | ■ 水土保持法 (1.2%)<br>Soil and water Conservation Act (1.2%) |
| ■ 山坡地保育條例 (0.3%)<br>Utilization and Transfer of Reserved Mountainous Land | ■ 區域計畫法 (1.5%)<br>Regional Plan Act (1.5%)               |



圖 2-03 105 年移送案件主要適用法律比例圖之二（人數）

Figure 2-03 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2016 (By No. of Suspects)

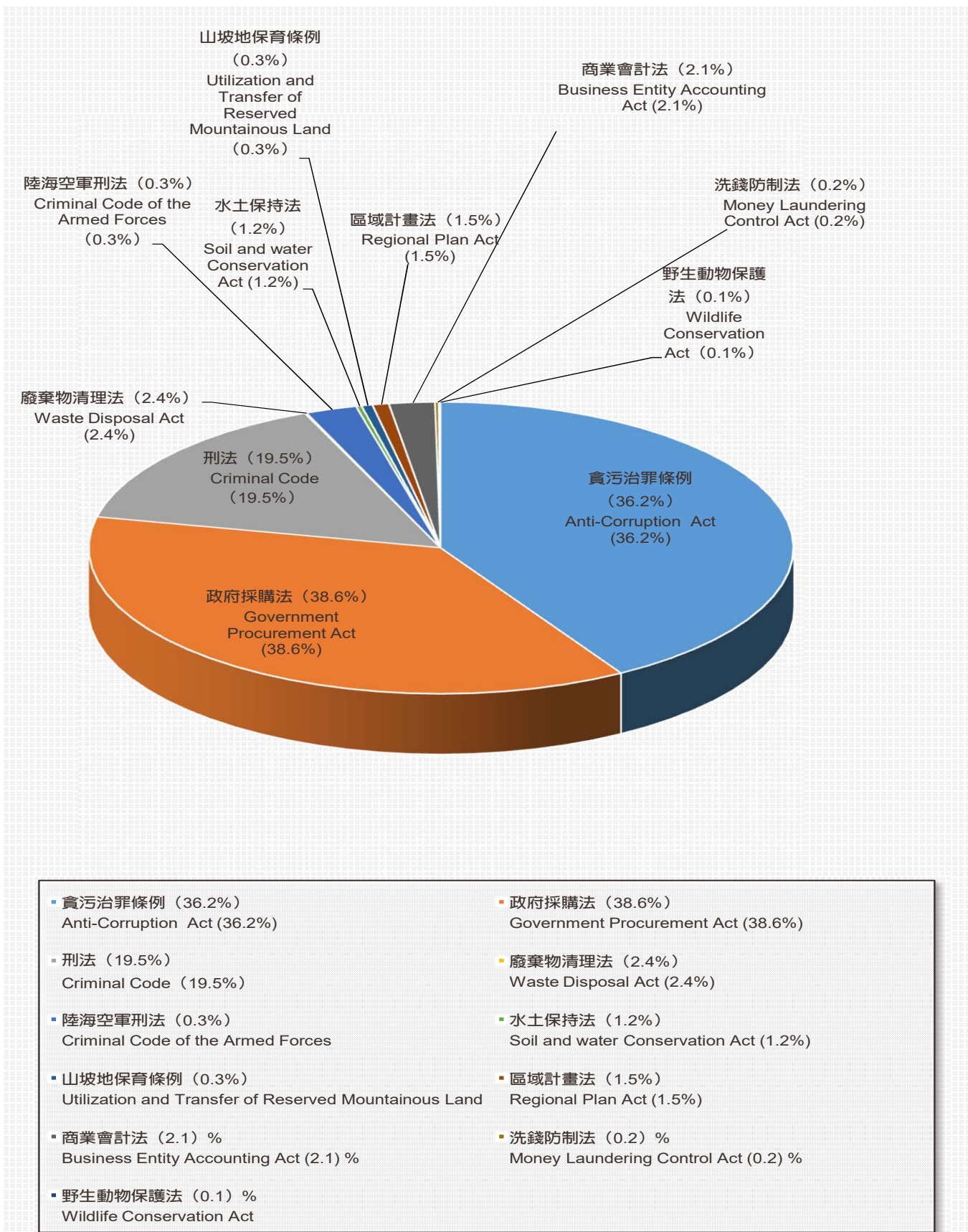


圖 2-04 105 年移送案件犯罪嫌疑人性別身分比例圖

Figure 2-04 Bar Chart of Ratios of Suspects' Gender and Status Information on Cases Referred in 2016

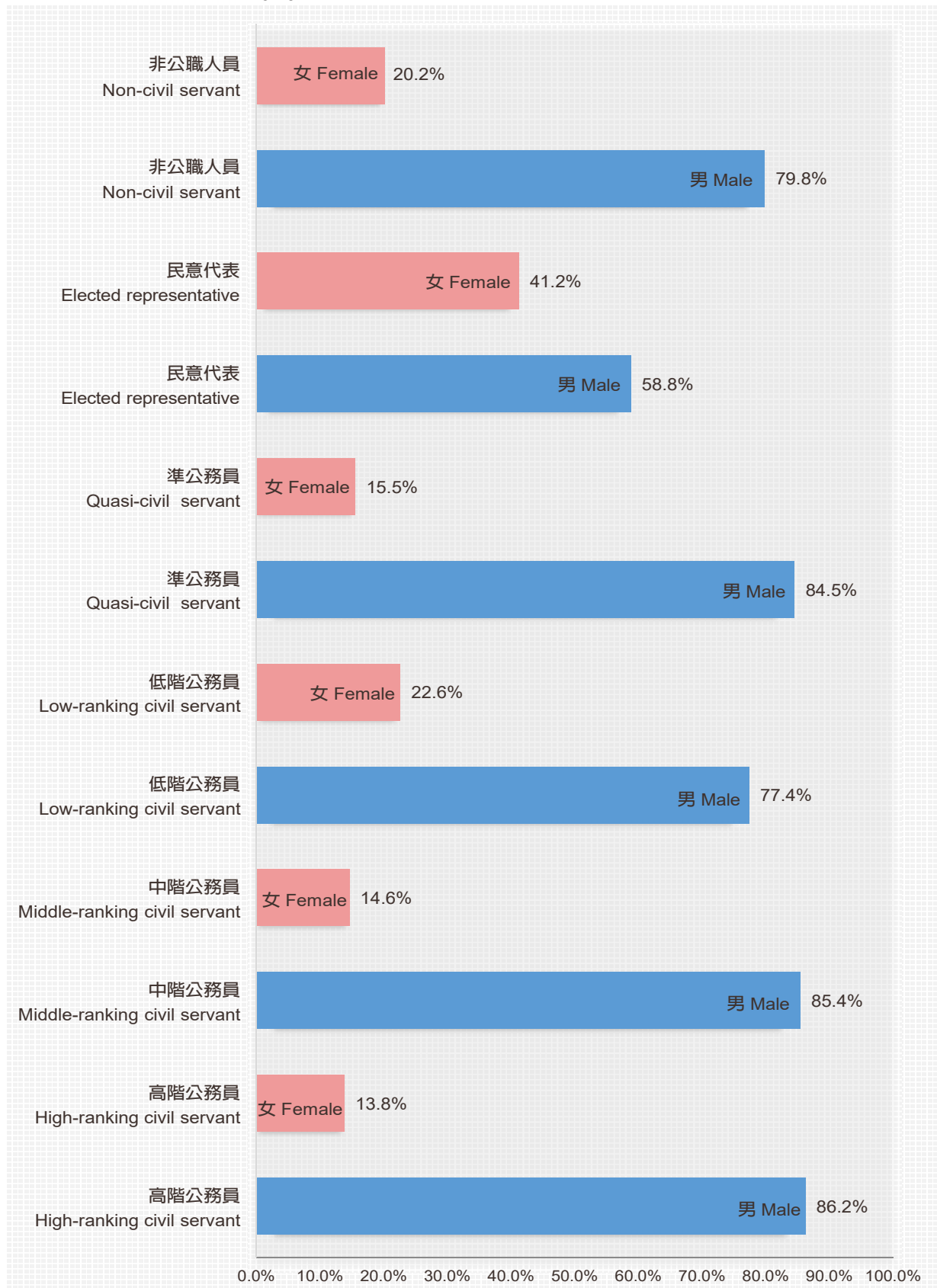




圖 2-05 近五年移送公職人員身分比例圖

Figure 2-05 Bar Chart of Ratios of Public Servants' Status Information on Cases Referred in the Past 5 Years

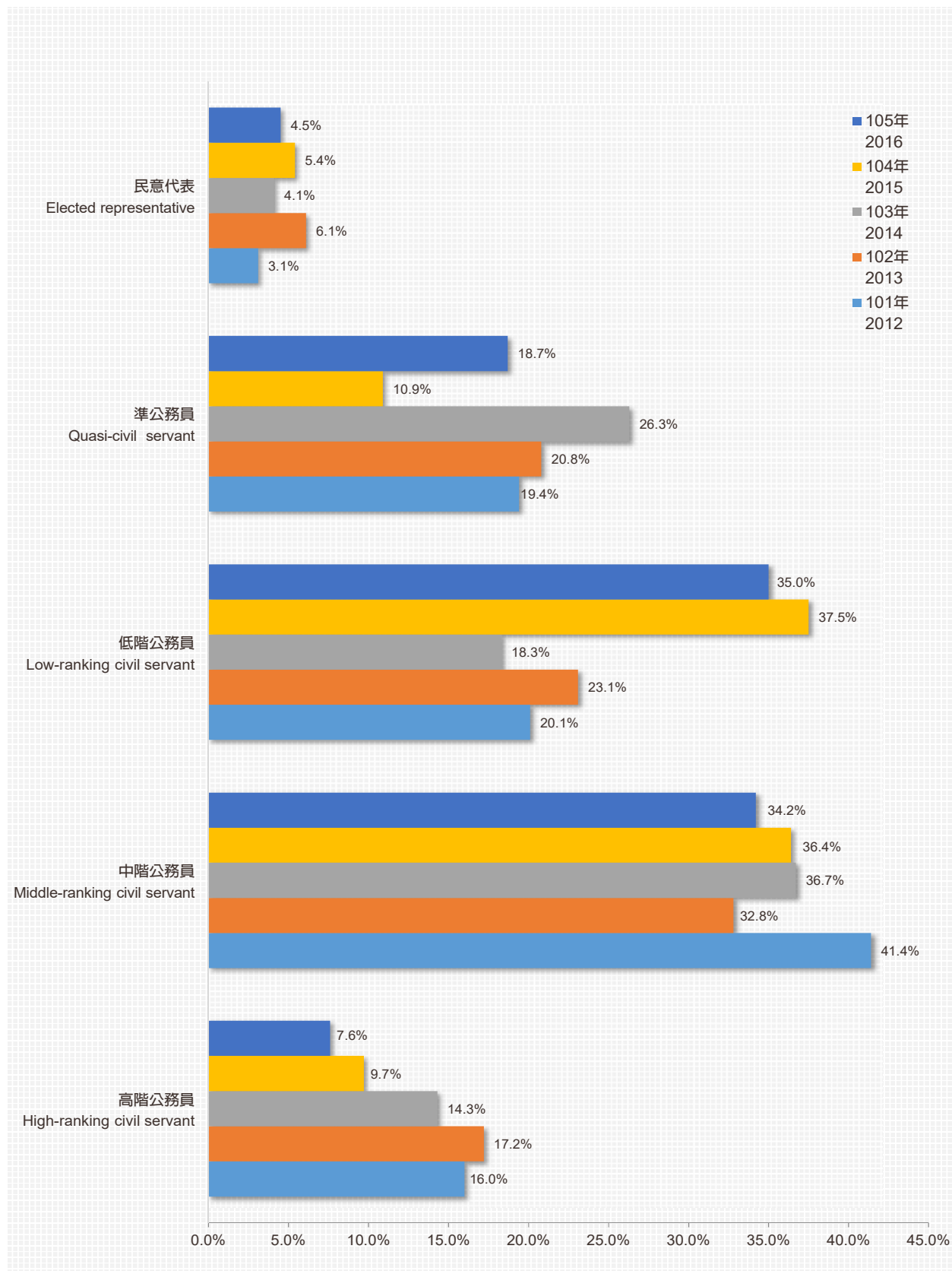


圖 2-06 近五年移送公職人員學歷比例圖

Figure 2-06 Bar Chart of Ratios of Public Servants' Education-level Information on Cases Referred in the Past 5 Years

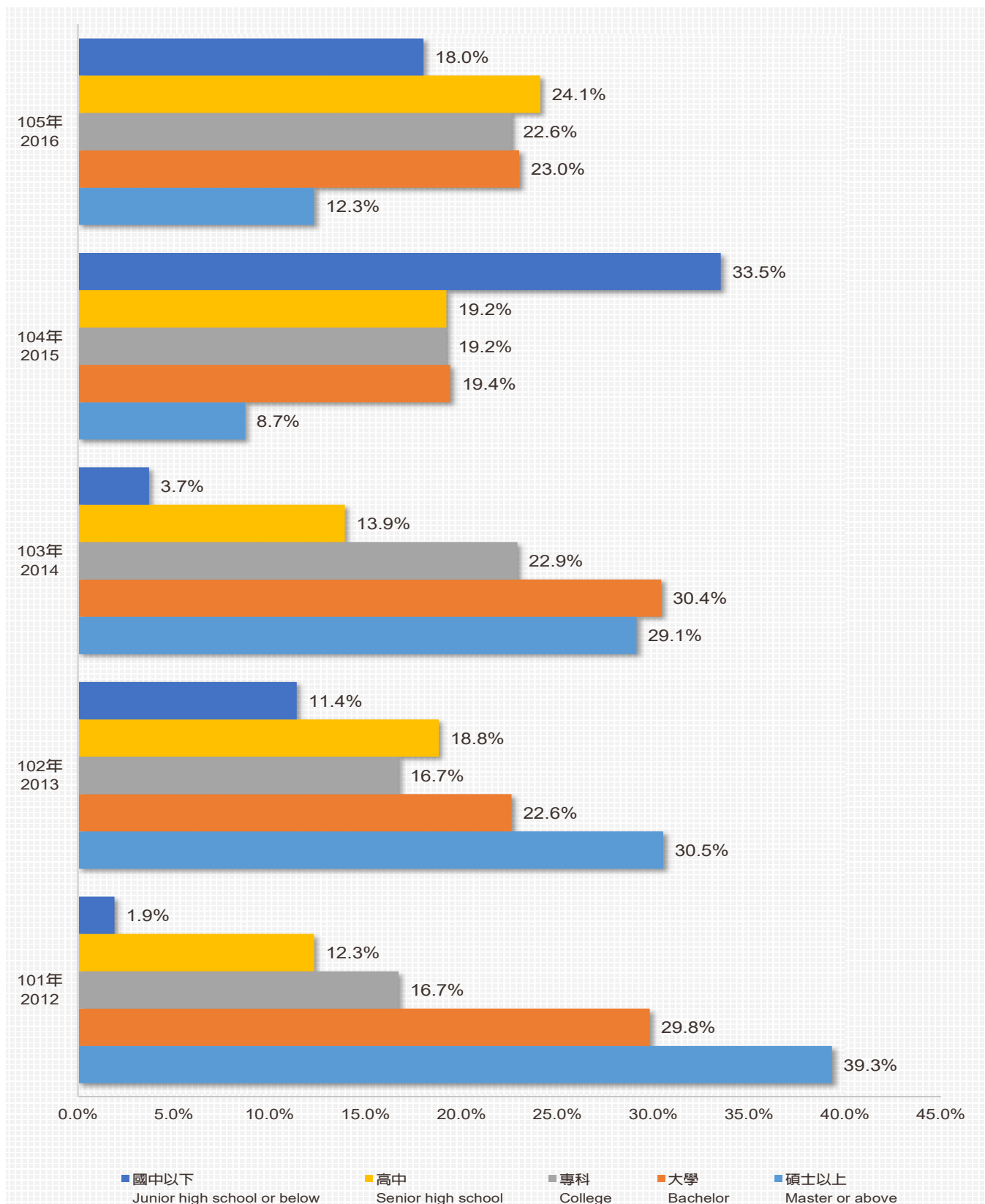
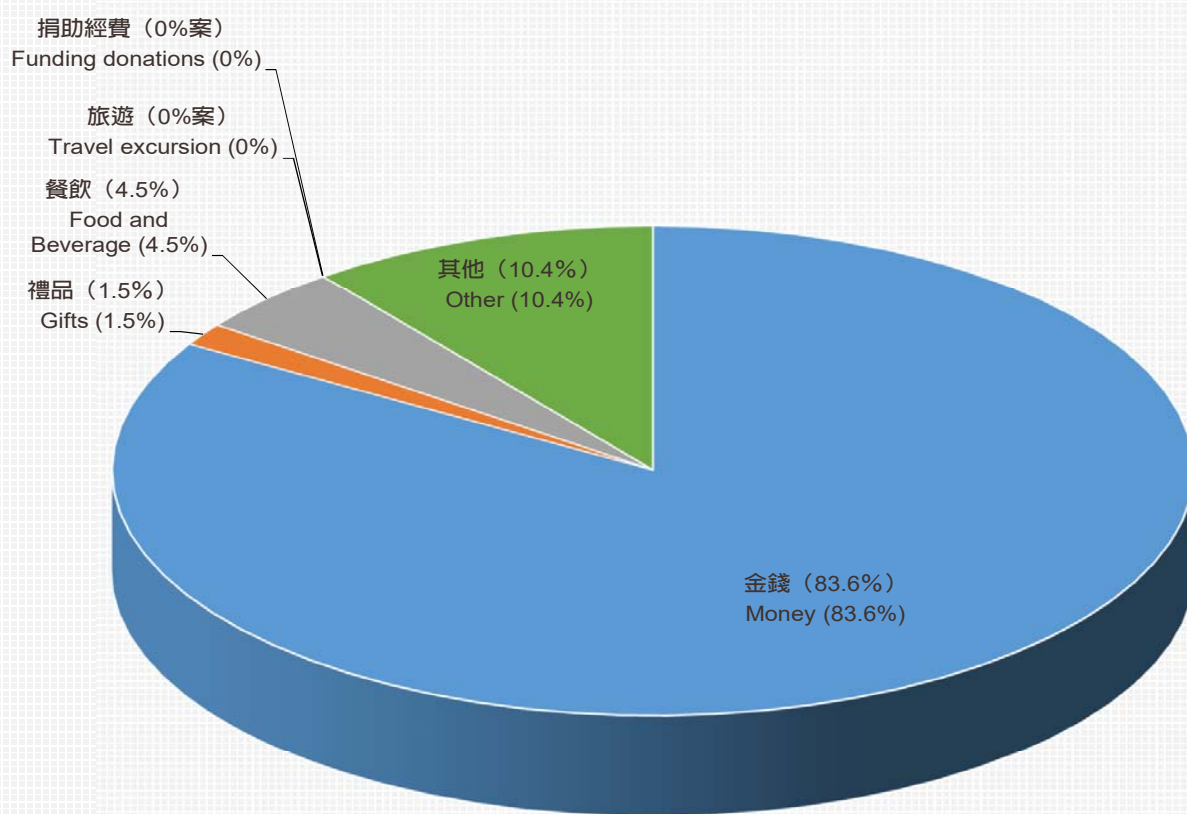


圖 2-07 105 年賄選案件賄選型態比例圖

Figure 2-07 Pie Chart of Ratios of Vote-buying Cases Indicted in 2016



■ 金錢 (83.6%) Money (83.6%)	■ 禮品 (1.5%) Gifts (1.5%)
■ 餐飲 (4.5%) Food and Beverage (4.5%)	■ 旅遊 (0%案) Travel excursion (0%)
■ 捐助經費 (0%案) Funding donations (0%)	■ 其他 (10.4%) Other (10.4%)

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