

法務部調查局

廉政工作年報

中華民國一一一年

Anti-Corruption Yearbook 2022



法務部調查局

Ministry of Justice Investigation Bureau

中華民國 112 年 6 月出版

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序 言

為實現「廉能政府、透明臺灣」，奠定廉政堅實基礎，提升國家競爭力，行政院依據《聯合國反貪腐公約施行法》第4條「各級政府機關行使職權，應符合公約之規定，並積極加強落實各項反貪腐法制及政策」之規定，訂定「國家廉政建設行動方案」，其中「強化肅貪能量」及「查察符合重大危害政府廉能之目標案件」即為具體策略及具體作法之一。

調查局推動廉政工作，職掌「貪瀆防制」與「賄選查察」工作，為貫徹「國家廉政建設行動方案」執行，長年以來戮力於貪瀆案件、賄選案件（涉賄者貪）、司法詐欺案件（破壞國家司法權之廉潔性）以及與貪瀆高度相關之政府採購、國土保育案件等犯罪之偵辦，充分展現肅貪偵查量能。

回顧2022年，適逢九合一地方公職人員選舉，考量賄選文化係貪瀆弊端發生之根源，治本之道實在於加強地方首長、民意代表選舉查察工作，以收正本清源之效，故面臨此次選舉「地方型選舉易有結構性賄選」、「假訊息快速

傳播影響選舉公平」及「境外資金介選妨害選舉公正」3項挑戰，調查局全力投入，查賄績效有目共睹，除有效阻斷賄選與貪瀆的共生鏈外，並破獲我國《反滲透法》自109年1月15日公布施行以來的首宗起訴案件，確保選舉不受外力干擾，維護國家安全。

展望未來，調查局將持續不懈地推動廉政工作，以打擊貪瀆犯罪方式鞏固廉能政府，期能提升國家競爭力，展現國際能見度，並維護國家安全。謹盼各方先進不吝指正鞭策，使本局廉政工作能夠持續精進，不負國民所託。

局長 **王 俊 力** 謹 識

中華民國112年6月

編輯說明

壹、編輯目的

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），旨在提供讀者了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。

貳、內容說明

- 一、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，期使外界了解本局廉政處之組織架構、工作理念及執行方式。
- 二、第二部分「廉政工作執行概況與成果」，係將本局廉政處於111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。（英文版年報不含內文之「註腳」說明）
- 三、第三部分「111年起訴案件」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）

參、凡例

- 一、本年報所用各項單位，年以國曆為準，案件以案為準，犯罪嫌疑以人為準，金額以新臺幣為準。其中案件數量之計算，於移送階段時，1份移送書計1案；起訴階段時，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。
- 二、各項數字之百分比，依實際需要之位數，採四捨五入計算。
- 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。

- 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 日前移送或檢察官逕行起訴之案件，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 日以後移送或檢察官逕行起訴之案件，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。
- 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。
- 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。
- 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。
- 八、「犯罪嫌疑人統計資料」，以犯罪嫌疑人「公職人員」身分及「性別」進行統計分析，「公職人員」身分以前開定義區分身分，「性別」之男女區分，以其犯罪嫌疑人生理性別做為區別。

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第一部分

調查局廉政處簡介

壹、廉政大事記

本局前由第一處負責辦理廉政相關業務，68年5月成立「經濟犯罪防制中心」並於同年8月擴編「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。

45

45年8月27日行政院以臺45（內）字第4711號令頒布本局10項工作職掌，本局依第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」執行廉政工作。

68

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。

81

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」，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。

87

80 年將「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。

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。

78

78 年 2 月本局成立「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，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。

80

本局依 97 年施行之法務部調查局組織法，將廉政處法制化，並依據第 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。」推動本局廉政業務。

95

本局為配合政府政策，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。

97

貳、業務架構

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，下設 4 個科，各科業務分工分述如下：

貪瀆情資科：掌理貪瀆情資之綜整研析、橫向聯繫及本處相關資訊系統之開發、管理、維護；

配合本局廉政業務現況，整合本局現有資料庫資料及外部公私機關（構）公開資訊，與貪瀆不法情資結合，整合至資訊系統，俾同仁能快速獲得轄區完整資訊，發掘貪瀆不法線索，提升案件查處效能。

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、移送案件偵辦流程複閱等策劃督導業務。

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、移送案件偵辦流程複閱等策劃督導業務。

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，檢調及調廉業務聯繫，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，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。

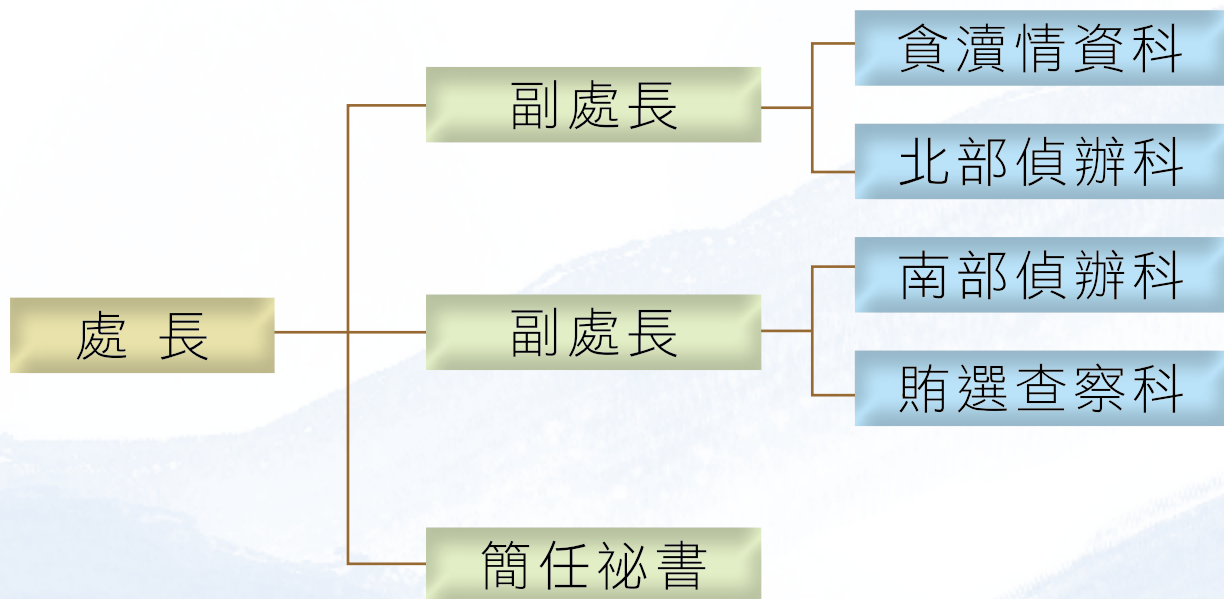


圖 1-01 廉政處組織圖

參、工作目標

一、落實轄區經營、號召全民反貪

貫徹轄區深耕經營作為，迅速掌握地方涉貪、涉賄等不法情事，建立民眾對本局廉政工作信心；另藉由案件偵辦，使民眾深刻感受本局廉政工作主動、積極努力的成果，從而匯聚本局及全民的力量，齊心反貪，共創廉潔社會。

二、強化行政肅貪、預防貪瀆弊端

就偵辦案件中所發現之人為疏失或制度缺失等，涉及公務員行政責任者，或行政措施不當、違反行政法令等情事者，本局即彙整相關資料函請相關主管機關處理，以強化行政肅貪功能，並預防貪瀆犯罪之發生。

三、防制黑金介入、確保採購品質

從歷年偵辦案件歸納得知，公共工程弊端及財物勞務採購舞弊案件中，鄉鎮市長利用經辦公共工程及採購機會，以分割發包、逃避稽察、指定廠商、不實比價、洩漏底價、包庇圍

標、綁標、浮編預算等手法藉機索取回扣、賄賂或營私舞弊的犯罪態樣為最多；其次為基層民意代表如鄉鎮市民代表會主席、副主席、代表、縣市議員等利用監督施政機會，介入工程關說、護航，違法爭取承包權後轉包，並藉機索取不法利益、違法挪用預算等情形。顯示官商勾結舞弊現象尚未能有效根除，故本局廉政工作置重點於防制黑金介入重大公共工程及巨額採購案件。

四、提升查賄效能、積極端正選風

賄選文化係貪瀆弊端發生之主因，故治本之道，必須結合檢察、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。

五、秉持行政中立、貫徹肅貪決心

一般民眾對政府形象觀感，往往以發生在其自身或周遭的事項來判斷，其中或為其個人利益的損失，或為傳聞中涉及貪污的跡象，若政府機關查處不力，將直接引發民眾對政府肅貪決心的質疑。因此，本局堅守「行政中立、依法行政」的立場，全力偵辦法務部列舉之易滋弊端、為民詬病之重大貪瀆案件，達成 98 年 7 月 8 日行政院核定之「國家廉政建設行動方案」政策目標，以行動來宣誓政府肅貪防貪的決心，鼓舞廉潔自持的風氣。

六、堅守程序正義、精進蒐證技巧

注重程序正義及維護人權保障，為刑事訴訟程序之演進趨勢，尤其自 92 年刑事訴訟法修正以後，法院及辯方對於辦案程序之要求愈趨嚴格。為尊重人權並避免因程序瑕疵衍生困擾或影響證據能力，同時為提升定罪率，達到鏟奸鋤惡之目的，本局制定各項辦案程序規章，並辦理專精講習，嚴格督促同仁恪遵法律規定、堅守程序正義。又貪污係狡詐之智慧型犯罪，行受賄雙方有必然的利害關係，當利益共生時，甚難蒐集犯罪證據；因此，本局要求辦案同仁在調查過程中必須抱持「在不疑之處生有疑」的求真求實心態，抽絲剝繭以求水落石出，並配合資金清查、科技鑑定等技巧，以盡調查之能事。

肆、工作重點

一、案件偵辦工作

(一) 貪瀆案件

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。

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結之可能性相當高，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」。

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，實務認為前述人員屬修正前刑法第 10 條所述公務人員，如涉嫌貪瀆犯罪，屬貪瀆案件。刑法修正後，該條文已將前述人員排除於所稱「身分公務員」之外¹，原則上不適用貪污治罪條例，惟本局對於同樣之侵占、詐欺、偽造文書等行為，仍予立案調查，亦列為「非貪瀆案件」。

(二) 賄選案件

違反總統副總統選舉罷免法、公職人員選舉罷免法、政黨法、農會法、漁會法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。

(三) 司法詐欺案件

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、海洋委員會海巡署、內政部移民署、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、關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、

¹ 參見本年報第二部分「壹、案件偵辦工作 - 一、移送案件統計」內文說明。

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。

(四) 妨害綠能產業案件

綠能產業係政府「非核家園及綠色能源」之重要施政方針，為避免不肖公務員、民意代表及黑道人物藉機勒索施工廠商，妨害綠能產業發展，本局配合法務部強力打擊妨害綠能產業發展犯罪之施政方針，110年4月26日訂定協同執行「強力打擊妨害綠能產業發展犯罪專案計畫」，動員本局各地區處（站），全面蒐報妨害綠能犯罪情資，即時立案偵辦。

(五) 政府採購法案件

偵辦政府採購法案件，係為維護政府各級機關採購品質及社會形象，政府辦理採購應公平、公正、公開，不容許有不肖公務員及不良廠商沆瀣一氣，相互勾結，藉此從中獲取利益，破壞政府採購之品質，本局以偵辦各級政府機關辦理採購官商勾結為主要目標，並偵辦未涉貪瀆之違反政府採購法案件。

(六) 國土保持及環保犯罪案件

國土保持案件係落實國土保育政策，並配合法務部加強偵辦國土及環保案件之施政方針，106年3月24日成立「國土保育犯罪查緝專案」，以統合查緝破壞國土、盜伐國有林木及環保犯罪案件之戰力，專案範圍包括查緝竊佔國土、盜（濫）採砂石、盜伐國有林木、土地超限利用及環保犯罪等案件，並循線追查幕後不肖利益團體或黑道分子介入等不法情事。

本專案實施以來，除配合臺灣高等檢察署加強查緝環保犯罪及林務局強化查緝盜採林木作為，更進而加強查緝不肖業者違法經營露營區、非法占用國家公園經營民宿、濫墾山坡地及破壞水土保持經營休閒農場等案件。

(七) 非刑法上公務員執行業務犯罪案件

偵辦公營事業機構及公立醫院、學校非刑法上公務員之人員，執行業務涉及刑法竊盜罪、侵占罪、詐欺罪、背信罪、偽造文書罪或其他案件等。

二、提升辦案能量

(一) 教育訓練

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、特殊類型案件成功偵辦經驗之「案例研究」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。

(二) 系統建置

系統建置係為能強化同仁辦案蒐證能量，提升案件偵辦品質，開發資訊系統勾稽比對各類型廉政案件，分析案件趨勢，期能增廣同仁辦案思維，並運用大數據及人工智慧與科技方式，強化偵查蒐證技巧，發展肅貪工作新思維，俾利推動廉政工作。





第二部分

廉政工作執行概況與 成果

壹、案件偵辦工作

表 2-01 係 111 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，111 年共計偵辦 488 案，其中「廉政案件」441 案，含移送檢察官偵查者 436 案，函送後經起訴者 4 案，本局配合檢察官偵辦後檢察官逕行提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者 1 案；「賄選案件」47 案，則係經本局配合檢察官偵辦，由檢察官於 111 年間提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者。

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。111 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。

表 2-01 111 年案件偵辦工作統計總表

單位：案

案件分類		案 數	說 明
廉政案件	移送檢方	436	經本局偵辦後，以移送書方式送檢察機關者。
	函送起訴	4	經本局偵辦後，以函文方式送檢察機關於 111 年間起訴者。（含緩起訴、聲請簡易判決及職權不起訴等）
	其 他	1	經本局配合檢察官偵辦，由檢察官於 111 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。
	小 計	441	占全年偵辦案數 90.37%。
賄選案件		47	經本局配合檢察官偵辦，由檢察官於 111 年間提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者，占全年偵辦案數 9.63%。
總 計		488	註 1：本表統計期間為 111 年 1 月 1 日至 111 年 12 月 31 日。 註 2：本年報「案件偵辦工作」單元，係針對「移送案件」及「賄選案件」作專章介紹。

一、移送案件統計

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 年以前參照「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 條關於公務員定義之修正²，將公立醫院、公立學校及公營事業等機構人員，排除於該條所稱身分公務員之外，不適用貪污治罪條例，惟該等人員執行業務涉及刑法竊盜、侵占、詐欺、背信或偽造文書之案件，本局業務分工仍劃歸廉政處辦理；至於環保及破壞國土 2 類亦係上級機關特交事項，自 88 年起本局職掌涵蓋濫墾、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、刑法竊盜罪章、廢棄物清理法等法律之案件。

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：1. 工商監督管理、2. 金融保險、3. 稅務、4. 關務、5. 電信監理、6. 公路監理、7. 運輸觀光氣象、8. 司法、9. 法務、10. 警政、11. 消防、12. 營建、13. 民戶役地政、14. 移民與海岸巡防、15. 環保、16. 衛生醫療、17. 社會福利、18. 教育、19. 農林漁牧、20. 河川及砂石管理、21. 軍方事務、22. 外交事務、23. 國家安全情報、24. 國有財產管理、25. 國營事業、26. 行政事務、27. 其他等共 27 個類別標準，特殊貪瀆案件註記分 5 大項：1. 採購案件、2. 破壞國土、3. 補助款、4. 公款詐領、5. 替代役。

本年報為明確歸屬統計，「非貪瀆案件」比照上述分類進行歸屬，惟本局於 106 年 3 月 24 日成立「國土保育犯罪查緝專案」，以統合查緝破壞國土、盜伐國有林木及環保犯罪案件之戰力，專案範圍包括查緝竊佔國土、盜（濫）採砂石、盜伐國有林木、土地超限利用及環保犯罪等案件，故「非貪瀆案件」中之「環保」類別，更改為「國土保育」；另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。

² 94 年 2 月 2 日修正、95 年 7 月 1 日施行。本條修正理由關於「身分公務員」說明如下：「第一款前段所謂『依法令服務於國家、地方自治團體所屬機關』係指國家或地方自治團體所屬機關中依法令任用之成員。故其依法代表、代理國家或地方自治團體處理公共事務者，即應負有特別保護義務及服從義務。至於無法令執掌權限者，縱服務於國家或地方自治團體所屬機關，例如僱用之保全或清潔人員，並未負有前開特別保護義務及服從義務，即不應認其為刑法上公務員。」

(一) 移送類型統計

表 2-02 為 111 年移送各類型案件之案數、人數及涉案標的統計。111 年總計移送檢察機

表 2-02 111 年移送案件統計總表

單位：案、人、元

類型	項目	案數	犯罪嫌疑人數			涉案標的			
			公務員 (註)	民 代 表	非公職	貪污金額	圖利金額	採購金額	其他犯罪金額
貪	工商監督管理	2	6		3	7,416,450	60,000		
	運輸觀光氣象	1	2		2		216,820		
	司法	5	10		2	239,699			47,000
	法務	2	1		2	37,800			
	警政	13	48		38	1,991,673	366,196,000		1,728,092
	消防	1	1						1,776
	營建	7	12	1	45	22,428,452	2,052,440,000		
	民戶役地政	12	16		6	189,400		276,480	278,120
	移民與海岸巡防	9	36		2	497,288			
	環保	4	4		8	1,106,716	1,707		
	衛生醫療	3	-		11	2,123,276			2,000
	社會福利	1	1						
	教育	16	20		36	8,886,177	691,332	17,211,600	703,624
	農林漁牧	5	6		14	73,720,900	334,070		
	河川及砂石管理	1	-		6				
瀆	軍方事務	5	15		14	8,749,348	303,574,202		
	外交事務	1	1			1,315,216			
	國有財產管理	1	-		1	6,600			
	國營事業	6	12		22	50,079,106		202,572,750	14,000,000
	行政事務	11	19	2	22	2,987,762	243,515		
	其他	48	63	14	150	96,050,858	847,930	807,284,867	2,044,880
	小計	154	273	17	384	277,826,721	2,724,605,576	1,027,345,697	18,805,492
非	金融保險	1	-		4				
	稅務	2	3						
	公路監理	1	-		2			72,489,999	
	運輸觀光氣象	3	1		8			5,490,861	3,594,124
	司法	12	-		18			3,333,960	72,848,205
	法務	3	-		10			320,232	109,000
	警政	3	2		14				
	營建	8	-		28			56,747,645	
	民戶役地政	1	-		2			130,560	
	移民與海岸巡防	4	35						1,000
	國土保育	60	8		244			33,452,074	366,648,404
	衛生醫療	6	2		15			6,423,097	13,423,465
	社會福利	1	-		2			2,940,416	
	教育	26	8		46			59,330,769	15,355,132
	農林漁牧	10	2		23			23,202,630	3,160
貪	軍方事務	18	2	-	52			281,276,252	52,190,004
	國有財產管理	4	-		8				
	國營事業	20	3		69			223,046,873	400
	行政事務	2	-		3			439,500	
	其他	102	6		242			502,867,123	133,016,571
	小計	287	72	-	790	-	-	1,271,491,991	657,189,465
	總計	441	345	17	1,174	277,826,721	2,724,605,576	2,298,837,688	675,994,957

註：含準公務員



關 441 案，其中「貪瀆案件」共 154 案 674 人，含公務員及準公務員 273 人、民意代表 17 人、非公職人員 384 人，與 110 年（156 案 529 人）相較，移送案數減少 2 案，減少幅度 1.3%（2 案 /156 案）；移送犯罪嫌疑人數增加 145 人，增加幅度 27.4%（145 人 /529 人）。

154 案「貪瀆案件」中，移送案數較多者為教育、警政、民戶役地政及其他類案件，其所涉行為態樣概述如下：

1. 教育類 16 案 56 人，犯行主要有：經辦政府採購標案過程向廠商索取賄款；公務員利用職務上之機會以不實單據、虛偽授課鐘點表方式詐取訓練補助等公款。
2. 警政類 13 案 86 人，以包庇賭場、應召業或有女陪侍聲色場所、洩漏職務上應保密之資訊或查詢所得資料及利用職務上機會勒索、詐取財物等較多，犯行主要與下列 3 項業務相關：
 - (1) 犯罪查緝：如收受賭場業者賄款而不予查報、舉發、不前往取締或查緝行動前提供業者相關訊息；警方執行勤務，利用職權藉機騙取調解對象之調解金等。
 - (2) 詐取或侵占公有財產：如開立虛偽通知單，藉此詐領專案獎金；以不實憑證核銷費用或詐領加班費等。
 - (3) 機密資料查詢：違反內部作業規定，受託私下查詢他人之年籍、姓名、年齡、車籍、全戶戶籍、身分證照片及前科等資料，並洩漏予委託查詢之人。
3. 民戶役地政類 12 案 22 人，犯行主要有：違反內部作業規定，受託私下將所經辦之補助業務內之個人之年籍、姓名、年齡、及身分證照片等資料，並洩漏予委託查詢之人；製作不實清冊詐領補助等公款。
4. 其他類 48 案 227 人，典型案件為議員以人頭或虛報不實薪資向議會詐領公費助理補助費；公務員藉經辦政府採購標案過程浮報採購項目、向廠商索取賄款、不實驗收等；藉職務上之機會以不實單據詐取補助費等公款。

111 年移送之「非貪瀆案件」共 287 案 862 人，含公務員及準公務員 72 人、非公職人員 790 人，較 110 年（266 案 847 人）增加 21 案，增加幅度為 7.9%（21 案 /266 案）；移送犯罪嫌疑人數增加 15 人，增加幅度 1.8%（15 人 /847 人）。

「非貪瀆案件」部分係案件發動偵辦後，依調查所獲，其貪瀆事證不明確或公務員所犯之法律非屬貪瀆罪名，因此以「非貪瀆案件」移送檢察機關，是類案件雖非公務員直接涉嫌貪瀆，然該類案件內容或與公務員之風紀及公務機關形象關係密切，是類案件之移送偵辦仍對廉潔政府建立有相當助益。

表 2-03 102 年至 103 年移送案件統計表（舊涉案類別項目）

單位：案

類型		102 年	103 年	合計	
貪 瀆	公共工程	45	36	81	
	採購	156	32	188	
	司法貪瀆	4	3	7	
	警政	40	29	69	
	消防	2	0	2	
	矯正	1	1	2	
	都市計畫	0	0	0	
	建管	3	8	11	
	地政	3	2	5	
	稅務	2	1	3	
	關務	4	4	8	
	金融	0	0	0	
	醫療	2	2	4	
	教育	2	4	6	
	工商登記	0	0	0	
	監理	2	1	3	
	殯葬	0	1	1	
	環保	5	5	10	
	破壞國土	0	3	3	
	河川及砂石管理	0	0	0	
	社福補助	3	1	4	
	補助款	6	5	11	
	其他	48	37	85	
	小計	328	175	503	
	非 貪 瀆	採購	107	136	243
		公共工程	69	61	130
		破壞國土	12	65	77
		環保（國土保育）	11	19	30
教育		6	3	9	
司法詐欺		6	9	15	
都市計畫		-	17	17	
醫療		2	4	6	
警政		-	1	1	
消防		-	1	1	
關務		-	1	1	
金融		-	1	1	
其他		12	9	21	
小計		225	327	552	
總 計		553	502	1,055	

表 2-04 104 至 111 年移送案件統計表

單位：案

類型		104 年	105 年	106 年	107 年	108 年	109 年	110 年	111 年	合計
貪	工商監督管理	1	2	0	4	8	2	1	2	20
	稅務	3	1	2	1	0	2	0	0	9
	關務	0	0	0	0	2	1	0	0	3
	公路監理	1	1	0	2	4	5	3	0	16
	運輸觀光氣象	0	1	2	0	6	2	3	1	15
	司法	0	0	0	0	1	0	1	5	7
	法務	5	5	1	2	4	3	1	2	23
	警政	19	27	20	18	20	15	13	13	145
	消防	0	2	2	4	1	1	1	1	12
	營建	14	13	13	18	7	7	5	7	84
	民戶役地政	13	14	17	5	12	7	8	12	88
	移民與海岸巡防	0	2	1	2	1	3	5	9	23
	環保	7	6	3	4	19	5	7	4	55
	衛生醫療	1	1	4	4	5	1	5	3	24
	社會福利	3	2	1	2	0	1	1	1	11
	教育	10	7	6	5	10	12	19	16	85
	農林漁牧	2	6	6	5	2	5	2	5	33
	河川及砂石管理	2	4	0	1	1	0	2	1	11
	軍方事務	7	3	11	9	5	16	10	5	66
	外交事務	1	0	0	0	0	0	1	1	3
瀆	國有財產管理	0	4	1	0	2	0	1	1	9
	國營事業	1	5	2	2	2	4	4	6	26
	行政事務	4	8	9	10	9	8	5	11	64
	其他	44	22	51	40	59	63	58	48	385
	小計	138	136	152	138	180	163	156	154	1,217
非	工商監督管理	0	1	0	0	1	3	0	0	5
	金融保險	0	0	0	0	0	0	0	1	1
	稅務	0	0	0	0	0	0	0	2	2
	關務	0	1	1	1	0	0	1	0	4
	公路監理	1	0	0	1	0	1	0	1	4
	運輸觀光氣象	2	8	1	3	1	1	1	3	20
	司法	0	0	2	12	9	21	8	12	64
	法務	3	0	2	1	7	1	1	3	18
	警政	0	2	0	4	2	1	3	3	15
	消防	0	0	1	1	3	1	1	0	7
	營建	5	10	2	14	6	11	7	8	63
	民戶役地政	1	4	2	0	0	1	1	1	10
	移民與海岸巡防	0	4	1	0	0	0	1	4	10
	環保(國土保育)	17	18	27	39	27	28	45	60	261
	衛生醫療	5	6	9	4	13	7	2	6	52
	社會福利	0	0	1	0	0	0	0	1	2
	教育	22	26	14	22	19	27	37	26	193
	農林漁牧	0	7	9	10	11	17	17	10	81
	河川及砂石管理	2	6	4	2	9	2	0	0	25
	軍方事務	9	14	19	14	27	15	13	18	129
	國家安全情報	1	0	0	0	0	0	0	0	1
貪	國有財產管理	0	5	9	16	12	5	5	4	56
	國營事業	9	23	13	20	18	23	16	20	142
	行政事務	0	1	2	2	7	2	2	2	18
	其他	168	57	92	118	133	119	105	102	894
	小計	245	193	211	284	305	286	266	287	2,077
	總計	383	329	363	422	485	449	422	441	3,294

表 2-03 係之前參照「國家廉政建設行動方案」例示易發生弊端業務類別，按「貪瀆」及「非貪瀆」兩大類分項歸類，其後陸續依本局業務調整細項分類，至 104 年法務部新函頒「辦理貪瀆案件涉案類別及特殊註記歸類原則」貪瀆案件類型，本局自此即依此新分類基準分類，表 2-04 為 104 年至 111 年依法務部新函頒進行統計分析，104 年至 111 年「貪瀆案件」以警政、營建及民戶役地政類型比例較高，其中警政類案件，其犯罪事實則多係假借或利用其職務上秩序維護、查緝及刑事追訴之權力、機會，與賭場業、應召業或黑道分子勾結，要求、收受賄賂、勒索利害關係人等貪瀆行為，又或係為圖個人查緝績效，虛偽教唆使用毒品或槍枝類型案件；其職務如查緝、取締等伴隨高強制性質之權力，且業務需機關內多人共同配合執行，所發現之貪瀆事件往往具有連鎖效應、犯罪嫌疑人數亦眾；營建及民戶役地政類案件，其犯罪情節亦多與政府各類公共工程及經辦採購相關，顯見政府採購仍係少數不肖公務員或民意代表藉以攫取不法利益之主要途徑。

(二) 案件來源統計

表 2-05 為本局 111 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。分析說明如下：

表 2-05 111 年移送案件案源統計表

單位：案

案源類別	本局主動發掘	檢察署	民眾檢舉	民眾自首	政風機構	其他	合計
貪瀆案件	86	14	45	1	3	5	154
非貪瀆案件	118	90	47	1	0	31	287
總計	204	104	92	2	3	36	441

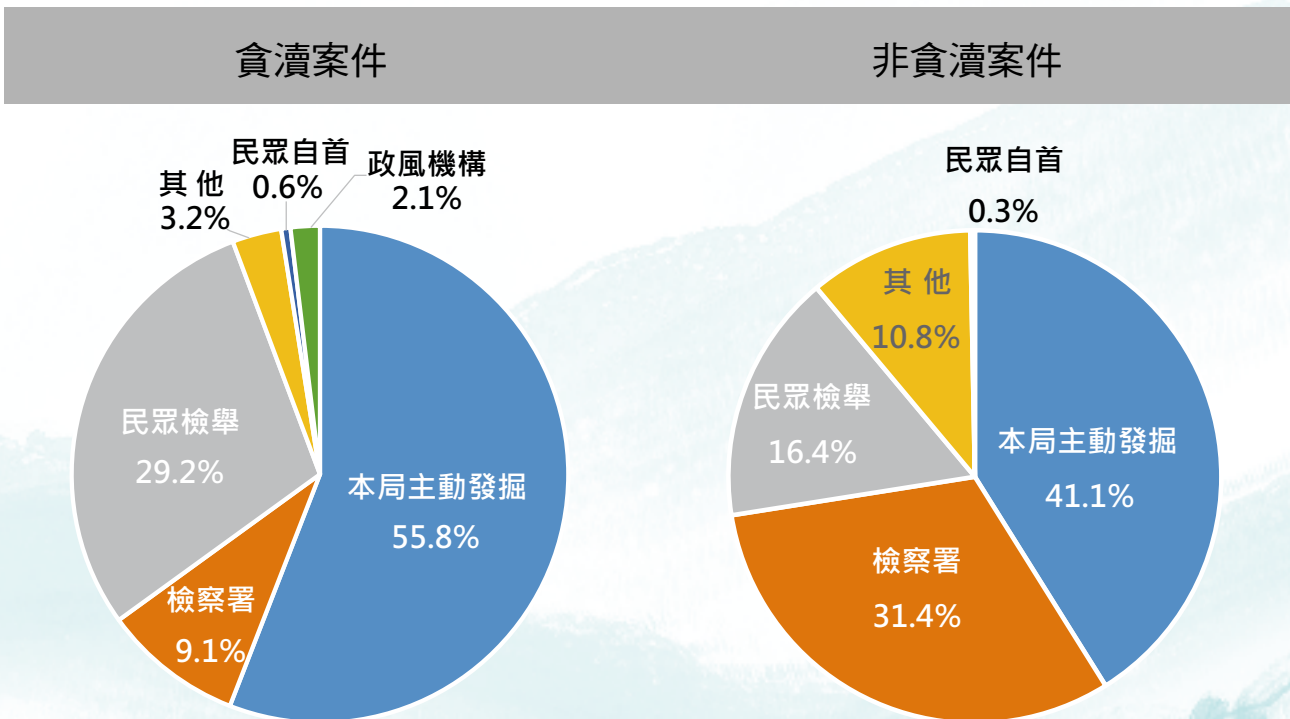


圖 2-01 111 年移送案件案源比例圖

1. 整體線索來源前 3 名，分別為本局主動發掘³、檢察署發交及民眾檢舉，其中在「貪瀆案件」之各類線索來源中，主動發掘與民眾檢舉亦是居於前 2 名；「非貪瀆案件」之各類線索來源前 2 名，則為本局主動發掘及檢察署發交。
2. 線索來源屬本局主動發掘者，居全部各類線索來源之冠，比例約達 46.3%（204 案 / 441 案），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。
3. 線索來源屬各檢察署發交經調查後成案，案數居全部線索來源之第 2 名，顯見各檢察署仍對本局之查緝能量深具信心，持續提供廉政案件優質線索予本局偵辦。
4. 線索源屬民眾檢舉經調查後成案，案數居全部線索來源之第 3 名，顯見民眾仍願提供本局優質線索，希本局受理後發揮戰力整飭不法。
5. 線索源屬政風機構提供線索後成案，案數居全部線索數之比例為 0.7%（3 案 / 441 案）；

³ 指本局外勤處站調查官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。

自法務部廉政署（下稱：廉政署）成立後，政風單位發現所屬機關之貪瀆相關線索，多移請廉政署查處，移由本局查處之案件已大幅度減少⁴。

（三）適用法律統計

表 2-06 及表 2-07 係統計 111 年各種類型移送案件之主要適用法律情形。111 年本局移送廉政案件計 441 案，分以「貪瀆案件」與「非貪瀆案件」說明如下：

1. 貪瀆案件

「貪瀆案件」多係以貪污治罪條例移送，計 111 案、占貪瀆案件 72.1%（111 案 /154 案）；又該法個別條文前三者分別為：第 5 條第 1 項第 2 款之「利用職務上之機會，詐取財物罪」（42 案）、第 6 條第 1 項第 4 款之「對於主管監督事務圖利罪」（16 案）及第 5 條第 1 項第 3 款之「對於職務上之行為，要求、期約、收受賄賂罪」（15 案）；詳細情形，併後表 2-08 說明。

「貪瀆案件」除以貪污治罪條例移送外，又以「刑法」移送者次之，計 42 案、占貪瀆案件 27.3%（42 案 /154 案），所涉類型以「警政」最高，計 7 案；其案情多係警職人員違反內部作業規定，詐領獎金或以不實憑證進行核銷之。而「刑法」移送條文中，也以涉犯刑法第 213 條第 1 項「公文書不實登載罪」之案件最多，計有 17 案。

2. 非貪瀆案件

「非貪瀆案件」中以「政府採購法」移送者居冠，計 134 案、占 46.7%（134 案 /287 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 98 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）及第 87 條第 6 項「意圖圍標之未遂犯」移送 15 案次之。

⁴ 廉政署於 100 年 7 月 20 日成立，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。

表 2-06 111 年移送案件主要適用法律統計表（按類型）

單位：案

類型		適用法律	貪污治罪條例	政府採購法	刑 法	其 他	總 計
貪 瀆	工商監督管理		2				2
	公路監理						-
	運輸觀光氣象		1				1
	司法		1		4		5
	法務		1		1		2
	警政		6		7		13
	消防				1		1
	營建		7				7
	民戶役地政		6		6		12
	移民與海岸巡防		5		4		9
	環保		3		1		4
	衛生醫療		3				3
	社會福利				1		1
	教育		12		4		16
	農林漁牧		4		1		5
	河川及砂石管理		1				1
	軍方事務		5				5
	外交事務		1				1
	國有財產管理		1				1
	國營事業		6				6
	行政事務		8		3		11
	其他		38		9	1	48
	小計		111	-	42	1	154
非 貪 瀆	金融保險			1			1
	稅務				2		2
	公路監理			1			1
	運輸觀光氣象			1	2		3
	司法			1	7	4	12
	法務			2		1	3
	警政				2	1	3
	營建			7	1		8
	民戶役地政			1			1
	移民與海岸巡防				4		4
	環保（國土保育）			3	7	50	60
	衛生醫療			4	2		6
	社會福利			1			1
	教育			11	15		26
	農林漁牧			3	2	5	10
	軍方事務			15	3		18
	國有財產管理				1	3	4
	國營事業			16	4		20
	行政事務			2			2
	其他			65	13	24	102
	小計		-	134	65	88	287
總 計			111	134	107	89	441

表 2-07 111 年移送案件主要適用法律統計表（按法條）

單位：案

類型	適用法條	條	項	款	構成要件	案數	小計	
貪瀆	貪污治罪條例	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。	13	111	
				1	竊取或侵占公用或公有器材、財物者。	7		
				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。	12		
		5	1	2	利用職務上之機會，以詐術使人將本人之物或第三人之物交付者。	42		
				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。	15		
		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。	16		
						其他		
	刑法	132	1		洩漏國防以外之秘密罪	6	42	
			2		過失洩漏國防以外之秘密罪	2		
		134			公務員犯罪加重處罰之規定	3		
		213			公文書不實登載罪	17		
		216			行使偽變造或登載不實文書罪	1		
		270			公務員包庇賭博罪	1		
		336	1		使公務員登載不實罪	1		
		339	1		普通詐欺取財罪	6		
			2		普通詐欺得利罪	2		
	342	1		背信罪	3			
政治獻金法	10	1		不當收受政治獻金罪	1	1		
小計							154	
非貪瀆	政府採購法	87	3		詐術圍標	98	134	
			4		合意圍標	3		
			5		借牌投標	15		
			6		第 87 條第 1、3、4 項之未遂犯	15		
		88	1		綁標	3		
	刑法	339	1		普通詐欺取財罪	34	65	
		320	2		竊佔罪	8		
		132	3		非公務員洩漏國防以外之秘密罪	8		
		213			公文書不實登載罪	4		
		215			業務上文書登載不實罪	5		
		336	2		業務侵占罪	2		
		339-4	1	2	加重詐欺罪	1		
		其他				3		
	廢棄物清理法					43	43	
	區域計畫法					25	25	
	水土保持法					11	11	
	空氣污染防制法					1	1	
	山坡地保育利用條例					2	2	
	律師法					6	6	
	小計							287
	總 計							441



政府公共工程及經辦採購事項往往係不肖公務員或民意代表藉以攫取不法利益之主要途徑已如前述，故此類事件乃本局發掘貪瀆弊端線索之重要焦點，前揭本局偵辦之「政府採購法」案件，部分初始立案線索疑係有機關單位內部公務員勾結，然經調查，發現僅係民間投標廠商單方面不法行為，乃以該法移送檢察機關，改列「非貪瀆案件」；是類案件之偵辦，不僅係本局發掘貪瀆不法弊端過程之附帶成果，亦有遏止不肖廠商破壞自由市場機制、促進政府採購公平競爭、協助政府維護公共工程品質，對於建立政府廉潔形象仍有其功效。

「非貪瀆案件中」中以其他罪名移送者居次，計 88 案，占 30.7%（88 案 / 287 案），涉犯法條分別為廢棄物清理法（43 案）、區域計畫法（25 案）、水土保持法（11 案）、空氣污染防制法（1 案）、山坡地保育利用條例（2 案）及律師法（6 案）。

以刑法移送者有 65 案，占 22.6%（65 案 / 287 案），其中以涉犯刑法第 339 條第 1 項之普通詐欺取財案件，計有 34 案；另涉犯刑法第 320 條第 2 項竊佔罪及刑法第 132 條第 3 項非公務員洩漏國防以外之秘密罪，各計有 8 案次之。

本局另為落實政府推動綠能政策，維護產業永續發展，並配合法務部強力打擊妨害綠能產業發展犯罪之施政方針，110 年 4 月 26 日本局訂定協同執行「強力打擊妨害綠能產業發展犯罪專案計畫」，動員本局各地區處（站），全面蒐報妨害綠能犯罪情資，即時立案偵辦。

本專案實施以來，除配合臺灣高等檢察署加強查緝各地方妨害綠能產業之犯罪行為，同時為了精進本局偵辦專案能量，則透過舉辦「強力打擊妨害綠能產業發展犯罪專案精進研討會」，邀集位屬綠能產業發展重區之各外勤處（站）與會，交流偵辦經驗並共同研討妨害綠能產業發展犯罪之態樣、行為模式及犯罪手法。

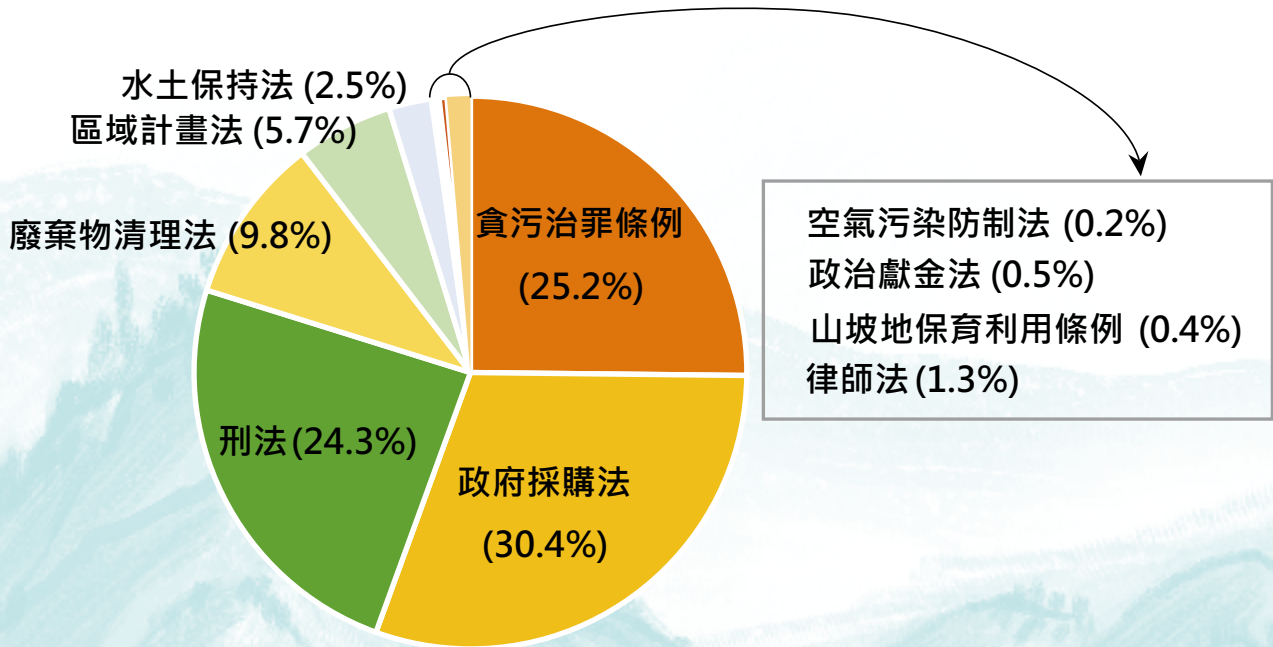


圖 2-02 111 年移送案件主要適用法律比例圖（依案數）

於 111 年間，本局偵辦是類不肖中央或地方政府首長、公務員或民代藉勢藉端向廠商勒索財物及行、受賄犯行案件並獲起訴，成果豐碩，透過掃除妨害綠能產業發展犯罪，俾使政府順利推行能源安全、環境永續及綠色經濟之政策目標。

圖 2-02 顯示 111 年移送案件以主要適用法律作歸類之案數統計比例，表 2-08 則係近 10 年移送案件以主要適用法律作歸類之案數統計。

本局偵辦之廉政類案件，歷年適用法條以貪污治罪條例、政府採購法、刑法為主。以 111 年移送總數 441 案而言，政府採購法 134 案占 30.4%（134 案 / 441 案），貪污治罪條例 111 案占 25.2%（111 案 / 441 案），刑法 107 案占 24.3%（107 案 / 441 案）；而適用其他法律者 89 案占 20.1%（89 案 / 441 案），多為「非貪瀆案件」，其中廢棄物清理法、水土保持法及區域計畫法均係環保犯罪案件之主要適用法律，近 10 年來均高居第 4 位。

表 2-08 近 10 年移送案件主要適用法律統計表（依案數）

單位：案

法律名稱 \ 年度	102	103	104	105	106	107	108	109	110	111
貪污治罪條例	299	145	115	119	119	110	137	119	125	111
政府採購法	157	169	179	127	115	122	141	129	118	134
刑法	74	132	63	64	73	98	121	120	88	107
廢棄物清理法	10	18	10	8	17	25	23	26	41	43
區域計畫法	4	14	7	5	11	17	18	22	25	25
水土保持法	3	10	3	4	12	32	32	22	11	11
都市計畫法	-	2	-	-	7	1	7	4	7	-
山坡地保育利用條例	2	7	-	1	3	4	1	1	2	2
律師法	-	-	1	-	2	3	3	5	1	6
森林法	1	1	1	-	2	1	1	-	2	-
空氣污染防治法	-	-	-	-	-	3	1	-	2	1
水污染防治法	1	1	1	-	-	2	-	1	-	-
商業會計法	-	-	-	-	-	1	-	-	-	-
營業秘密法	-	-	-	-	-	1	-	-	-	-
建築法	-	-	-	-	-	1	-	-	-	-
銀行法	-	-	-	-	-	1	-	-	-	-
洗錢防制法	-	-	-	-	-	-	-	-	-	-
毒品危害防制條例	1	-	-	-	-	-	-	-	-	-
槍砲彈藥刀械管制條例	-	-	-	-	-	-	-	-	-	-
稅捐稽徵法	-	-	-	-	-	-	-	-	-	-
懲治走私條例	-	-	-	-	-	-	-	-	-	-
公務員服務法	1	3	1	-	1	-	-	-	-	-
簡易人壽保險法	-	-	-	-	1	-	-	-	-	-
陸海空軍刑法	-	-	-	1	-	-	-	-	-	-
野生動物保育法	-	-	-	-	-	-	-	-	-	-
個人資料保護法	-	-	1	-	-	-	-	-	-	-
政治獻金法	-	-	1	-	-	-	-	-	-	1
總計	553	502	383	329	363	422	485	449	422	441

表 2-09 係近 10 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 111 年移送案件以「主要適用法律」作歸類之人數統計比例。111 年以貪污治罪條例移送者 569 人居冠，占移送總數 37.0%（569 人 /1,536 人），以政府採購法移送之犯罪嫌疑人次之，為 393 人，占移送總數 25.6%（393 人 /1,536 人），再次為觸犯刑法罪名者 271 人，占移送總數 17.6%（271 人 /1,536 人）。對照歷年來數據，其中 105 年、108 年、109 年、110 年與 111 年各適用法律移送人數排序相同，然 106 年及 107 年各適用法律移送人數，依次為政府採購法、貪污治罪條例及刑法；又以廢棄物清理法移送者，為數亦不少，近 10 年來均高居第 4 位。

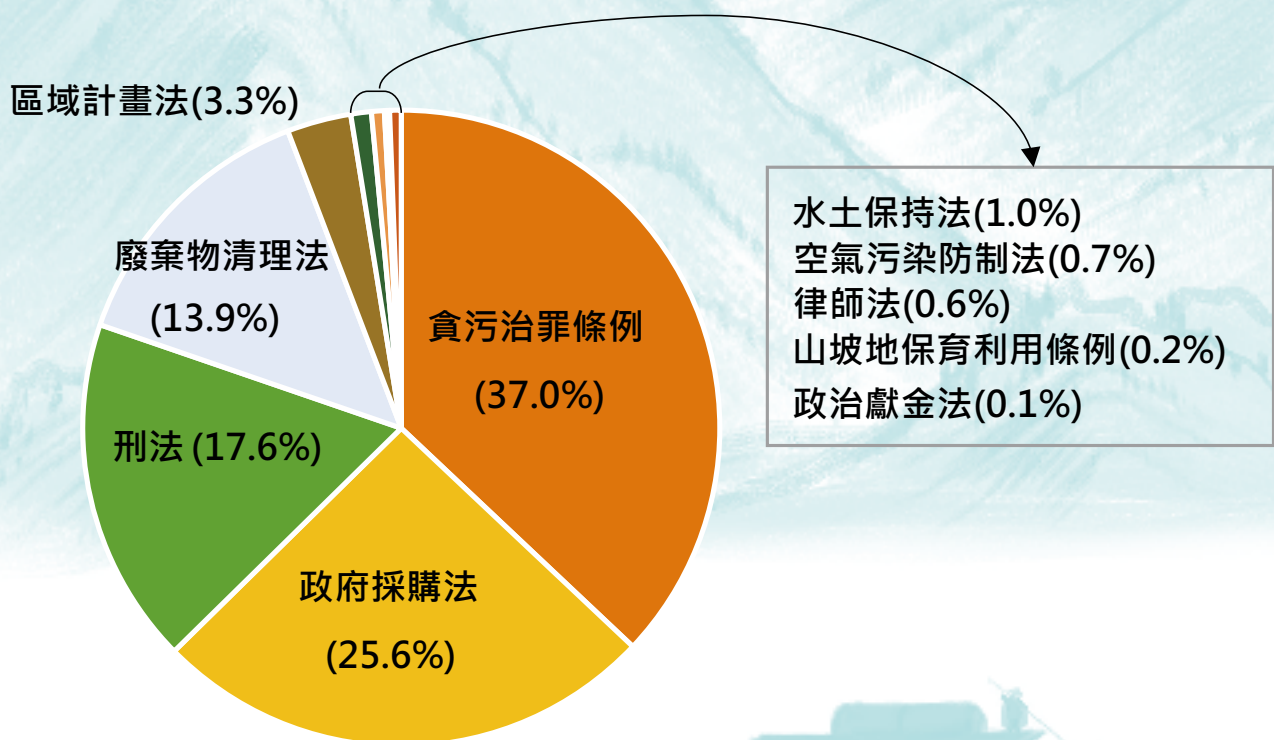


圖 2-03 111 年移送案件主要適用法律比例圖（依人數）

表 2-09 近 10 年移送案件主要適用法律統計表（依人數）

單位：案

法律名稱 \ 年度	102	103	104	105	106	107	108	109	110	111
貪污治罪條例	1,532	831	631	493	333	365	565	849	464	569
政府採購法	604	504	577	440	413	411	383	421	402	393
刑法	460	327	183	182	202	385	260	280	182	271
廢棄物清理法	18	67	20	28	74	105	85	137	248	214
區域計畫法	4	19	10	9	18	30	39	49	34	50
水土保持法	4	21	6	6	15	50	38	23	12	16
都市計畫法	-	2	-	-	11	6	13	8	13	-
山坡地保育利用條例	1	12	-	3	6	4	1	1	3	3
律師法	-	-	1	-	3	4	6	6	2	9
森林法	23	1	13	-	7	3	2	-	10	-
空氣污染防治法	-	-	-	-	-	7	2	-	6	10
水污染防治法	-	2	7	-	-	6	-	1	-	-
商業會計法	24	-	-	25	25	25	-	-	-	-
營業秘密法	-	-	-	-	-	1	-	-	-	-
建築法	-	-	-	-	-	4	-	-	-	-
銀行法	-	-	-	-	-	3	-	-	-	-
洗錢防制法	5	-	-	2	-	4	-	-	-	-
毒品危害防制條例	1	-	-	-	-	2	-	-	-	-
槍砲彈藥刀械管制條例	2	-	-	-	-	-	-	-	-	-
稅捐稽徵法	-	-	-	-	-	5	-	-	-	-
懲治走私條例	-	-	-	-	-	10	-	-	-	-
公務員服務法	4	3	1	-	1	-	-	-	-	-
簡易人壽保險法	-	-	-	-	1	-	-	-	-	-
陸海空刑法	-	-	-	1	-	-	-	-	-	-
野生動物保育法	-	-	-	1	-	-	-	-	-	-
個人資料保護法	-	-	1	-	-	-	-	-	-	-
政治獻金法	1	-	1	-	-	-	-	-	-	1
總計	2,683	1,789	1,451	1,190	1,109	1,430	1,394	1,775	1,376	1,536

表 2-10 係近 10 年以貪污治罪條例移送之案件，各罪名適用情形，依該表累計前 4 名者，分別為：第 5 條第 1 項第 2 款之「利用職務上之機會，詐取財物罪」（計 518 案）、第 6 條第 1 項第 4 款之「對於主管或監督事務圖利罪」（計 253 案）、第 5 條第 1 項第 3 款之「對於職務上之行為，要求、期約、收受賄賂罪」（計 206 案）及第 4 條第 1 項第 5 款之「對於違背職務之行為，要求、期約、收受賄賂罪」（計 178 案），前述涉犯法條罪名於個別年度統計亦均位居各單年度前 4 位。

111 年以貪污治罪條例為主要適用法律者計 111 案，占總移送案數 37.0%（111 案/441 案），均為「貪瀆案件」；其中以同法第 5 條第 1 項第 2 款之「利用職務上之機會，詐取財物罪」移送 42 案最多，其次為第 5 條第 1 項第 3 款之「對於職務上之行為，要求、期約、收受賄賂罪」及第 6 條第 1 項第 4 款之「對於主管或監督事務圖利罪」（均各為 15 案），分述如下：

1. 第 5 條第 1 項第 2 款「利用職務上之機會詐取財物罪」

本罪係公務員常觸犯的貪瀆罪名，大致可歸納為 2 類：一係公務員或民意代表以虛偽人頭、發票或其他憑證向機關詐領公款，例如向機關申報與實情不符之出差旅費或膳費、隱瞞事實而請領補助、民意代表虛構助理名單而請領助理薪資等；二係公務員利用民眾不諳其行政上職務內容、公權力權限範圍或作業規定而詐騙金錢，例如公務員誇大其職權之影響力向民眾誑騙服務費，或虛列名目向民眾誑騙規費。

犯罪情節以第 1 類占大多數，通常為行為人握有請領經費之權力或機會，明知未墊支費用、舉辦活動、贈與社福團體或執行勤務、職務，卻心存僥倖，持造假單據、不實相片報銷請款，藉此欺矇手段獲取金錢利益；犯罪嫌疑人身分除一般政府機關及軍警機關人員外，也不乏村里長、鄉鎮民代表、議員等民選公職人員。

111 年以本罪名移送之 42 案中，公務員、直轄市或縣市議員、鄉鎮市民代表及鄉鎮長等以不實收據憑證詐領公款等，計 11 案；直轄市或縣市議員以人頭或虛報不實薪資向議會詐領公費助理補助費，又或不實簽到詐領出席費者，計有 14 案；公務員佯以公務名義向民眾募款或收取費用者，計 3 案；村里長、里幹事以虛報或浮報村里內清掃環境雇工薪資，向鄉鎮區公所詐領村里基層工作經費者，計 3 案；公務員以不實出勤紀錄詐領出勤薪資、活動支出、差旅費、交通費、加班費或加班誤餐費等，計有 11 案。

表 2-10 近 10 年移送案件主要適用法條為貪污治罪條例統計表

單位：案

條	項	款	構成要件	102 年	103 年	104 年	105 年	106 年	107 年	108 年	109 年	110 年	111 年	合 計	排 名
4	1	1	竊取或侵占公用或公有器材、財物者。	12	7	8	12	3	4	7	10	5	7	75	
4	1	2	藉勢藉端勒索、勒徵、強占或強募財物者。	8	5	4	3	3	6	1	6	2	3	41	
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。	19	10	3	6	5	7	7	8	4	12	81	5
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。	28	25	15	30	14	17	15	11	10	13	178	4
4	2		第 4 條第 1 項第 1 款至第 4 款之未遂犯。	-	-	-	-	-	-	1	-	-	-	1	
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。	-	-	-	-	-	1	-	-	-	-	1	
5	1	2	利用職務上之機會，以詐術使人將本人之物或第三人之物交付者。	157	24	26	32	52	43	54	40	48	42	518	1
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。	25	25	22	10	13	18	31	21	26	15	206	3
6	1	1	意圖得利，抑留不發職務上應發之財物者。	1	-	-	-	-	-	-	-	-	-	1	
6	1	2	募集款項或徵用土地、財物，從中舞弊者。	-	-	-	-	-	-	-	-	-	-	-	
6	1	3	竊取或侵占職務上持有之非公用私有器材、財物者。	2	3	7	-	1	2	2	1	2	-	20	
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。	43	43	28	24	27	9	17	21	26	15	253	2
6	1	5	對於主管或監督之事務，明知違背法律、法律授權之法規命令、職權命令、自治條例、自治規則、委辦規則或其他對多數不特定人民就一般事項所作對外發生法律效果之規定，直接或間接圖自己或其他私人不法利益，因而獲得利益者。	4	1	-	1	1	-	1	-	1	1	10	
6-1			檢察官於偵查中，發現公務員本人及其配偶、未成年子女自公務員涉嫌犯罪時及其後三年內，有財產增加與收入顯不相當時，得命本人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。	-	1	-	-	-	-	-	1	-	-	2	
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。	-	1	2	-	-	1	1	-	-	-	5	
11	2		對第二條人員，關於不違背職務之行為，行求、期約或交付賄賂或其他不正利益者。	-	-	-	-	-	2	-	-	1	-	3	
11	4		不具第二條人員之身分而犯前三項之罪者。	-	-	-	-	-	-	-	-	-	3	3	
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。	-	-	-	1	-	-	-	-	-	-	1	
總 計				299	145	115	119	119	110	137	119	125	111	1,399	

2. 第 5 條第 1 項第 3 款之「對於職務上之行為，要求、期約、收受賄賂罪」

以「對於職務上之行為，要求、期約、收受賄賂罪」移送者，計 15 案；其中與政府採購事件相關者計有 7 案，主要犯行有：公務員規避政府採購法相關規範，內定前已參與設計規劃之廠商得標；收受賄賂而不於驗收或請款過程中刁難。

其餘非涉政府採購之案件，如：民意代表收受廠商賄賂，對政府機關施壓關說，藉此協助廠商順利獲取利益；都市發展單位公務員收受廠商賄賂，為廠商處理業務事宜；利用協會申請核發補助款之職權，要求補助對象「樂捐」補助款給協會，藉此獲取不法利益。

3. 第 6 條第 1 項第 4 款之「對於主管或監督事務圖利罪」

以「對於主管或監督事務圖利罪」移送者，計 15 案；其中與政府公務員明知相關標案資料不得洩漏予特定廠商，仍提供資料，致特定廠商得標；明知廠商係為同一廠商圍標，卻仍未廢標，包庇特定廠商投標，致廠商取得工程款項；明知承商施工進度落後，於履約期限屆至時未能完成契約約定之工作，仍予以配合通過驗收，致廠商取得工程款項；公務員包庇特定廠商，並綁定特定資格，致使特定廠商得標取得工程款項。

其餘非涉政府採購之案件，如：公所人員未依規定收費即逕予檢驗並出具檢驗報告單；公務員將政府公用財產在未經機關首長同意即擅私自用並對使用民眾收費；稽查人員或勞動條件檢查人員洩漏檢舉內容或稽查排班時間並包庇廠商違法情形；清潔隊人員包庇廠商運送或處理非法廢棄物等。

表 2-11 係近 10 年以刑法移送之案件，各罪名適用情形，依該表統計前 6 名依序為第 339 條第 1 項普通詐欺取財罪（計 258 案）、第 320 條第 2 項竊佔罪（計 127 案）、第 213 條公文書不實登載罪（計 114 案）、第 132 條第 1 項洩漏國防以外之秘密罪（計 90 案）、第 342 條第 1 項背信罪（計 43 案）、第 216 條行使偽變造或登載不實文書罪（計 42 案），前述涉犯法條罪名於個別年度統計亦多居各年度前位之列。

111 年以刑法為主要移送法條之案件計有 107 案，占總移送案數 20.9%（107 案 / 441 案），其中「貪瀆案件」及「非貪瀆案件」各為 42 案及 65 案。

「貪瀆案件」多為公務員涉犯洩漏他人個資或採購人員洩漏招標應秘密之文件，涉犯刑法第 132 條「洩漏國防以外之秘密罪」案件，次為警職人員洩漏他人個資或採購人員洩漏招標應秘密之文件之涉犯第 132 條洩漏國防以外之秘密罪案件；另部分案件係具公務員身分之犯罪嫌疑人假借其職務之權力、機會或方法犯刑法瀆職罪以外之他法，涉第 134 條公務員不

表 2-11 近 10 年移送案件主要適用法條為刑法統計表

單位：案

條	項	罪 名	102 年	103 年	104 年	105 年	106 年	107 年	108 年	109 年	110 年	111 年	合 計	排 名
122	2	違背職務受賄罪	1	-	-	-	-	-	-	-	-	-	1	
123	1	準受賄罪	-	1	-	-	-	-	-	-	-	-	1	
129	2	違法拘留或剋扣款物罪	1	-	-	-	1	-	-	-	2	-	4	
	1	洩漏國防以外之秘密罪	5	12	-	6	7	10	15	15	10	10	90	4
132	2	過失洩漏國防以外之秘密罪	-	-	-	2	3	-	3	-	5	3	16	
	3	非公務員洩漏國防以外之秘密罪	1	-	4	-	1	2	-	-	4	8	20	
134		公務員犯罪加重處罰之規定	-	-	-	1	5	2	3	1	1	3	16	
138		妨害職務上掌管之文書物品罪	-	-	-	-	-	-	-	-	-	1	1	
157		挑唆包攬訴訟罪	-	1	-	-	-	-	-	1	-	-	2	
158	1	僭行公務員職權罪	-	-	-	-	-	-	-	1	-	-	1	
159		公然冒用公務員服飾、徽章或官銜罪	-	-	-	-	1	-	1	-	-	-	2	
163	1	公務員縱放或便利逃脫罪	-	-	-	-	-	-	-	1	-	-	1	
165		湮滅刑事證據罪	-	1	-	-	-	-	-	1	-	-	2	
169	1	誣告罪	-	1	-	-	-	1	-	-	-	-	2	
176		准失火罪	-	-	-	-	-	-	-	-	-	1	1	
185	3	妨害公眾往來安全未遂罪	-	-	-	1	-	-	-	-	-	-	1	
187-2	1	逸放核能放射線罪	-	-	-	1	-	-	-	-	-	-	1	
190-1		投放毒物罪	-	-	-	-	-	-	1	-	-	-	1	
210		偽造、變造私文書罪	1	6	1	1	2	-	2	1	-	1	15	
211		偽造、變造公文書罪	1	2	-	-	4	2	-	-	1	-	10	
213		公文書不實登載罪	12	7	10	9	13	14	13	4	11	21	114	3
214		使公務員登載不實罪	1	1	-	1	1	1	9	2	2	-	18	
215		業務上文書登載不實罪	4	1	2	2	1	1	3	4	4	5	27	
216		行使偽變造或登載不實文書罪	2	5	-	-	5	5	6	12	6	1	42	6
217	1	偽造印章印文或署押罪	-	-	-	1	-	-	-	-	-	-	1	
	2	盜用印章印文或署押罪	-	1	-	1	-	-	-	-	-	-	2	
218	2	盜用公印或公印文罪	-	-	-	-	-	-	-	-	-	-	-	
231	2	公務員包庇媒介性交及猥褻罪	-	1	-	-	-	-	-	-	-	1	2	
268		圖利供給賭場或聚眾賭博罪	1	1	-	-	-	-	-	1	-	-	3	
270		公務員包庇賭博罪	-	-	-	-	-	-	1	-	-	1	2	
276	2	業務過失致人於死罪	-	-	-	-	-	1	-	-	-	-	1	
304	1	強制罪	-	1	1	-	-	-	-	-	-	-	2	
305		恐嚇罪	-	-	-	-	-	1	-	-	-	-	1	
320	1	竊盜罪	1	4	14	-	4	2	1	-	2	-	28	
	2	竊佔罪	3	42	-	6	8	23	18	10	9	8	127	2
321	1	加重竊盜罪	-	-	-	1	-	-	2	-	-	-	3	
335	1	侵占罪	1	1	3	-	1	1	-	1	-	1	9	
336	1	公務公益侵占罪	-	-	2	2	1	-	-	1	3	3	12	
	2	業務侵占罪	1	2	-	1	2	2	6	6	-	-	20	
	1	普通詐欺取財罪	33	26	23	21	8	23	26	43	21	34	258	1
339	2	普通詐欺得利罪	-	-	2	-	1	2	3	6	-	2	16	
	3	詐欺未遂罪	1	2	-	1	-	-	1	2	-	1	8	
339-1	2	不正利用收費設備詐欺得利罪	-	-	-	-	-	-	-	-	-	-	-	
339-4	1	加重詐欺罪	-	-	-	-	-	1	-	2	2	1	6	
	2	加重詐欺罪	-	-	-	2	1	1	-	-	2	-	6	
342	1	背信罪	4	13	1	3	3	3	7	5	3	1	43	5
	2	背信未遂罪	-	-	-	1	-	-	-	-	-	-	1	
總 計			74	132	63	64	73	98	121	120	88	107	940	

純正身犯之加重規定者。

「非貪瀆案件」則多為公務員、公營事業人員或公私立學校教師涉詐領公款等之刑法第 339 條之「詐欺罪」案件，及一般民眾涉犯盜採砂石、竊佔國土等之刑法第 320 條之「竊盜罪」或「竊佔罪」案件。

(四) 犯罪嫌疑人資料統計

表 2-12 及表 2-13 係近 10 年移送案件犯罪嫌疑人之身分及性別統計，圖 2-04 則顯示近 10 年移送各類身分犯罪嫌疑人之性別比例。

111 年移送之 1,536 名犯罪嫌疑人中，男性犯罪嫌疑人 1,226 人，占 79.8%（1,226 人 / 1,536 人），高、中、低階公務員男性犯罪嫌疑人分別占各類別之 91.7%（22 人 / 24 人）、89.2%（107 人 / 120 人）及 85.8%（109 人 / 127 人），男性於貪瀆案件中比例明顯高於女性，而歷年資料亦呈現相同情形。

表 2-12 近 10 年移送案件犯罪嫌疑人資料統計表（依身分及性別）

單位：人

類別 年度	公職人員												非公職人員		總 計	
	高階公務員		中階公務員		低階公務員		準公務員		民意代表		小 計					
	男	女	男	女	男	女	男	女	男	女	男	女	男	女	男	女
102 年	164	37	327	56	224	46	192	51	51	21	958	211	1,183	328	2,141	539
103 年	72	1	162	25	86	9	101	33	18	3	439	71	1,057	222	1,496	293
104 年	32	2	110	17	115	16	27	11	14	5	298	51	845	257	1,143	308
105 年	25	4	111	19	103	30	60	11	10	7	309	71	646	164	955	235
106 年	21	5	133	28	65	13	6	0	15	9	240	55	636	178	876	233
107 年	34	4	122	15	85	6	12	3	16	3	269	31	915	191	1,184	222
108 年	47	4	119	33	61	16	25	13	14	8	266	74	793	261	1,059	335
109 年	23	4	93	18	62	14	49	12	22	7	249	55	1,213	258	1,462	313
110 年	22	3	91	7	77	14	36	8	27	18	253	50	830	243	1,083	293
111 年	22	2	107	13	109	18	53	21	10	7	301	61	925	249	1,226	310
總計	440	64	1,268	218	878	164	508	142	187	81	3,281	669	8,118	2,102	11,399	2,771

表 2-13 近 10 年移送案件犯罪嫌疑人資料統計表（依身分）

單位：人

類 別 年 度	公職人員						非公職人員	總 計
	高階公務員	中階公務員	低階公務員	準公務員	民意代表	小 計		
102 年	201	383	270	243	72	1,169	1,511	2,680
103 年	73	187	95	134	21	510	1,279	1,789
104 年	34	127	131	38	19	349	1,102	1,451
105 年	29	130	133	71	17	380	810	1,190
106 年	26	161	78	6	24	295	814	1,109
107 年	38	137	91	15	19	300	1,106	1,406
108 年	51	152	77	38	22	340	1,054	1,394
109 年	27	111	76	61	29	304	1,471	1,775
110 年	25	98	91	44	45	303	1,073	1,376
111 年	24	120	127	74	17	362	1,174	1,536
總計	528	1,606	1,169	724	285	4,312	11,394	15,706

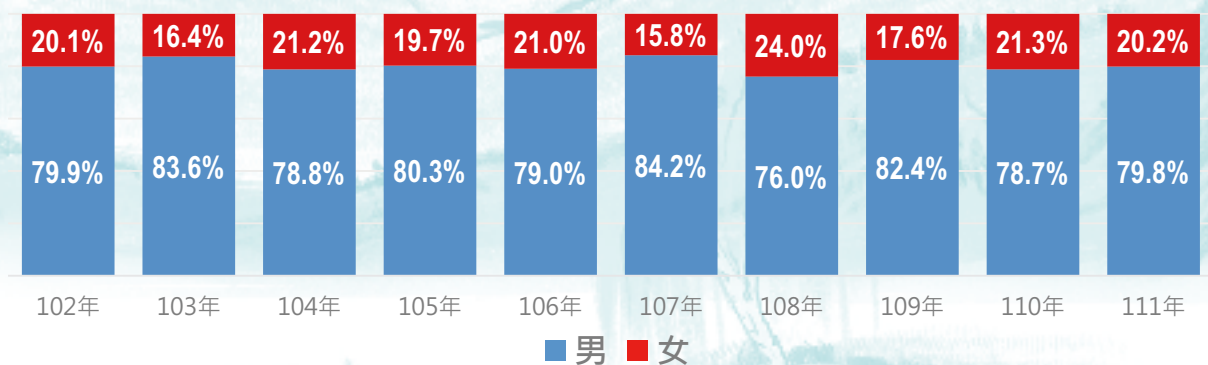


圖 2-04 近 10 年移送犯罪嫌疑人性別比例圖

圖 2-05 係統計近 10 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。111 年低階公務員 35.1% 最高，中階公務員比例 33.1% 次之，準公務員 20.4% 再次之，民意代表比例 4.7% 最低；比例高低順序，近五年約略呈現相同情形。

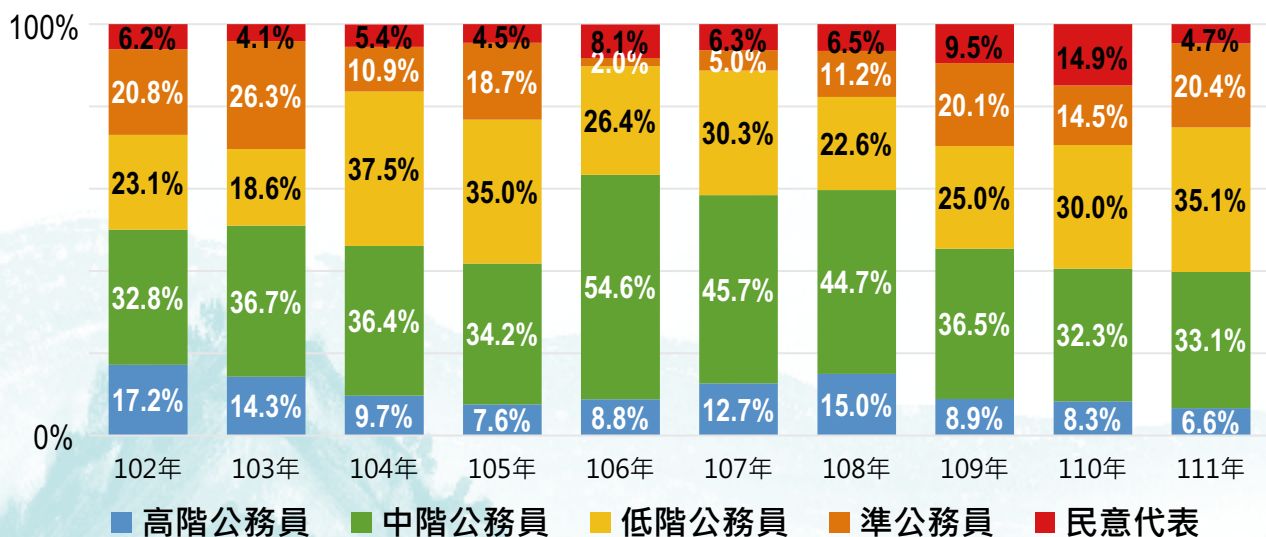


圖 2-05 近 10 年移送公職人員身分比例圖

表 2-14 為 111 年移送各類身分犯罪嫌疑人的主要適用法律。111 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 200 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 222 人中，91 人與公務員共同違犯第 4 條至第 6 條等貪瀆罪名，131 人違犯第 11 條行賄罪，行賄對象包含立法委員、議員、鄉鎮市公所民選首長或主管、地方民意代表、村里長、中油公司煉製事業部執行長、國軍醫院主任醫師、地方政府

表 2-14 111 年移送犯罪嫌疑人統計表（依主要適用法律及身分）

單位：人

身分 \ 法律		貪污治罪條例	政府採購法	刑 法	其 他	合 計
身分	高階公務員	17	0	7	0	24
	中階公務員	65	1	53	1	120
	低階公務員	65	0	62	0	127
	準 公 務 員	37	0	37	0	74
	民 意 代 表	16	0	1	0	17
公職人員（小計）		200	1	160	1	362
非公職人員		222	438	181	333	1,174
總 計		422	439	341	334	1,536



教育局人員、國防部軍備局士官長、海巡署副隊長、警政人員、縣市政府及鄉鎮市公所公共工程及建管單位人員、國營企業人員及納骨塔管理員等。

單一案件中以貪污治罪條例移送最多人者計 40 人，係新北市警察局樹林分局三〇派出所員警等，渠等利用道路交通管理處罰條例（下稱：交管條例）中「吊銷」汽車牌照之處罰重於「吊扣」汽車牌照，一旦汽車牌照遭吊銷，即無從再執行吊扣汽車牌照之處分，渠等均明知此一法律漏洞，竟為圖利因違反交管條例而吊扣汽車牌照之車主，由前揭員警配合業者對於已遭吊扣牌照之汽車，依交管條例相關規定開立不實罰單，以致於該等車輛可依規定予以吊銷，業者再協助車主繳回車牌，經驗車後再重新領牌，圖得車主於受吊扣處分期間仍能使用車輛之不法利益。

111 年依政府採購法移送之非公職人員則有 438 人，占全部移送人數之 28.5%（438 人 / 1,536 人）。依本局近年之廉政工作年報統計，此一高比例現象，均呈現相同情形，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。

排除學歷不詳部分，表 2-15 顯示涉案公務員的階層越高，學歷通常也較高；民意代表學歷亦較高；非公職人員則以高中學歷者居多，大學學歷者次之，專科學歷者再次之。

表 2-15 111 年移送犯罪嫌疑人統計表（依學歷及身分）

單位：人

身分 \ 法律		碩士以上	大學	專科	高中	國中以下	不詳	合計
	高階公務員	9	8	1	5	1	0	24
	中階公務員	40	38	24	12	6	0	120
	低階公務員	4	38	57	21	3	4	127
	準公務員	25	13	6	24	6	0	74
	民意代表	5	5	3	3	1	0	17
公職人員（小計）		83	102	91	65	17	4	362
非公職人員		111	289	203	312	180	79	1,174
總計		194	391	294	377	197	83	1,536

圖 2-06 顯示近 10 年移送之公職人員學歷分布比例。111 年移送之公職人員（含公務員、準公務員及民意代表）確知其學歷者計有 358 人，以具大學學歷者占 28.5% 最高（102 人 /358 人），為專科者占 25.4% 次之（91 人 /358 人），餘學歷依次為具碩士以上學歷者占 23.2%（83 人 /358 人），高中者占 18.2%（65 人 /358 人），國中以下者占 4.7%（17 人 /358 人）。

近 10 年之學歷比例分布情形，整體而言相當類似，各年比例雖互有消長，但碩士以上學歷、大學學歷、專科學歷均位居前 3；近年「大學」學歷公職人員有較高比例趨勢，111 年達 28.5%，此與高等教育學歷人員從事公職意願提高，應有相當關聯性。

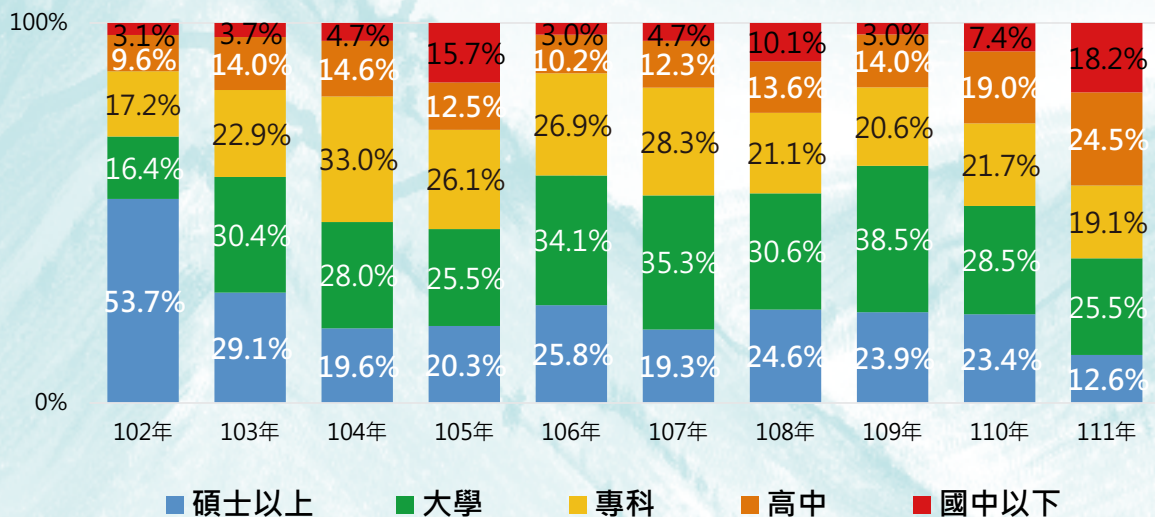


圖 2-06 近 10 年移送公職人員學歷比例圖

表 2-16 顯示近 10 年移送各類民選公職人員之人數統計，其中 111 年移送各級民意代表 17 人，地方自治團體首長 29 人，概述如下：

1. 縣市議員：

計移送 9 人，渠等主要犯行：於擔任議員期間，以人頭或虛報不實薪資，向議會詐領公費助理補助經費，計 7 人；對外收取廠商款項後，以議會質詢等方式施壓公務單位，要求不得拆除廠商違章建築等，計 2 人。

2. 鄉鎮市民代表會：

計移送共 8 人，渠等主要犯行：利用不實單據進行核銷，計 2 人；與地方鄉鎮市公所公務員勾結，內定特定廠商得標公共工程，並於嗣後收取廠商所獲工程款之部分比例回扣以為

表 2-16 近 10 年移送民選公職人員統計表

單位：人

分類	民意代表								地方自治團體首長				合計
	立法院	縣市議會			鄉鎮市民代表會			小計	縣市長	鄉鎮市區長	村里長	小計	
		委員	議長	副議長	議員	主席	副主席						
102	0	0	1	44	4	1	25	75	1	29	50	80	155
103	0	0	1	6	4	1	9	21	1	9	6	16	37
104	1	1	0	12	3	1	1	19	0	8	11	19	38
105	0	0	0	18	0	0	1	19	0	6	13	19	38
106	0	0	0	20	2	1	1	24	0	7	22	29	53
107	2	0	0	12	3	1	1	19	0	10	13	23	42
108	0	0	0	19	3	0	0	22	0	15	49	64	86
109	6	0	0	15	6	0	2	29	0	9	17	26	55
110	1	1	0	14	0	0	29	45	0	6	21	27	72
111	0	0	0	9	5	0	3	17	0	5	24	29	46
合計	10	2	2	169	30	5	72	273	2	104	226	303	576

對價，計 4 人；未實際出席會議、虛偽簽到而詐領出席費、交通費及膳食費等，計 2 人。

3. 鄉鎮市區長：

計移送鎮長 2 人、鄉長 3 人，共計 5 人，渠等主要犯行為利用擔任鄉鎮市區長身分，具主導招標事務之職權，事先收取業者賄賂抑或約定後續工程款部分比例作為回扣，以求護航或內定特定廠商得標，或求後續履約得以通過驗收；亦有利用擔任鄉鎮市區長身分，具主導該單位人事決策權，對外收受賄賂安排人事及利用職權機會提高預算金額等。

4. 村里長：

計移送 24 人，渠等主要犯行：偽造社區巡守紀錄、或虛偽填載其他里內活動相關單據，詐領補助經費，計 20 人；以村里長身分負有管理里民活動中心之機會，並將其租金挪為私用，計 2 人；以村里長身分向里內施工廠商索取賄賂，計 2 人。

二、賄選查察案件統計

現行法律對賄選行為有所禁制規範之選舉，分為公職人員選舉及非公職人員選舉 2 大領域，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、直轄市會議議員、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與職員選舉、漁會會員代表與職員選舉及政黨辦理負責人、中央、直轄市、縣（市）級選任人員選舉等 3 種選舉。

本局執行賄選查察任務，皆依各種選舉之特性與生態設定工作目標，訂立專案工作計畫，由轄區處站擔任查賄主力，輔以航業調查處及北、中、南、東 4 個地區機動工作站之支援人力，以最大的調查能量完成各項專案任務。

本年報統計之賄選查察案件，係指經本局配合檢察機關偵辦後，由檢察官提起公訴、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，故兩者分別計列。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，本年報為便於敘述，以下均歸類為「起訴案件」。

111 年本局主要任務為就同年 12 月 26 日舉行之「中華民國地方公職人員選舉」，進行賄選查察工作。由於牽涉 9 項地方公職人員選舉，各地選情競爭激烈，致有意參選者於選前 1 年即開始運籌鋪排，希冀能從激烈的競爭中順利當選。為淨化選情，本局秉持行政中立原則，自 111 年年初即展開期前整備作業，擬定偵蒐計畫及行政資源事項，配合選舉時程逐步推動各項工作，執行作為循序漸進，亦於同年 8 月 29 日中央選舉委員會受理「九合一」選舉候選人登記首日，本局舉行「111 年地方公職人員選舉查察工作誓師大會」以展現對選舉查察任務之最大決心。

（一）歷年起訴統計

表 2-17 及表 2-18 係本局偵辦之賄選案件近 10 年起訴案數及人數統計。以 110 年偵辦起訴之「村里長」賄選案件為例，當年度我國未舉辦「村里長」選舉，表列統計數字所涉係 110 年或先前年度舉辦選舉之賄選案件，後經本局調查蒐證，於 110 年經檢察官起訴之成果。各類選舉之選舉年度相關數據以灰底紅字標示，俾能更清楚了解各屆選舉之查賄成果。

迄至 111 年底總計配合檢察官偵辦並經起訴者，計 47 案；然若案件雖係於 111 年經本局

表 2-17 近 10 年賄選案件起訴情形統計表（依案數）

單位：案

項 目	正副 總統	立法 委員	直轄 市長	直轄市 議員	縣市長	縣市 議員	鄉鎮 市長	鄉鎮市 民代表	村里長	水利會	農會	漁會	合計
102 年	0	1	0	0	0	1	0	0	2	0	74	1	79
103 年	0	1	0	1	0	4	2	6	8	13	4	0	39
104 年	0	0	0	32	2	83	44	79	117	1	1	0	359
105 年	0	37	0	1	0	8	5	4	11	1	0	0	67
106 年	0	0	0	0	0	0	0	0	0	3	70	10	83
107 年	0	0	0	3	0	2	8	16	18		6	1	54
108 年	1	0	1	16	2	90	23	98	129		0	0	360
109 年	19	11	1	0	0	0	1	1	13		1	0	47
110 年	0	1	0	0	0	0	0	1	2		36	1	41
111 年	0	0	0	2	0	5	5	12	15		7	1	47
總 計	20	51	2	55	4	193	88	217	315	18	199	14	1,176

註 1：紅字者為選舉年。

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；91 年起農田水利會係依農田水利會組織通則辦理包含會長及會務委員選舉，惟嗣後立法院修改該通則後停止辦理選舉。

註 3：本表除檢察官提起公訴之案件外，尚包括聲請簡易判決處刑、緩起訴及職權不起訴案件。

發動執行並移送檢察機關，惟檢察官於 111 年 12 月 31 日以後起訴之案件，其起訴成果將於檢察官處分之當年度顯現，並納入未來該年度之「廉政工作年報」統計。

賄選案件之潛在被告，除候選人本人以外，涉嫌行賄之候選人樁腳、親友，甚至收賄者，都包含在內。地方基層選舉如縣市議員、鄉鎮市長、鄉鎮市民代表、村里長等選舉及農漁會選舉，起訴候選人本人的比例較高；層級較高之選舉如縣市長、立法委員選舉，因選區相對廣闊，競選組織分工更加慎密，基於犯罪事實必須依證據認定之法理，一般而言，起訴候選人樁腳之比例，通常較起訴候選人本人者為高。

為回應國人期待，舉辦一場公平、乾淨、平順的選舉，本局秉持行政中立原則，擬定偵蒐計畫及行政支援事項，配合選舉時程及法務部工作綱領，逐步推動各項選舉查察工作。

表 2-18 近 10 年賄選案件起訴情形統計表（依人數）

單位：人

項 目	正副 總統	立法 委員	直轄 市長	直轄市 議員	縣市長	縣市 議員	鄉鎮 市長	鄉鎮市 民代表	村里長	水利會	農會	漁會	合計
102 年	0	3	0	0	0	6	0	0	3	0	170	2	184
103 年	0	3	0	4	0	7	17	33	19	82	18	0	183
104 年	0	0	0	206	6	379	144	341	638	1	10	0	1,725
105 年	0	388	0	5	0	107	25	6	31	1	0	0	563
106 年	0	3	0	0	0	0	0	0	4	7	395	33	442
107 年	0	0	0	6	0	3	62	86	55		26	2	240
108 年	7	0	5	53	4	420	94	473	654		0	0	1,710
109 年	54	40	1	0	0	0	4	1	110		2	0	212
110 年	0	1	0	0	0	0	0	2	20		220	4	247
111 年	0	0	0	9	0	65	30	58	64		30	2	258
總 計	61	438	6	283	10	987	376	1,000	1,598	91	871	43	5,764

註 1：紅字灰底者為選舉年。

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；91 年起農田水利會係依農田水利會組織通則辦理包含會長及會務委員選舉，惟嗣後立法院修改該通則後停止辦理選舉。

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。

111 年本局偵辦之 47 案賄選起訴案件當中，涉直轄市議員選舉者 2 案、涉縣市議員選舉者 5 案、涉鄉鎮市長選舉者 5 案、涉鄉鎮市民代表選舉者 12 案、涉村里長選舉者 15 案、涉農會選舉者 7 案、涉漁會選舉者 1 案，起訴概況分述如下：

1. 直轄市議員選舉：

起訴 2 案 9 人，含金錢賄選 1 案、捐助經費賄選 1 案，所涉區域為臺中市及臺南市等地；主要案情包含：候選人或其樁腳為使其支持對象當選，以現金或贊助旅遊經費之方式向有投票權之選民買票賄選，行求有投票權之選民支持特定候選人。

2. 縣市議員選舉：

起訴 5 案 65 人，皆係以金錢賄選，所涉區域為新竹縣、嘉義縣、嘉義市及澎湖縣等地，主要案情為縣市議員候選人或其樁腳為使其支持對象當選，以交付現金之方式向有投票權之選民買票賄選。

3. 鄉鎮市長選舉：

起訴 5 案 30 人，分別為以金錢賄選 4 案、餐飲賄選 1 案，所涉區域為桃園市、宜蘭縣、新竹縣、花蓮縣及臺東縣，所涉主要案情為：候選人及其樁腳為求勝選，以飲宴方式酬庸向具投票權之選民進行買票賄選及以支付現金方式向有投票權之選民買票賄選，以圖使投票發生不正確之結果。

4. 鄉鎮市民代表選舉：

起訴 12 案 58 人，分別為金錢賄選 8 案、禮品賄選 2 案、餐飲賄選 1 案、其他 1 案，所涉區域為宜蘭縣、花蓮縣、雲林縣、苗栗縣、嘉義縣、嘉義市、臺東縣、屏東縣等地，主要案情包含：鄉鎮市民代表候選人或其樁腳為使其支持對象當選，以現金或禮品等向有投票權之選民買票賄選，以圖使投票發生不正確之結果；或以不實消息在公開媒體發布不實消息，影射候選人賄選或有涉及不法遭受偵辦等，涉有以大眾傳播媒體傳播不實之事罪嫌。

5. 村里長選舉：

起訴 15 案 64 人，含金錢賄選 8 案、旅遊賄選 1 案、禮品賄選 5 案、其他 1 案，所涉區域為臺北市、桃園市、臺中市、基隆市、宜蘭縣、花蓮縣、雲林縣、嘉義縣、屏東縣等地；主要案情包含：候選人或其樁腳為使其支持對象當選，以現金、旅遊、食物、酒、快篩試劑等防疫物資及不正利益等向有投票權之選民買票賄選，行求有投票權之選民支持特定候選人。

6. 農漁會選舉：

起訴 8 案 32 人（農會法起訴 30 人，漁會法起訴 2 人），8 案皆係以金錢賄選，所涉區域為新北市、桃園市、臺中市及南投縣等地；主要案情包含：候選人或其樁腳為使其支持對象當選，以現金方式向有投票權之選民買票賄選。

(二) 起訴法條統計

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，前揭該兩法律未特別規範者，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、漁會法及政黨法。

表 2-19 111 年賄選案件起訴情形統計表（依主要適用法條）

單位：人

起訴法條		處分情形	提起 公訴	聲請簡易 判決處刑	緩起訴	職權 不起訴	合計
公 職 人 員 選 舉 罷 免 法	第 97 條第 1 項 對候選人等行賄罪	1				1	
	第 99 條第 1 項 對有投票權人行賄罪	72		-	11	83	
	第 104 條 散布謠言或傳播不實罪	-		1	-	1	
小 計		73	-	1	11	85	
刑 法	第 143 條 妨害投票結果正確罪	22		33	86	141	
小 計		22	-	33	86	141	
農 會 法	第 47 條之 1 第 1 項第 1 款 有投票權人受賄罪	5		10	2	17	
	第 47 條之 1 第 1 項第 2 款 對有投票權人行賄罪	12	-	1	-	13	
	第 47 條之 1 第 1 項第 3 款 對候選人等行賄罪	-				-	
	第 47 條之 2 第 1 項第 3 款 對總幹事候聘人等行賄罪	-				-	
小 計		17	-	11	2	30	
漁 會 法	第 50 條之 1 第 1 項第 1 款 有投票權人受賄罪	-				-	
	第 50 條之 1 第 1 項第 2 款 對有投票權人行賄罪	2				2	
小 計		2	-	-	-	2	
總 計		114	-	45	99	258	

表 2-19 係 111 年賄選案件起訴被告所適用之主要法條及人數統計，111 年賄選案件起訴法條人數統計中，以刑法妨害投票罪者起訴者居冠，為 141 人，占總數 54.7%（141 人 /258 人），以公職人員選舉罷免法起訴者居次，占移送總數 32.9%（85 人 /258 人），以農會法者再次之，為 30 人，占移送總數 11.6%（30 人 /258 人），漁會法起訴者居末，為 2 人，占移送總數 0.8%（2 人 /258 人）分別說明如下：

1. 對選民之賄選：

此種賄選型態係藉招待選民吃飯、旅遊或致贈禮品等方式籠絡選民，甚至直接發放金錢買票或以暴力方式，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，造成選舉不公情形，對選舉結果及民眾感受之影響較大，因此向來為各項選舉查察專案之重點。111 年度在公職選舉部分，對有投票權人行賄罪提起追訴者有 83 人，依散布謠言或傳播不實罪追訴者有 1 人。

2. 候選人之間行受賄：

即候選人或具候選人資格者相互間賄賂，而約定放棄競選或為一定競選活動之行為（俗稱搓圓仔湯），適用法條因行賄或受賄身分之不同，分別適用公職人員選舉罷免法第 97 條第 1 項或第 2 項、農會法第 47-1 條第 1 項第 3 款、第 4 款及農會法第 47-2 條第 1 項第 3 款、第 4 款。111 年度在在公職選舉部分，依對候選人等行賄罪追訴者有 1 人。

（三）賄選型態統計

賄選罪之行為客體，法律區分為賄賂及其他不正利益 2 類；賄賂係指金錢或其他可以金錢計算的財物；其他不正利益則指賄賂以外一切足以供人需要或滿足慾望之有形或無形利益者。

前揭其他不正利益之法律規範，目的在使刑事構成要件可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，最高檢察署訂定賄選犯行例舉⁵供國

⁵ 最高檢察署「100 年 11 月 17 日台文字第 1000017770 號函」所舉賄選犯行例示：1. 提供「走路工」、「茶水費」、「誤餐費」或其他名目之現金、票據、禮券、提貨單或其他有價證券。2. 提供具有經濟價值之日常用品，如電鍋、熱水瓶、收音機等。3. 提供免費或自付額與成本顯不相當之國內外觀光遊覽、國內遊覽車旅遊或進香活動。4. 假借募款、聯誼活動或其他相類理由，提供免費或自付額與成本顯不相當之餐飲或流水席。5. 提供往返居所地與投票地之交通工具、交通費用。6. 增加薪資、工作獎金或提供給薪假期。7. 假借捐助名義，提供宗教團體、同鄉會、其他機構或團體等活動經費、團體服裝或活動用品等。8. 假借核撥或補助經費名義，提供縣市、鄉鎮、村里、社區或團體等建設經費。9. 假借節慶名義，舉辦活動發放物品、獎品、獎金。

人參考遵循，並視實務發展狀況隨時因應修訂，前揭法務部於 100 年 11 月 14 日准予備查之最高檢察署最新修訂版本，除例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，避免掛一漏萬，禁絕候選人或其支持者心存僥倖。

賄選行為，雖因選舉種類不同，而分別規範於總統副總統選舉罷免法、公職人員選舉罷免法、刑法、農會法、漁會法及政黨法等，但構成要件結構均類同，皆係對於有投票權之人，行求、期約或交付賄賂或其他不正利益，而約其不行使投票權或為一定之行使者；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、禮品、餐飲、旅遊及選舉賭博等。

表 2-20 近 10 年賄選案件賄選型態統計表

單位：案

年度 \ 型態	金 錢	禮 品	餐 飲	旅 遊	捐助 經費	虛偽 遷籍	選舉 賭博	其 他	合 計
102 年	75	2	0	0	0	0	0	2	79
103 年	31	5	1	0	0	0	0	2	39
104 年	302	14	8	1	1	0	0	33	359
105 年	56	1	3	0	0	0	0	7	67
106 年	71	7	1	3	0	0	0	3	85
107 年	33	14	2	1	0	0	0	3	53
108 年	267	12	7	4	0	66	1	3	360
109 年	11	2	0	3	0	9	13	9	47
110 年	30	6	1	1	0	0	0	3	41
111 年	34	7	2	1	1	0	0	2	47
總 計	910	70	25	14	2	75	14	67	1,177

10. 假借摸彩或有獎徵答名義，提供獎品。11. 招待至舞廳、酒廊、歌廳或其他娛樂場所消費。12. 收購國民身分證。13. 免除債務。14. 代繳黨費培養人頭黨員。15. 代付水電費、稅款、保險費或其他各項日常生活費用、規費、罰款、賠償金。16. 販賣餐券，並期約於候選人當選後兌換餐券面額數倍之金錢。17. 聚眾賭博，並期約於候選人當選後贏得數倍賭金。18. 提供或介紹工作機會或良好職位。19. 贈送樂透、大樂透、刮刮樂等公益彩券。20. 贈送農漁特產品。21. 免費或以不相當之代價提供勞務。22. 假借聘雇名義，發放薪資、工資、顧問費或其他津貼。23. 假借支付競選活動經費，交付預備賄選之賄款。24. 行求、期約或交付其他類型賄賂或不正利益。惟該函示強調：「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。」

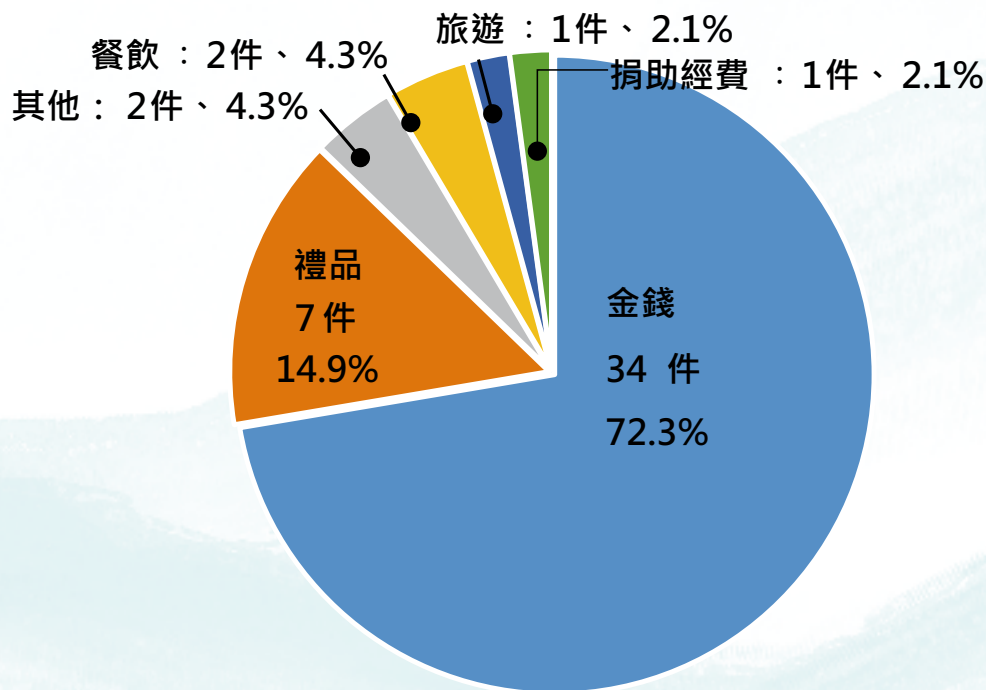


圖 2-07 111 年賄選案件賄選型態比例圖

表 2-20 係近 10 年經檢察官起訴之本局偵辦案件賄選型態統計表，圖 2-07 則為 111 年賄選型態比例，分別說明如下：

1. 金錢賄選：

111 年金錢賄選案件起訴計 34 案，占同年起訴案件 72.3%（34 案 /47 案），近 10 年是類賄選型態占全部起訴案件之 77.32%（910 案 /1,177 案）。此賄選型態為首要，可見部分候選人或其支持者仍認為逕持現金向選民買票是較直接且有效率的賄選方式，一般而言，無論選舉職務高低，對一般選民之賄選金額多為 500 元至 3,000 元不等，離島、原住民選區或當選所需票數較少地區，每票賄選金額相對更高。

2. 禮品賄選：

111 年禮品賄選案件起訴計 7 案，占同年起訴案件 14.9%（7 案 /47 案），近 10 年是類賄選型態占全部起訴案件之 5.9%（70 案 /1,177 案）。禮品賄選通常發生於對一般選民之選舉，賄選內容常見者為酒類、香菸、香菇禮盒等生活用品，近年甚至會以快篩試劑等防疫用品做為禮品。以此方式行賄之行賄者常託辭於民俗節慶習慣或人情禮尚往來，藉以博取有投票權人之好感，央求收受者投票支持或動搖其選舉意向。

3. 餐飲賄選：

111 年餐飲賄選案件起訴計 2 案，占同年起訴案件 4.3%（2 案 /47 案），近 10 年是類賄選型態占全部起訴案件之 2.1%（25 案 /1,177 案）。餐飲賄選常以老人協會、社區發展會或藉商議觀光區發展之名義餐免費招待該區選民至餐廳宴飲，並安排候選人逐桌敬酒拜票，藉以博取有投票權人之好感，央求與會者投票支持或動搖其選舉意向。

4. 旅遊賄選：

111 年旅遊賄選案件起訴計 2 案，占同年起訴案件 4.3%（2 案 /47 案），近 10 年是類賄選型態占全部起訴案件之 1.2%（14 案 /1,177 案）。前述旅遊賄選係候選人藉志工、會員等各式名義以免費、事後退款或優惠價格等方式招待選民參加旅遊活動；惟近年來，採用招待旅遊這種引人注目的賄選方式，已較少見。

5. 其他：

111 年起訴案件中，難以歸入前述賄選型態，故列為其他計有 2 案，占同年起訴案件 4.3%（2 案 /47 案），近 10 年是類賄選型態占全部起訴案件之 5.7%（67 案 /1,177 案）。前述 2 案中，除以不實消息影響選舉，另有提供免費洗車之勞務不正利益藉此影響選情。

貳、專業精進工作

一、廉政工作研習班

為強化各外勤調查處站 1、辦理 111 年地方公職人員選舉查察工作重要性及廉政工作之未來趨勢 2、加強宣達本局辦理 111 年地方公職人員選舉查察專案工作計劃，落實政府禁絕賄選、淨化選風之政策目標 3、維護 111 年地方公職人員選舉公正性，防範不法人士利用散播假訊息散布影響選民投票判斷妨害選舉及引發之負面效應，廉政處於 111 年 7 月 21 日採視訊方式辦理廉政工作研習班，藉以提升本局選舉查察工作及廉政工作成效。

二、運用網路交流學習

由於網路科技日趨便捷，資訊的傳遞、交流與整合，已不受時間及地域限制，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。有鑒於此，廉政處於 93 年底建置本局內部網路「廉政資料庫」並逐年擴充，以共同學習與分享為預期功能，彙整偵辦案件相關實

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、作業規範、廉政工作手冊、在職訓練等 6 大部分呈現，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。

三、研編案例研究報告

本局不定期就當年所偵破引起媒體、人民與政府高度注意或涉及重大制度改革、人事更替之貪瀆案件，就其案件發掘、調查過程、蒐證作為及所涉其他制度應檢討之事項等，函請主辦案件之外勤單位進行案例研究報告撰寫，並置於前述本局「廉政資料庫」供同仁參閱。

四、協同友軍分進合擊

本局與法務部廉政署等司法警察機關雖互不隸屬，彼此良性競爭，惟平時仍保持密切聯繫，期能在打擊貪瀆、賄選查察、國土保持等案件發揮統合戰力，例如本年報 111 年起訴案例之案例 6 及案例 8，即是本局與法務部廉政署攜手合作，共同展現檢調廉「鐵三角」縝密蒐證，雷厲執行的最佳範例。





第三部分

111年起訴案例簡介

案例 1

中油公司基隆營業處人員張○豐涉嫌貪瀆案

◎案件類型：國營事業、政府採購

◎主辦單位：本局基隆市調查站

◎起訴日期：111 年 11 月 29 日

◎起訴機關：臺灣基隆地方檢察署

◎起訴被告：張○豐等 5 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款購辦公用物品收取回扣及浮報價額，第 5 條第 1 項第 3 款對於職務上之行為收受賄賂等罪

一、張○豐自 88 年至 111 年期間，於台灣中油股份有限公司油品行銷事業部基隆營業處石門供油服務中心（下稱：石門供油中心）擔任汽車維修技術員，負責石門供油中心油罐車、氣槽車維護保養及管理、維護保養合約採購、辦理及驗收、油罐車零件購置及核銷等業務，係依政府採購法等規定辦理採購業務，屬依法令從事於公共事務而具有法定職務權限之授權公務員。蔡○哲為日○汽車修造廠有限公司（下稱：日○公司）負責人，自 89 年 9 月至 109 年 8 月期間以日○公司名義得標並履約石門供油中心油灌車及氣槽車維修標案，並指派員工廖○釗擔任標案現場負責人；蕭○雲及曾○德分別為○欣交通器材有限公司（下稱：○欣公司）及○威交通器材有限公司（下稱：○威公司）之登記負責人，上開兩家公司均由曾○德擔任實際負責人，並由蕭○雲擔任會計，蕭○雲以○欣公司名義自 92 年 7 月至 97 年 5 月及自 100 年 3 月至 109 年 9 月期間得標並履約石門供油中心標案，曾○德則以○威公司名義自 97 年 3 月至 99 年 3 月期間得標並履約石門供油中心標案，並共同於上開期間負責提供油罐車及氣槽車維修零件；唐○豪為復○汽車修配所（下稱：復○修配所）負責人，自 102 年 3 月至 111 年 8 月期間以復○修配所名義得標並履約石門供油中心標案，提供油罐車及氣槽車之罐體檢驗、鈹金噴漆及維修服務，而陳○妍則自 109 年 8 月間起於復○修配所擔任會計迄今；楊○清為志○企業商行（下稱：志○商行）負責人，自 107 年 8 月至 111 年 8 月期間以志○商行名義得標並履約石門供油中心標案，

負責提供油罐車及氣槽車維修零件。

- 二、緣 90 年 6 月間，張○豐竟基於不違背職務行為收受賄賂之犯意，自 90 年至 109 年 10 月期間利用其職務辦理採購之職權，向日○公司蔡○哲及廖○釧索賄，蔡○哲等人為使順利取得標案，約定以每月標案撥款金額百分之 15 作為回扣，於翌月以現金方式交付，張○豐向廖○釧等人收取賄款共計約 1,556 萬 5,520 元；另於 92 年 11 月至 107 年 11 月間張○豐亦向零件廠商蕭○雲、曾○德索賄，蕭○雲等人為日後能持續得標，乃與張○豐約定以每月標案撥款金額百分之 10（後調升至百分之 15）作為回扣，於翌月以現金方式交付，張○豐於前開期間收受賄款共計約 827 萬 208 元；102 年間，張○豐向唐○豪索賄遭拒，張○豐遂利用其職權，將待修車輛委由其他廠商處理，唐○豪因不堪廠租費用及貸款壓力之負荷，遂應允就不同標案計算每月撥款金額百分之 19 至 45 不等作為回扣，於翌月以現金方式交付，張○豐自 103 年 5 月至 111 年 7 月期間，向唐○豪及陳○妍（自 109 年 8 月間起與唐○豪共同交付賄賂）收受賄賂共計 715 萬 763 元。
- 三、楊○清於 107 年 8 月間以志○商行名義得標零件標案後，張○豐利用契約內之緊急送貨條款刁難楊○清，楊○清經旁人提點，而與張○豐、廖○釧相約於臺北市萬華區某小吃店餐敘，張○豐即要求楊○清配合浮報零件品項，並將浮報金額與渠等朋分，楊○清為求標案履約順遂，因而應允，並與廖○釧及張○豐利用零件驗收未實質入廠檢視之制度漏洞，先由張○豐於每月指定浮報之零件品項及數量，再由廖○釧於工單填載浮報零件，供張○豐、楊○清製作交貨、請款文件並辦理陳核、驗收及請款流程，待款項入帳後，楊○清即將浮報款項朋分三份，將現金交付予張○豐、廖○釧（自 109 年 8 月 16 日起改由唐○豪及陳○妍接續廖○釧之角色，於工單填載浮報零件並收受浮報款項），張○豐、楊○清、廖○釧、唐○豪及陳○妍以上開方式，自 107 年 12 月 25 日至 111 年 6 月 28 日共計浮報 312 萬 5,122 元，張○豐從中獲利 97 萬 3,522 元。復楊○清分別於 108 年 9 月間及 109 年 10 月間得標一般零件及原廠零件標案後，張○豐再向楊○清索賄，楊○清乃應允每月就一般零件標案撥款金額百分之 10（後調降至百分之 9）作為回扣，以及就採購單價較高之原廠零件金額百分之 5 至 25 不等作為回扣，以現金方式交予張○豐，張○豐自 108 年 11 月起至 111 年 8 月 2 日止，向楊○清收受回扣共計 108 萬 2,638 元。另自 109 年 11 月間起，張○豐與楊○清共同基於購辦公用器材、物品浮報價額之犯意聯絡，由楊○清於履約原廠零件標案時提供副廠零件，並將所對應之原廠零件請款金額

百分之10至25不等作為朋分予張○豐之浮報款項，以現金方式交予張○豐，張○豐及楊○清以此方式自109年11月至111年4月間共浮報72萬4,795元，張○豐從中獲利24萬65元。綜上，張○豐以前開方式向承商收受回扣，並與承商共同浮報公用物品價額及數量，自90年6月至111年8月期間收受賄賂現金共計3,328萬2,716元。

四、張○豐所為係涉犯貪污治罪條例第4條第1項第3款購辦公用物品收取回扣及浮報價額罪嫌及同條例第5條第1項第3款不違背職務收賄罪嫌。蔡○哲、廖○釧、蕭○雲、曾○德、唐○豪、陳○妍及楊○清等7人所為，係涉犯貪污治罪條例第11條第4項、第2項之罪嫌對於公務員不違背職務之行為交付賄賂罪嫌。

五、上情經本局基隆市調查站調查屬實，移送臺灣基隆地方檢察署依法偵辦；檢察官於111年11月29日對張○豐等5人提起公訴。

案例 2

三軍總醫院牙科部李○益等醫師涉嫌貪瀆案

◎案件類型：衛生醫療

◎主辦單位：本局桃園市調查處

◎起訴日期：111 年 9 月 13 日

◎起訴機關：臺灣臺北地方檢察署

◎起訴被告：李○益等 6 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財物，第 11 條第 4 項、第 2 項對於公務員不違背職務之行為交付賄賂等罪

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- 一、李○益、莊○宗、徐○中及孔○瑜等 4 人係國防醫學院三軍總醫院（下稱：三軍總醫院）軍醫官，屬依陸海空軍軍官士官任官條例等法令，服役於國家所屬軍事機關而具有法定職務權限之公務員，渠等業務職掌範圍負責國軍官兵及民眾之門、急診及住院醫療服務，並於為該院病患看診時，具有決定病患所需之齒模、假牙等醫療材料供應廠商、品項及其等級之權限，並負責驗收三軍總醫院招標牙體技術所標案及牙體技術所製作之假牙、齒模等履約品項。王○莉係華○牙體技術所（下稱：華○技術所）實際負責人，綜理該技術所業務；紀○慧係遠○齒研有限公司（下稱：遠○齒研公司）業務經理，負責與合作之醫療院所聯繫接洽。
- 二、緣華○技術所自 105 年 12 月間起至 109 年 4 月間陸續得標三軍總醫院「一般雙顎全義齒含排牙等 8 項」採購契約，遠○齒研公司 105 年 3 月至 110 年 8 月期間陸續得標三軍總醫院「半貴金屬瓷冠 Jelstar 等級等 3 項案契約」及「半貴金屬瓷冠 Jelstar（或同等品）等 7 項」採購契約。詎李○益等 4 人共同基於利用職務上機會詐取財務之犯意聯絡，經具相同犯意廠商王○莉、紀○慧同意配合後，由渠等恣意挑選不實之牙體數量品項，再由華○技術所、遠○齒研公司依據該前開所對應之金額，拼湊標案契約上之牙體品項，製作與實際交付內容不符、虛偽不實記載之「假牙合約品項明細表」向三軍總醫院申請核付高於廠商實際施作所收取費用，牙醫師再將該溢領款項置於渠等實力可得支配使用

之華○技術所、遠○齒研公司等廠商處，用以支付或扣抵未能循三軍總醫院正常管道報銷請款之材料、器材費或未經三軍總醫院審核認定之合格廠商而無法請款之費用、私人製作假牙應付之費用，上述因提供業務登載不實文書、詐術行使致三軍總醫院陷於錯誤而給付之技工費共計新臺幣 219 萬 5,218 元。

三、李○益、莊○宗、徐○中、孔○瑜、王○莉及紀○慧等 6 人所為，係共同觸犯貪污治罪條例第 5 條第 1 項第 2 款利用職務上機會詐取財物罪嫌。

四、上情經本局桃園市調查處調查屬實，移送臺灣臺北地方檢察署依法偵辦；檢察官於 111 年 9 月 13 日對李○益等 6 人提起公訴。



案例 3

臺大生化所教授郭○良涉嫌收賄案

◎案件類型：貪瀆

◎主辦單位：本局臺北市調查處

◎起訴日期：111 年 8 月 25 日

◎起訴機關：臺灣臺北地方檢察署

◎起訴被告：郭○良等 3 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂罪，第 11 條第 4 項、第 1 項之對於公務員違背職務行為交付賄賂罪及 103 年 6 月 18 日修正前刑法第 339 條第 1 項之詐欺取財等罪

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- 一、嚴○祿自 80 年 7 月起擔任臺大醫學院附設醫院（下稱：臺大醫院）婦產部主治醫師迄今；郭○良於 88 年 8 月 1 日擔任國立臺灣大學（下稱：臺大）醫學院教授兼毒理學研究所所長，96 年 8 月 1 日至 98 年 7 月 31 日期間擔任臺大醫學院副院長兼研究發展室主任，渠於擔任臺大醫學院研究發展室主任期間，為臺大醫學院論文審查小組、綜合評議委員會、院教師評審委員會之當然委員，負責召集主持論文審查、複審該院教師升等案、將審議結果送臺大教師評審委員會決審，依大學法、教育人員任用條例、臺大醫學院教師聘任升等審查細則等相關規定行使教師升等案審查，渠於辦理該院教師升等評審相關事項，係屬依法令從事於公共事務，而具有法定職務權限之公務員；蘇○良於 89 年間進入臺大醫學院毒理學研究所博士班就讀，並由郭○良擔任其指導教授，於 96 年 5 月間擔任中國醫藥大學醫學院癌症生物研究所助理教授。
- 二、緣嚴○祿因長期從事醫療門診及教學工作，自知已無餘力再投入研究工作，自 91 年 10 月起，即不定期支付賄款予時任臺大醫學院毒理學研究所教授暨所長之郭○良，藉以換取在郭○良研究團隊論文之共同作者、第一作者或通訊作者，另嚴○祿為確保能順利升等副教授，竟基於對負有教師升等評審權限之人違背職務之行為交付賄賂之接續犯意，於 96 年 11 月間至 97 年 10 月間，持續支付賄款予郭○良，郭○良基於違背收受賄賂之

犯意，收受賄款共計 657 萬元及美元 5,000 元，使渠於擔任論文審查委員時願意配合隱瞞其升等副教授所送審之唯二兩篇主論文均無實際參與之實情；嚴○祿另為使實際撰寫前開送審論文之蘇○良亦能配合隱瞞前情，渠支付共計 70 萬元賄款予具違背收受賄賂犯意之蘇○良，使郭○良及蘇○良於 97 年間均願意配合在該兩篇主論文之「國立臺灣大學教師資格審查代表作合著人證明」文書之「合著人（或共同研究人）親自簽名」欄位內署名，藉此護航嚴○祿於 97 年 9 月間通過副教授之升等。

三、郭○良及蘇○良所為，係涉犯貪污治罪條例第 4 條第 1 項第 5 款之違背職務收受賄賂罪嫌；嚴○祿所為，係涉犯貪污治罪條例第 11 條第 4 項、第 1 項之違背職務交付賄賂罪嫌。另嚴○祿、郭○良及蘇○良詐得副教授薪資之行為，係共同涉犯刑法第 339 條第 1 項、第 2 項罪嫌。

四、上情經本局臺北市調查處調查屬實，移送臺灣臺北地方檢察署依法偵辦；檢察官於 111 年 8 月 25 日對郭○良等 3 人提起公訴。

案例 4

交通部公路總局人員林○順等涉嫌貪瀆案

◎案件類型：貪瀆

◎主辦單位：本局臺北市調查處

◎起訴日期：111 年 8 月 15 日

◎起訴機關：臺灣新北地方檢察署

◎起訴被告：林○順 1 人

◎起訴法條：貪污治罪條例第 6 條第 1 項第 4 款公務員對主管監督事務圖利罪

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- 一、林○順為交通部公路總局第一區養護工程處中壢工務段（下稱：中壢工務段）養路士，負責受理中壢工務段轄管公路挖掘申請及核發道路施工許可證（下稱：路證）業務，屬依法令服務於國家所屬機關而具有法定職務權限之公務員。
 - 二、緣欣○天然氣股份有限公司（下稱：欣○公司）於 103 至 110 年間為施作埋設天然氣管線工程而需向道路管理單位中壢工務段申請路證，原委請第三人廖○矜從事代辦路證申請事務，詎林○順明知其係中壢工務段受理路證申請及審核承辦人，亦明知依行政程序法第 32 條第 3 款規定「公務員在行政程序中，現為或曾為該事件當事人之代理人、輔佐人者，應自行迴避」，竟意圖為自己不法之利益，自 105 年間起，就所主管監督之路證審核事務，違背上開行政程序法規定，向欣○公司傳達，若將中壢工務段轄管內路證申請案件及年度通案型計畫書交由伊代辦申請，中壢工務段轄管內路證申請案件即可如期取得路證等詞，並以此為由索取「勞務費」，欣○公司李○彬、張○宇、臧○鋒、王○昌、盧○魁、傅○祥、鍾○成、許○隆、張○傑、張○成、李○樑、李○文及李○民等人為求順利取得路證進行施工，遂以每件 3,000 元至 10 萬元不等之代價，委由林○順代理欣○公司製作路證申請文件，且未迴避而自我審核後核發路證，以此方式自欣○公司獲利共計 128 萬 3,000 元（含現金 120 萬 2,500 元及債權 8 萬 500 元）。
 - 三、林○順所為係構成貪污治罪條例第 6 條第 1 項第 4 款公務員對主管監督事務圖利罪嫌。
 - 四、上情經本局臺北市調查處調查屬實，移送臺灣新北地方檢察署依法偵辦；檢察官於 111 年 8 月 15 日對林○順提起公訴，後經臺灣新北地方法院判處有期徒刑 2 年 10 月。

案例 5

駐英國臺北代表處觀光組前雇員官○婷涉嫌貪瀆案

◎案件類型：公款詐領

◎主辦單位：本局北部地區機動工作站

◎起訴日期：111 年 9 月 7 日

◎起訴機關：臺灣臺北地方檢察署

◎起訴被告：官○婷

◎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財物、第 4 條第 1 項第 1 款之竊取公有財物等罪嫌

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- 一、官○婷係依外交部「駐英國地區乙類雇員僱用辦法」正式聘用之駐英國臺北代表處觀光組雇員，對外以交通部觀光局（下稱：觀光局）駐倫敦辦事處（下稱：倫敦辦事處）行銷經理名義，辦理該局行銷宣傳、轄區市場開拓等業務，並兼辦該組會計業務，為依法令服務於國家所屬機關而具有法定職務權限之公務員。
 - 二、緣倫敦辦事處為參與 109 年度愛爾蘭旅展，觀光局於 109 年 3 月間支付歐元 2,695 元報名費予主辦單位，嗣該活動因疫情影響取消，旅展主辦單位遂於 109 年 7、8 月間以電子郵件聯繫觀光局窗口官○婷詢問退款事宜，詎官○婷明知該等款項係觀光局核撥之公款，應退還至觀光局帳戶，竟利用擔任聯繫窗口及兼辦會計之職務機會，提供渠私自開立之「Taiwan Tourism Bureau London Office」歐元帳戶予旅展主辦人員，使旅展主辦單位人員誤認該帳戶為觀光局官方開立，而將報名費歐元 2,695 元退還至前開帳戶，進而詐得前開公款；又官○婷明知觀光局銀行帳戶內之款項均為公有財物，動用該等款項前須經倫敦辦事處主任核准並簽章，竟偽造倫敦辦事處主任簽名，逕自於 109 年 10 月間持前開偽造簽名向第一商業銀行倫敦分行辦理交易，自觀光局帳戶匯款英鎊 3 萬 2,501.26 元至官○婷前開私立之「Taiwan Tourism Bureau LondonOffice」帳戶，以此手法竊取前開英鎊 3 萬 2,501.26 元，官○婷將前開不法所得用於支付私人開銷並全數用罄。
 - 三、官○婷所為，係涉犯貪污治罪條例第 5 條第 1 項第 2 款之利用職務上之機會詐取財物罪

嫌，以及貪污治罪條例第 4 條第 1 項第 1 款之竊取公有財物罪嫌。

四、上情經本局北部地區機動工作站調查屬實，移送臺灣臺北地方檢察署依法偵辦；檢察官於 111 年 9 月 7 日對官○婷提起公訴。

案例 6

中油煉製事業部執行長徐○涉嫌不法案

◎案件類型：國營事業

◎主辦單位：本局高雄市調查處（與法務部廉政署共辦）

◎起訴日期：111 年 5 月 24 日

◎起訴機關：臺灣橋頭地方檢察署

◎起訴被告：徐○等 20 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款購辦公用物品收取回扣及浮報價額、第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂、第 5 條第 1 項第 3 款對於職務上之行為收受賄賂、第 6 條之 1 第 1 款財產來源不明等罪

一、徐○於 108 年 8 月 1 日升任台灣中油股份有限公司煉製事業部（下稱：中油煉製部）執行長，負責綜理中油煉製部各項政府採購案業務，負有決行或管理督導之責；黃○泰係中油煉製部大林廠工務組經理，負責該廠工務組採購業務，彼等係依政府採購法從事公共事務，而具有法定職務權限之「授權公務員」；張○房係中油工會推薦之採購審議委員會（下稱：購審會）委員，負責審議中油公司各類重大採購案件是否辦理招標及招標內容；陳○佑於 108 年間係中油煉製部大林廠公關組專員；陳○煌係昶○企業社實際負責人，承攬大林廠販賣部業務；劉○麟、林○佑係徐○民間友人，張○房、陳○佑、陳○煌及劉○麟等 4 人均居間仲介徐○與有意承攬特定標案之廠商，並代表徐○出面向廠商收取賄款，均為徐○之白手套，林○佑為徐○隱匿賄款及來源不明資金。黃○源係新加坡商文○機械有限公司台灣分公司（下稱：文○公司）實際負責人；黃○興係川○企業有限公司（下稱：川○公司）實際負責人；高○源係川○公司副總經理，黃○恩係為川○公司經營幹部；蕭○文係廣○隆事業有限公司（下稱：廣○隆公司）負責人；李○浩係惟○企業有限公司（下稱：惟○公司）負責人；黃○良係士○工業有限公司負責人；王○昇係葳○企業有限公司（下稱：葳○公司）總經理，黃○輝係葳○公司業務經理；黃○聖係米○方藝術工程有限公司（下稱：米○方公司）負責人，前開人等均為執行業

務之人。

二、緣於 108 年至 110 年間，徐○、黃○泰等人利用辦理中油煉製部下列採購案所取得之職務權利，親自或透過張○房、陳○佑、陳○煌及劉○麟等白手套向得標或欲履約廠商黃○源、李○浩、黃○興、蕭○文、王○昇及黃○聖，分別索取 40 萬元至 1,400 萬元不等之賄賂，總計向廠商索賄達 2,193 萬 2,800 元，犯罪行為分述如下：

(一)黃○源為使文○公司承包之「大林廠重油煤裂工場大修固定設備整合檢修工作案」及「110 年桃廠第二重油脫硫等工廠固定設備大修工作案」能履約順利並取得工程款，於 108 年間分別透過高○源、黃○恩、陳○佑轉交 120 萬元及 30 萬元予徐○，另於 110 年間透過張○房轉交 40 萬元予徐○。

(二)徐○、黃○泰、劉○麟、李○浩及黃○良等人，為提高承包之「煉五組製冷系統採購含安裝試車案」利潤，共謀浮報價額後，以 3 家廠商圍標，並由惟○公司順利得標。惟○公司取得第 1 期款項後，於 111 年 1 月 25 日由李○浩攜 1,400 萬元南下交付劉○麟，再由劉○麟當日朋分 790 萬元現金予徐○。

(三)另徐○將「大林廠 A 群組工場大修換熱器清理及檢修整合工作案」一案 2 賣，同時透過陳○佑、陳○煌分別向黃○興、蕭○文期約 300 萬元、200 萬元作為川○公司、廣○隆公司得標之對價，開標後由廣○隆公司得標，陳○煌於 110 年 8 月 28 日、9 月 25 日、10 月下旬某日、11 月 26 日向蕭○文各索取 100 萬元、共計 400 萬元後，於 8 月 29 日及 9 月 26 日各交付 100 萬元、共計 200 萬元給徐○，其餘 200 萬元陳○煌則自行留用還債，徐○收受相關賄款後於 9 月 30 日交由林○佑隱匿不法所得。

(四)王○昇為取得「十二蒸餾工場 E-1205CD、E-1210CD 版式換熱器案」採購葳○公司獨家代理產品，於 111 年 1 月上旬，王員將 200 萬元現金裝入水果禮盒交付徐○，徐○隨即利用北上機會向中油公司採購處處長陳○如要求加速辦理，不知情之陳○如隨即配合指示承辦人，順利於 111 年 1 月間決標予葳○公司。

(五)陳○佑為使葳○公司能順利得標「RFCC 增設反應器與主塔間之隔離閥案」，協助以葳○公司獨家代理之產品規格製作招標規範並據以簽辦，並接受葳○公司經理黃○輝招待至有女陪侍小吃部消費 3 萬 2,800 元之不正利益，嗣後中油大林廠撤銷本案發包。另陳○佑於 110 年 12 月間與正三營造工程有限公司負責人曾○宏同赴有女陪侍之小吃部時，洩漏尚未招標之「興建第 11 超純水裝置案」採購申請單及相關附件予曾○

宏知悉。

(六)徐○向黃○聖索討 600 萬元賄款作為協助「中油港都共融藝術遊憩設施設計及裝置工
作案」展延工期及請款之對價，米○方公司順利展延工期並取得履約期款後，黃○聖
於 111 年 1 月間將 100 萬元現金交付徐○。

三、徐○所為涉犯貪污治罪條例第 4 條第 1 項第 3 款、第 5 條第 1 項第 3 款、第 6 條之 1 第
1 款及洗錢防制法第 14 條第 1 項罪嫌；陳○佑、陳○煌、張○房等所為，涉犯貪污治罪
條例第 5 條第 1 項第 3 款罪嫌，陳○佑另涉犯貪污治罪條例第 4 條第 1 項第 5 款及刑法
第 132 條第 1 項等罪嫌；黃○泰、劉○麟、李○浩、黃○良等所為，涉犯貪污治罪條例
第 4 條第 1 項第 3 款罪嫌；林○佑所為洗錢防制法第 14 條第 1 項、第 15 條第 1 項第 3
款罪嫌；黃○源、黃○興、高○源、黃○恩、蕭○文、王○昇、黃○輝及黃○聖等所為，
涉犯貪污治罪條例第 11 條第 4 項、第 2 項等罪嫌。

四、上情經本局高雄市調查處調查屬實，移送臺灣橋頭地方檢察署依法偵辦；檢察官於 111
年 5 月 24 日對徐○等 20 人提起公訴。

案例 7

雲林縣臺西鄉鄉長林○瑩等涉嫌索賄案

◎案件類型：其他

◎主辦單位：本局彰化縣調查站

◎起訴日期：111 年 5 月 3 日

◎起訴機關：臺灣雲林地方檢察署

◎起訴被告：林○瑩等 5 人

◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款對於職務上之行為收受賄賂罪

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- 一、林○瑩自 107 年 12 月 25 日至 111 年 12 月 25 日期間，擔任雲林縣臺西鄉鄉長，負責綜理臺西鄉鄉政業務，其權限包括審核決行臺西鄉公所管理道路之挖掘許可、架空電桿租用、通行林帶用地之權限，係依法令服務於地方自治團體所屬機關而具有法定職務權限之公務員；丁○彬係林○瑩配偶，對臺西鄉鄉政決策具有實質影響力，亦擔任林○瑩向特定廠商索取財物之白手套；林○生為林○瑩等人收受特定廠商之白手套；沈○再係富○公司經理，昱○公司將工程交由富○公司統包；江○容係順○億營造有限公司實際負責人，王○南係順○億公司總經理，順○億公司為富○公司下包廠商。
- 二、緣於 107 年間，昱○能源有限公司（下稱：昱○公司）取得「昱○能源第一期太陽能光電發電廠」及「昱○能源第二期太陽能光電發電廠」（下稱：本案）之電業籌設許可，規劃在雲林縣臺西鄉建置地面型太陽能板（施作總面積約 41 萬 9,000 平方公尺，近 42 甲）。後昱○公司母公司投資方改為鑫○紀國際開發股份有限公司，並於 109 年間委託天○綠能開發有限公司（下稱：天○公司）管理本案工程之開發與維運，因本案工程範圍涵蓋雲林縣臺西鄉轄內縣道及鄉道，需向臺西鄉公所申請道路之道路挖掘許可、架空電桿租用、通行林帶用地之權限（下合稱：路權申請）方能施作。
- 三、自 109 年 8 月起，昱○公司多次向臺西鄉公所提出相關路權申請，皆遭臺西鄉公所無故拒絕掛件，天○公司經理劉○達等為使路權申請順利，私下與林○瑩及丁○彬多次會面協商未果。109 年 11 月間，劉○達等人透過友人邀約與林○瑩會面，想釐清多次遭臺

西鄉公所臺西鄉公所拒絕掛件收文之原因，與會中林○瑩指示相關申請事宜要昱○公司與其配偶丁○彬協商；109年12月間，劉○達多次邀丁○彬會面協商未果；110年間本案工程路權申請事宜轉由天○公司負責處理，天○公司要求本案承商富○公司及其下包廠商順○億公司負責協助本案路權申請事宜，承攬廠商沈○再、王○南及江○容為能向臺西鄉公所順利申請路權，便找林○生作為聯繫丁○彬之窗口，經林○生多次居中傳話後，110年9月間林○瑩、丁○彬及林○生共同基於不違背職務行為收受賄賂之犯意聯絡，由丁○彬要求每甲地需支付40萬元之賄款，方能順利申請路權；惟王○南等人認為金額過鉅，經多次協商，最後雙方協定以支付560萬元賄款作為順利申請路權之代價，於110年11月初至交付賄款及酬金予林○生，並由林○生轉交換款予丁○彬，丁○彬即便指示臺西鄉公所放行昱○公司申請路權相關事宜，昱○公司後於110年11月底順利取得臺西鄉公所核發公文。

四、林○瑩、丁○彬及林○生所為，係涉犯貪污治罪條例第5條第1項第3款對於職務上之行為收受賄賂罪嫌；沈○再、王○南及江○容所為，係涉共犯同條例第11條第4項、第2項對於公務員不違背職務之行為交付賄賂罪嫌。

五、上情經本局彰化縣調查站調查屬實，移送臺灣雲林地方檢察署依法偵辦；檢察官於111年5月3日對林○瑩等5人提起公訴。



案例 8

苗栗縣三灣鄉鄉長溫○強涉嫌索賄案

◎案件類型：其他

◎主辦單位：本局航業調查處（法務部廉政署共辦）

◎起訴日期：111 年 8 月 5 日

◎起訴機關：臺灣苗栗地方檢察署

◎起訴被告：溫○強等 21 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款經辦公用工程收取回扣、第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂、第 5 條第 1 項第 3 款對於職務上行為收受賄賂，刑法第 132 條第 1 項之公務員洩漏國防以外應秘密之消息，洗錢防制法第 2 條、第 14 條第 1 項及政府採購法第 87 條第 4 項等罪

一、溫○強自 103 年 12 月 25 日至 111 年期間擔任苗栗縣三灣鄉鄉長，負責綜理鄉政，對苗栗縣三灣鄉公所（下稱：三灣鄉公所）採購、標租業務具有決定採購程序之權限，足以影響採購及標租結果，且對三灣鄉公所人員均有任用、遷調、指揮、監督、考核之權限，係依法令服務於地方自治團體所屬機關而具有法定職務權限之公務員；呂○城係三灣公所調解委員，係溫○強向特定廠商索取財物之白手套；呂●城係第 21 屆三灣鄉民代表，係溫○強對外接受三灣公所人事案關說之白手套。傅○頡係加○營造有限公司（下稱：加○公司）實際負責人及加○土木包工業（下稱：加○土木）負責人；李○妮係加○公司之登記負責人及財務人員；邱○興係國○土木包工業（下稱：國○土木）實際負責人；顏○朝係國○土木包會計人員；吳○能係合○土木包工業（下稱：合○土木）與吉○欣工程有限公司（下稱：吉○欣公司）實際負責人；邱○霞係合○土木與吉○欣公司登記負責人及財務人員；王○富係舜○土木包工業（下稱：舜○土木）實際負責人，另擔任可○營造股份有限公司（下稱：可○公司）負責人；譚○清係舜○土木財務人員及可○公司監察人；王○玄係舜○土木包登記負責人。吳○成係茗○工程顧問有限公司（下稱：茗○公司）、吳○玲係茗○公司股東；蔡○東及蔡○水係井○營造工程有限公司（下稱：

井○公司）負責人；鄭○民為翊○國際貿易有限公司（下稱：翊○公司）；朱○堂係瑞○公司負責人，渠等均係從事業務之人員。古○偉係三灣鄉公所清潔隊隊員古○儒之父親；溫○勛係三灣鄉公所清潔隊隊員，賴○鳳係溫○勛姑丈。

二、緣 107 年起，溫○強、呂○城共同基於經辦公用工程收取回扣及違背職務收受賄賂之犯意聯絡，利用三灣公所辦理工程採購案之機會，透過呂○城居中私下勾結加○公司傅○頡、合○土木邱○興、國○土木吳○能及舜○土木王○富等及其相關企業共組圍標集團，溫○強於事先洩漏標案投標廠商家數，護航該等業者籌組 3 家廠商以不為價格競爭方式高價標得三灣公所工程採購案，或讓該等業者刻意放棄投標以致流標，阻卻外來廠商低價搶標，並期約得標後交付溫○強工程款 8% 之回扣，總計 107 年至 111 年期間溫○強藉此不法手段協助圍標 76 件標案，並從中收取賄款 739 萬 4,100 元；107 年間，溫○強基於對於職務上行為收受賄賂之犯意，私下與吳○成期約交付回扣，作為茗○公司得標三灣鄉公所工程設計監造案代價，自 107 年至 110 年 12 月間止，茗○公司吳○玲由出帳、吳○成交付溫○強賄款，使茗○公司計得標 53 件標案，溫○強從中收取回扣達 185 萬 4,000 元；108 年間，三灣公所辦理「三灣鄉辦公廳舍重建工程」（下稱：重建工程），蔡○東及蔡○水為求得標後有利可圖，遂私下向溫○強表達有意願得標並遊說抬高預算價金，溫○強再基於對於職務上行為收受賄賂之犯意，指示該重建工程預算金額從 9,650 萬 2,892 元上修至 1 億 208 萬 3447 元（增加 558 萬 555 元）並重新招標，蔡○水即與溫○強期約交付工程款回扣作為得標之代價，井○公司於 108 年 12 月間以 1 億 200 萬元得標，蔡○水並於 109 年 12 月間獲撥付第 1 期工程款 816 萬餘元後，交付溫○強 150 萬元賄款；109 年間，溫○強又基於對於職務上行為收受賄賂之犯意，經鄭○民遊說發包鄉內 LED 路燈換裝工程，為使鄭○民順利得標，指示三灣公所建設課承辦人及設計監造之茗○公司吳○成等人，配合鄭○民提供之 LED 路燈相關評估報告、設計規範等資料製作招標文件，嗣三灣公所於 109 年間辦理 LED 路燈換裝工程時，翊○公司順利得標，鄭○民交付共計 40 萬元現金賄款予溫○強。

三、另 109 年間，溫○強基於對於職務上行為收受賄賂之犯意，指示承辦「109 年苗栗縣三灣鄉公所土地建置太陽光電系統」標租案之廖○毅，安排與得標廠商瑞○公司負責人朱○堂單獨會晤，欲藉此向朱○堂索要 200 萬元賄款，惟遭朱○堂婉拒。溫○強索賄未逞後，刻意積壓與瑞○公司之租賃合約簽呈，朱○堂唯恐無法順利簽約遭台電公司撤銷饋

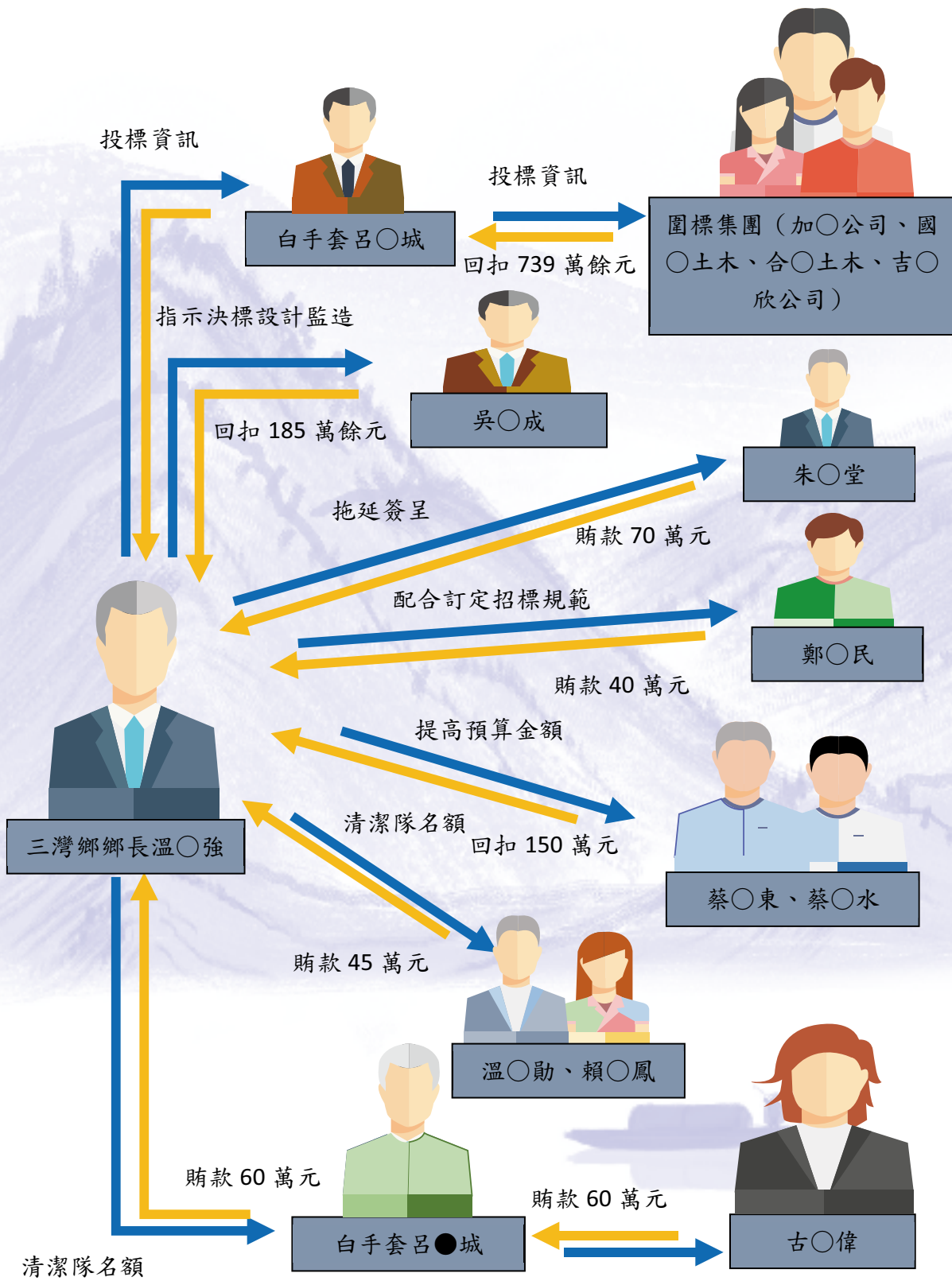
線及延宕掛錶期程，遂於 109 年 6 月間與溫○強斡旋達成交付 100 萬元賄款之協議，並陸續交付共計 70 萬元現金賄款予溫○強後，瑞○公司方順利完成案場申設流程，惟朱○堂最後未再交付餘款 30 萬元；109 年間，溫○強、呂●城共同基於對於職務上行為收受賄賂之犯意聯絡，由溫○強利用職務上任用三灣公所清潔隊員之權限，親自或以呂●城充當白手套，向有意爭取清潔隊員資格古○儒、溫○勛之家屬古○偉，溫○勛本人及親屬賴○鳳收取賄款，藉此收取共計 105 萬元賄款。

四、綜上，溫○強身為三灣鄉鄉長，理應推動地方建設，為民謀利，竟自 107 年起至 111 年 2 月間，連續利用三灣公所辦理各項工程採購案計 131 案、太陽光電標租賃計 1 案、清潔隊人事甄選計 2 案之機會，大肆向業者及請託民眾收受賄賂或回扣金額達 1,289 萬 8,100 元。

五、溫○強所為，涉犯貪污治罪條例第 4 條第 1 項第 3 款、第 4 條第 1 項第 5 款對於違背職務行為受賄罪、第 5 條第 1 項第 3 款對於職務上之行為收受賄賂罪、刑法第 132 條第 1 項公務員洩漏國防以外應秘密之消息及洗錢防制法第 2 條、第 14 條第 1 項罪嫌。呂○城所為，係涉犯貪污治罪條例第 4 條第 1 項第 3 款及第 4 條第 1 項第 5 款、刑法第 132 條第 1 項之罪嫌；呂●城所為，係涉犯貪污治罪條例第 5 條第 1 項第 3 款對於職務上之行為收受賄賂罪；傅○頡、李○妮、邱○興、顏○朝、吳○能、邱○霞、王○富、譚○清、王○玄 9 人所為，係涉犯貪污治罪條例第 11 條第 4 項、第 1 項違背職務之行為交付賄賂罪嫌。傅○頡、邱○興、吳○能、王○富 4 人所為，另涉犯政府採購法第 87 條第 4 項合意圍標罪嫌。吳○成、吳○玲、蔡○東、蔡○水、鄭○民、朱○堂、古○偉、溫○勛、賴○鳳所為，係涉犯貪污治罪條例第 11 條第 4 項、第 2 項對於公務員不違背之職務行為交付賄賂罪嫌。

六、上情經本局航業調查處臺中調查站調查屬實，移送臺灣苗栗地方檢察署依法偵辦；檢察官於 111 年 8 月 5 日對溫○強等 21 人提起公訴。

苗栗縣三灣鄉鄉長溫○強涉嫌索賄案關係圖



案例 9

○稜科技股份有限公司涉嫌違反空氣污染防制法案

◎案件類型：國土保育

◎主辦單位：本局臺南市調查處

◎緩起訴日期：111 年 5 月 30 日

◎緩起訴機關：臺灣臺南地方檢察署

◎緩起訴被告：李○顯等 11 人（含 2 家公司法人）

◎緩起訴法條：修正前刑法第 339 條第 2 項之詐欺得利罪及修正後第 339 條之 4 第 1 項第 2 款之加重詐欺得利、空氣污染防制法修正前第 47 條及修正後第 54 條之申報不實等罪嫌

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- 一、李○昌自 99 年起擔任○稜科技股份有限公司（下稱：○稜公司）執行長兼總經理，並為○鑫科技股份有限公司（下稱：○鑫公司）之總經理；陳○宏自 100 年 1 月起歷任○稜公司執行長特助、設備研發處處長及工安處處長；李○魁自 99 年至 104 年 1 月止擔任○稜公司採購部經理，並兼任工安副理；李○億於 107 年 11 月迄今，擔任○稜公司工安處副處長；陳○慧於 99 年 6 月起歷任○稜公司工安人員及工安處副課長；黃○哲、丁○閔、李○恬及吳○哲均係○稜公司工安處或○鑫公司之環安人員，渠等分別負責綜理、督導或承辦○稜公司所屬各廠每季之空氣污染防制費申報事宜等業務。
- 二、按○稜公司及子公司○鑫公司均係從事真空蒸鍍薄膜之製造加工及光學薄膜上膠代工，○稜公司及○鑫公司均領有臺南市政府環境保護局（下稱：臺南市環保局）核發固定污染源其他表面塗裝程序操作許可證，主要生產流程均係利用攪拌混合後之樹脂及有機溶劑原料，經過塗佈機台塗佈至塑膠薄膜，再經乾燥後收卷之表面塗裝程序，屬空氣污染防制法第 16 條第 1 項第 1 款規定應徵收空氣污染防制費之固定污染源，並應依同法第 17 條第 2 項公告費率暨空氣污染防制費收費辦法第 3 條規定以每季排放空氣污染物種類、排放量及操作紀錄自行計算，於每年 1、4、7、10 月底填具「空氣污染防制費申報書」，向主管機關申報上一季之空氣污染防制費，並自行上傳至「行政院環境保護署固定污染

源空氣污染防制費暨排放量申報整合管理系統網站」，據以申報應繳納之費額。

三、緣 99 年間，李○昌等 9 人係督導、承辦○稜公司及○鑫公司空氣污染防制費申報相關業務者，明知○稜公司及○鑫公司原應配合環保署公告之「採用質量平衡計算空氣污染物排放量之固定污染源計量方式規定」進行排放量計算，並依其費率規定，如實繳交空氣污染防制費，不得為不實申報，竟意圖為○稜公司及○鑫公司之不法利益，共同基於申報不實及詐欺得利之犯意聯絡，進行虛偽申報，致臺南市環保局委外之瑩○科技有限公司及臺南市環保局相關承辦人員於審查時陷於錯誤，相信該等數據與實況相符，經臺南市環保局重行核算及依○稜公司及○鑫公司自行以推估方式計算，總計自 99 年第 1 季起至 108 年第 1-2 季應繳而未繳之空氣污染防制費金額為 2 億 581 萬 9,556 元，足生損害於臺南市環保局對於空氣污染排放量之管理及空氣污染防制費徵收之正確性。

四、李○昌等 9 人所為，係共同觸犯修正前刑法第 339 條第 2 項之詐欺得利罪、現行刑法第 339 條之 4 第 1 項第 2 款之加重詐欺得利及修正前空氣污染防制法第 47 條及現行空氣污染防制法第 54 條之申報不實等罪嫌。

五、上情經本局臺南市調查處調查屬實，移送臺灣臺南地方檢察署依法偵辦；檢察官於 111 年 5 月 30 日對李○昌等人為緩起訴處分。

案例 10

嘉義市西區議員候選人李○洋涉嫌賄選案

◎案件類型：賄選

◎主辦單位：本局嘉義市調查站

◎起訴日期：111 年 11 月 25 日

◎起訴機關：臺灣嘉義地方檢察署

◎起訴被告：李○洋等 4 人

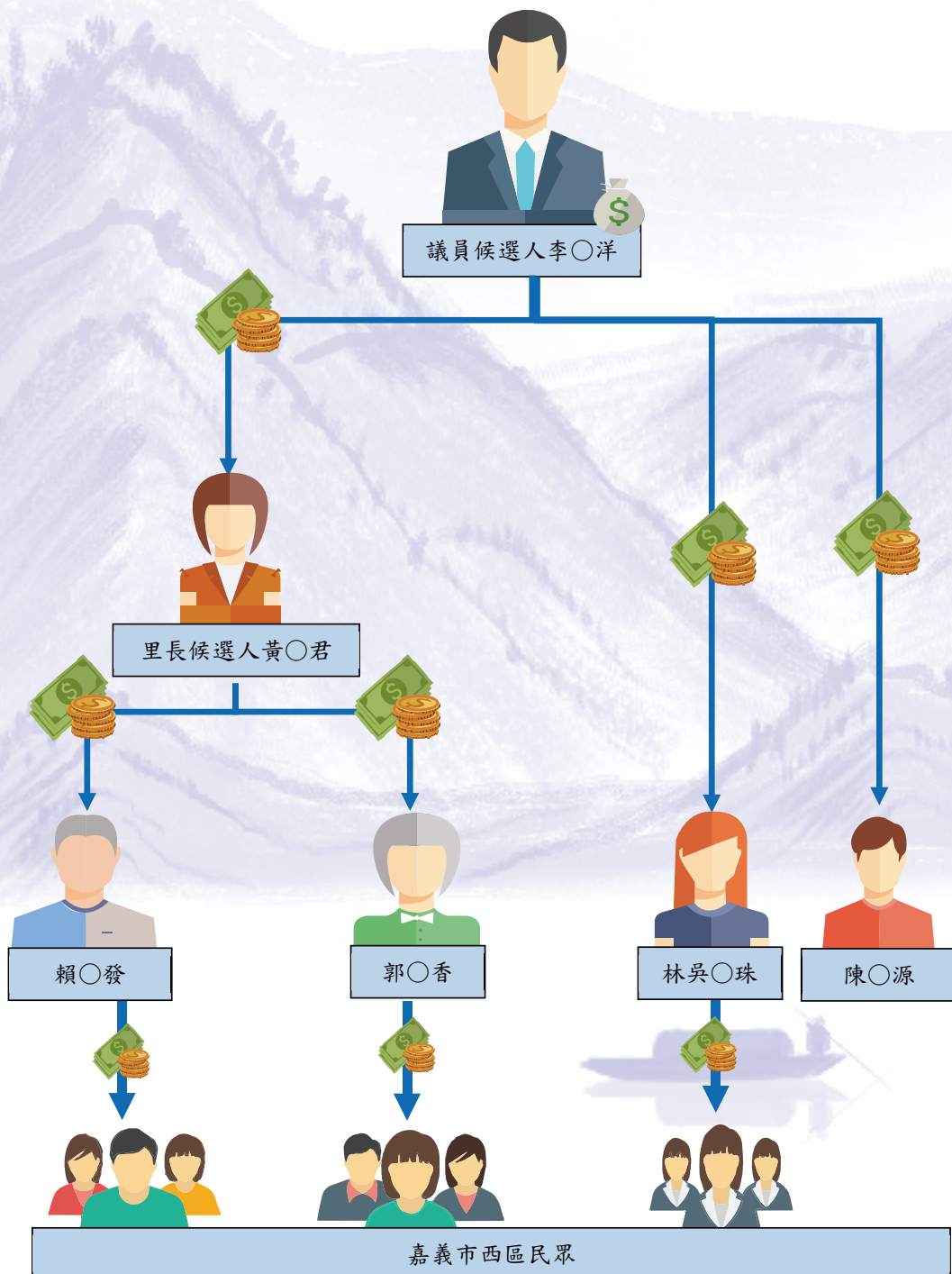
◎起訴法條：公職人員選舉罷免法第 99 條第 1 項投票行賄罪、刑法第 143 條投票受賄罪

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- 一、李○洋係 111 年地方公職人員選舉第 11 屆嘉義市西區市議員候選人；黃○君係嘉義市西區第 11 屆里長選舉大○里長候選人；林吳○珠樁腳，郭○香、賴○發係黃○君樁腳。
- 二、緣 111 年 5 至 8 月間，李○洋為求勝選，委託黃○君分別詢問郭○香及賴○發擔任李○洋樁腳之意願，經郭○香及賴○發允諾後，李○洋、黃○君、郭○香、賴○發等人共同基於投票行賄之犯意聯絡，由李○洋提供資金透過黃○君轉給郭○香、賴○發後，由郭○香及賴○發分別向具嘉義市西區市議員投票權之梁○琴等人詢問家中票數，以每票 1,000 元至 2,000 元不等之代價，將相對應之賄款交付與渠等，要求渠等於市議員投票日將票投給李○洋；111 年 7、8 月間，李○洋向嘉義市西區市議員投票權之人林吳○珠詢求協助綁樁，李○洋、林吳○珠共同基於投票行賄之犯意聯絡，由李○洋提供資金，林吳○珠嗣於 111 年 8、9 月間，以前揭賄款陸續向具有嘉義市西區市議員投票權之楊○玉等人，以每票 1,000 元至 2,000 元不等之代價，行求、期約並交付賄賂，楊○玉等人亦在收受賄款後允諾於市議員投票日將票投給李○洋；111 年 8 月間，李○洋前往具有嘉義市西區市議員投票權之陳○源工作處所，向陳○源行求並交付現金賄賂 1 萬元，要求陳○源及其家戶成員於市議員投票日將票投給李○洋，陳○源基於投票收賄之犯意予以應允，並收受賄款。
- 三、李○洋、黃○君、郭○香、賴○發、林吳○珠等人所為，係共同觸犯公職人員選舉罷免法第 99 條第 1 項之罪；郭○香、李○香、黃○雲、梁○琴、林○韋、王○珠、賴○松

等人所為，係涉嫌觸犯刑法第 143 條投票受賄罪嫌。

四、上情經本局嘉義市調查站調查屬實，移送臺灣嘉義地方檢察署依法偵辦；檢察官於 111 年 11 月 25 日對李○洋等 4 人提起公訴。

嘉義市西區議員候選人李○洋涉嫌賄選案關係圖



案例 11

臺北市內湖區清白里里長參選人邱○涉嫌賄選案

◎案件類型：賄選

◎主辦單位：本局臺北市調查處

◎起訴日期：111 年 11 月 25 日

◎起訴機關：臺灣士林地方檢察署

◎起訴被告：邱○蓮等 2 人

◎起訴法條：反滲透法第 7 條、公職人員選舉罷免法第 99 條第 1 項投票行賄，醫療器材管理法 62 條第 1 項之意圖供應而未經核准擅自輸入醫療器材等罪

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- 一、邱○蓮係第 14 屆清白里里長候選人，陳○中係邱○蓮配偶，協助邱○蓮里長選舉輔選作業，「歐○禎」（真實姓名年籍不詳）為平潭實驗區臺灣事務工作部（下稱：臺工部）之祕書處人員。
 - 二、緣於 111 年 5 月間，「歐○禎」意圖以無償資助我國特定團體、組織快篩試劑方式意圖進行統戰，並影響我國 111 年地方公職人員選舉；邱○蓮、陳○中為求勝選，共同基於投票行賄之犯意聯絡，遂接受境外敵對勢力機構人員「歐○禎」無償資助之大量快篩試劑，前項快篩試劑係由大陸官方投資並實質掌握經營權之廈門寶○生物科技有限公司所生產，邱○蓮等 2 人為取得快篩試劑，分別取得不知情之朱○鋒等合計 60 人之基本資料（下稱本案人頭資料），用來分批申報自大陸地區之共計 1,200 盒快篩試劑盒（每盒 5 支快篩試劑，合計 6,000 支，每盒價值約 75 元），並藉此規避衛福部食藥署針對進口大陸地區製快篩試劑數量超過 100 劑者，應申請專案核准之規範。嗣朱○鋒等人收取上開快篩試劑後，隨即將前開快篩試劑轉交予邱○蓮等人。
 - 三、於 111 年 6 月間，邱○蓮及陳○中取得並囤積大量快篩試劑，便透過清白社區發展協會宣傳單及陳○中之個人社群軟體臉書，發布內容載有具備「清白里里民」、「設籍清白里里民」資格者，每戶可於 111 年 6 月下旬，前往清白社區發展協會領取快篩試劑 1 盒等訊息；另於 111 年 5 月至 8 月間，邱○蓮等 2 人前往臺北市內湖區榮○世紀社區等處

所，將載有邱○蓮姓名、個人照片及服務處等資訊之名片，檢附於前開快篩試劑，一併發送、供應予於具有投票權之馬○中等清白里里民，並約定於選舉投票日時，投票支持邱○蓮。嗣邱○蓮為上開行求賄賂行為後，即於 111 年 8 月 29 日，登記參選本案選舉候選人。

四、邱○蓮、陳○中所為，係共同觸犯反滲透法第 7 條、公職人員選舉罷免法第 99 條第 1 項投票行賄罪嫌、醫療器材管理法第 25 條第 1 項、第 62 條第 1 項等罪嫌。

五、上情經本局臺北市調查處調查屬實，移送臺灣士林地方法院檢察署依法偵辦，檢察官於 111 年 11 月 25 日對邱○蓮等 2 人提起公訴。

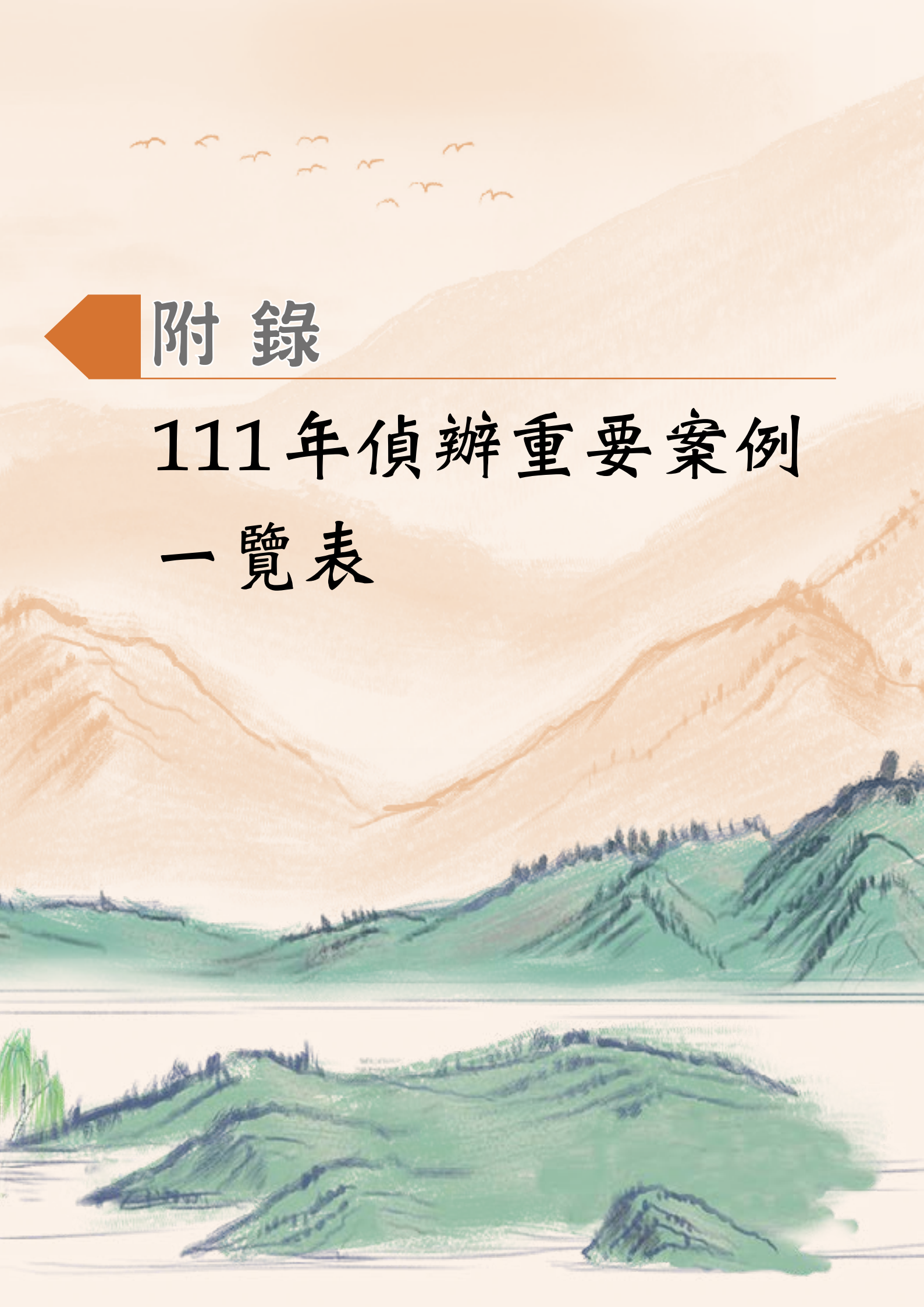
案例 12

新竹縣湖口鄉長候選人鄭○樑等涉嫌賄選案

- ◎案件類型：賄選
- ◎主辦單位：本局臺中市調查處
- ◎起訴日期：111 年 10 月 18 日
- ◎起訴機關：臺灣臺中地方檢察署
- ◎起訴被告：鄭○樑等 6 人
- ◎起訴法條：公職人員選舉罷免法第 99 條第 1 項投票行賄罪

-
- 一、鄭○樑為新竹縣湖口鄉民代表會代表，係 111 年地方公職人員選舉新竹縣湖口鄉第 22 屆鄉長候選人；劉○演係鄭○樑樁腳；巫○生為該屆湖口鄉代會副主席，鄭○彤為巫○生配偶；范○治為新竹縣湖口鄉公所前機要；黃○維為新竹縣湖口鄉鄉民。
 - 二、緣 111 年 8 月間，新竹縣湖口鄉鄉長候選人鄭○樑為求當選，與樁腳劉○演相約在范○治辦公室商議勝選策略，劉○演提議尋求 30 位現任湖口鄉村長及鄉民代表或議員候選人支持，經鄭○樑同意後，鄭○樑、范○治、劉○演 3 人共同基於投票行賄之犯意聯絡，決議籌措 90 萬元綁樁費用以支付均具本屆鄉長選舉投票權之 30 位地方公職人員每人 3 萬元，嗣由鄭○樑、劉○演及范○治共同在前述范○治辦公室內進行分裝，以便由劉○演及鄭○樑分頭行賄。
 - 三、劉○演於 8 月間至湖口鄉代表會副主席巫○生競選服務處，將裝有 3 萬元現金之牛皮信封交予有投票權之巫○生尋求支持，嗣巫○生同意支持鄭○樑，巫○生竟基於投票受賄之犯意，收下行賄款項外，更基於投票行賄之犯意，收取劉○演續行交付共計 21 萬元賄款，協助鄭○樑綁樁，巫○生再透過同具投票行賄犯意聯絡之鄭○彤及黃○維協助發放前開賄款予具投票權人。
 - 四、鄭○樑、劉○演、巫○生、范○治、鄭○彤及黃○維等 6 人所為，係觸犯公職人員選舉罷免法第 99 條第 1 項投票行賄罪，另巫○生涉犯刑法第 143 條第 1 項之投票受賄罪嫌。
 - 五、上情經本局新竹縣調查站調查屬實，移送臺灣新竹地方檢察署依法偵辦；檢察官於 111 年 10 月 18 日對鄭○樑等 6 人提起公訴，並於 111 年 12 月 2 日提起當選無效之訴。





附錄

111年偵辦重要案例 一覽表

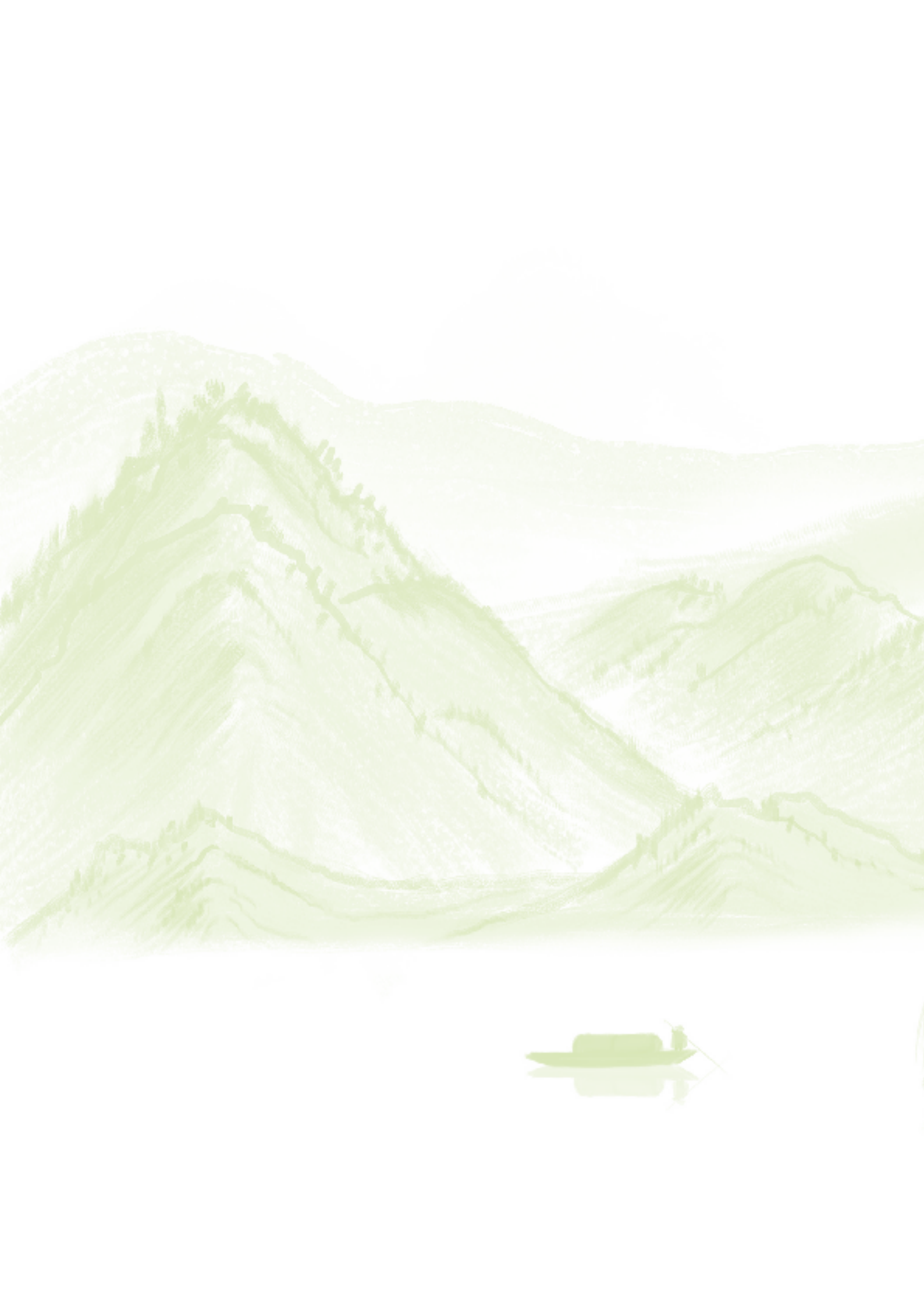
項次	111年偵辦重要案例
1	中油公司基隆營業處人員張○豐涉嫌貪瀆案
2	三軍總醫院牙科部李○益等醫師涉嫌貪瀆案
3	臺大生化所教授郭○良涉嫌收賄案
4	交通部公路總局人員林○順等涉嫌貪瀆案
5	駐英國臺北代表處觀光組前雇員官○婷涉嫌貪瀆案
6	中油煉製事業部執行長徐○涉嫌不法案
7	雲林縣臺西鄉鄉長林○瑩等涉嫌索賄案
8	苗栗縣三灣鄉鄉長溫○強涉嫌索賄案
9	○稜科技股份有限公司涉嫌違反空氣污染防治法案
10	嘉義市西區議員候選人李○洋涉嫌透過樁腳賄選案
11	苗栗縣三灣鄉鄉長溫○強涉嫌索賄案
12	新竹縣湖口鄉長候選人鄭○櫟等涉嫌賄選案
13	前基隆市議員韓良○涉嫌詐領助理費案
14	新竹縣政府工務處處長林○斯等涉嫌貪瀆案
15	彰化縣議員許○揚涉嫌詐領助理補助費案
16	臺鐵局花蓮電務段副段長林永○涉嫌不法案
17	宜蘭市民代表會主席林○勇涉嫌貪瀆案
18	嘉義市議員戴○涉嫌詐取公費助理補助費案
19	臺中市議員冉○軒涉嫌詐取公費助理補助費案
20	嘉義縣民雄鄉民代表會主席周○茂涉嫌貪瀆案
21	苗栗縣通霄鎮鎮長陳○志涉嫌向廠商索取回扣案

項次	111 年偵辦重要案例
22	嘉義縣議會議員黃○蘭涉嫌詐領公費助理補助費案
23	前臺北地檢署檢察官朱○翔涉嫌貪瀆案
24	臺南市議會副議長林○利涉嫌詐領助理費案
25	臺南市議會議長賴○惠涉嫌向議會詐取財物案
26	台灣中油公司大林煉油廠修護組營繕課長王○培涉嫌收受賄賂案
27	107 年金門縣長擬參選人謝○璋違反政治獻金法案
28	屏東縣崁頂鄉民代表會前主席郭○良涉嫌違反公職人員選舉罷免法案
29	海巡署海洋巡防總局澎湖海巡隊鄭○登等涉嫌詐領公款案
30	海巡署海洋巡防總局偵防查緝隊林○傑等涉嫌詐領公款案
31	海巡署海洋巡防總局高雄海巡隊林○程涉嫌詐領公款案
32	海巡署海洋巡防總局恆春海巡隊楊○璋等涉嫌詐領公款案
33	北市建管處使用科科长陳○銘等涉嫌圖利案
34	臺中市政府消防局人事室王○中涉嫌詐取財物案
35	新埔鎮民代表范○葵及陳○榮涉嫌詐領出席費案
36	桃園市政府警察局桃園分局同安派出所警員劉○和等涉嫌藉勢勒索案
37	空軍防空暨飛彈指揮部人事行政士黃○宸涉嫌不法案
38	巽寶閣公司負責人蔡○能等涉嫌違反廢棄物清理法案
39	花蓮縣光復鄉民代表候選人王○奇涉嫌現金賄選案
40	花蓮縣萬榮鄉民代表候選人江○和涉嫌現金賄選案
41	嘉義縣梅山鄉民代表候選人葉○桂涉嫌賄選案
42	基隆市中正區濱海里里長擬參選人林○志涉嫌現金賄選案

項次	111年偵辦重要案例
43	臺中市議員候選人紀○豐涉嫌捐助經費賄選案
44	新北市瑞芳區深澳里里長候選人邱○英涉嫌賄選案
45	前桃園市議員李○強涉嫌詐領助理補助費案
46	太捷公司黃○傑涉嫌圍標漢翔公司採購案
47	海巡署中部分署下士楊○理涉嫌洩密案
48	桃園市復興區長參選人楊○樹涉嫌賄選案
49	苗栗縣通霄鎮公所人員辦理納骨塔工程委託專案管理採購涉嫌貪瀆案
50	新竹縣農業機械耕作服務協會理事長徐○堂等涉嫌貪瀆案
51	嘉義市西區導明里里長候選人吳○根涉嫌賄選案
52	新竹縣湖口鄉議員候選人范○龍涉嫌賄選案
53	花蓮縣萬榮鄉民代表候選人劉○順等涉嫌賄選案
54	新北市政府警察局樹林分局三多派出所員警余○宏涉嫌不法案
55	前臺北市議會副秘書長蘇○茂等涉嫌收賄不法案
56	雲林縣古坑鄉崁腳村村長候選人吳○坤涉嫌賄選案
57	桃園市平鎮區平鎮里長候選人劉○冠涉嫌賄選案
58	宜蘭縣南澳鄉民代表候選人林○帆涉嫌賄選案
59	臺中市大甲區幸福里里長候選人林○彬涉嫌賄選案
60	澎湖縣馬公市議員候選人呂○宇涉嫌賄選案
61	雲林縣褒忠鄉民代表候選人張○雄涉嫌賄選案
62	嘉義縣議員候選人蔡○宜涉嫌賄選案



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63	臺南市第十三選區山地原住民市議員候選人施余○望涉嫌賄選案
64	嘉義縣梅山鄉太興村村長候選人簡○輝涉嫌賄選案
65	臺北市政府勞動局局長陳○瑜涉嫌不法案
66	桃園市前議員陳賴○美涉嫌詐領助理補助費案
67	苗栗縣苗栗市市民代表候選人黃○瑞涉嫌現金賄選案
68	臺東縣池上鄉民代表候選人江○貴涉嫌現金賄選案
69	江建浩涉嫌為花蓮縣萬榮鄉鄉長候選人古明光現金賄選案
70	屏東縣民陳軍國涉嫌為屏東縣枋寮鄉民代表候選人陳○隆涉嫌賄選案
71	新竹縣議員候選人陳○木涉嫌賄選案
72	屏東縣枋寮鄉保生村長候選人許○文涉嫌賄選案



廉政

ANTI-CORRUPTION YEARBOOK 2022



法務部調查局
Ministry of Justice Investigation Bureau
中華民國 112 年 6 月出版

Preface

In order to realize the goal of “An honest and clean government and transparent Taiwan,” lay a solid foundation for integrity, and enhance national competitiveness, the Executive Yuan, in accordance with Article 4 of the Act to Implement United Nations Convention against Corruption, which stipulates that “Whenever exercising their functions all levels of government institutions and agencies should conform to the Convention and proactively enhance the implementation of anti-corruption laws and policies,” the “National Integrity Building Action Plan” is thus formulated. In the Plan, “strengthening anti-corruption efforts” and “investigating target cases which correspond to the indexes signifying significant harm to government integrity” are among the specific strategies and practices.

The Investigation Bureau is in charge of the promotion of a clean government and the work of corruption prevention and vote buying investigation. In order to implement the execution of the National Integrity Building Action Plan, the Bureau has long been dedicated to the investigation into corruption/malfeasance cases, vote buying cases (bribery and corruption involved), judicial fraud cases (undermining the integrity of the country’s judicial power), as well as government procurement and national land conservation cases that are highly related to corruption. The Bureau has fully demonstrated its competence in anti-corruption investigation.

Looking back to 2022, the nine-in-one local elections were held. Considering that the culture of bribery is the root cause of corruption and malfeasance, the solution is to strengthen the investigation of the election of local leaders and elected

representatives in order to effectively tackle criminal activities. In the face of three challenges of this election, namely, "local elections being prone to structural bribery", "the rapid spread of disinformation affecting the fairness of the election" and "foreign funds interference with the integrity of the election", the Investigation Bureau has been fully committed to investigating bribery and the results were fruitful. In addition to effectively interrupting the chain of election bribery and corruption, the Bureau also uncovered the first case of prosecution since the Anti-Infiltration Act was promulgated on January 15, 2020, ensuring that the elections were not disrupted by foreign forces and safeguarding national security.

Looking ahead to the future, the Investigation Bureau will continue to promote and develop a clean government by combating corruption, malfeasance and crimes, with the aim of enhancing our country's competitiveness, increasing our country's international visibility, and maintaining national security. I sincerely invite advice and suggestions from all sectors of the society, so as to improve the Bureau's anti-corruption work and live up to the people's expectations.

Sincerely,

Chun-Li Wang

Chun-Li Wang

Director General

Ministry of Justice

Investigation Bureau

June 2023

About the Anti-Corruption Yearbook

I. Purpose

The Anti-Corruption Division of the Investigation Bureau, Ministry of Justice (hereinafter referred to as Bureau) compiles and publishes the Anti-Corruption Yearbook (hereinafter referred to as the Yearbook) on a yearly basis, aiming at helping readers understand the Bureau's anti-corruption work and yearly investigation status. Through the annual reflection and review of the Yearbook, the Bureau expects to continually refine and adjust its anti-corruption work.

II. Content

1. Chapter 1, About the Anti-Corruption Division of the Bureau, aims at describing the legal and regulatory basis of anti-corruption work, organizational history, division of work, objectives, and priorities of the Bureau's anti-corruption work, hoping that all sectors can understand the organizational structure, work philosophy, and implementation methods of the Anti-Corruption Division of the Bureau.
2. Chapter 2, Anti-corruption Work Implementation Status and Results, offers the statistical analysis and description of the operation of the Anti-Corruption Division of the Bureau in 2022, which encompasses two parts, namely case investigation and professional development. (Footnotes are excluded from the English version.)
3. Chapter 3, Major Investigation Cases in 2022 are arranged by type, so readers can refer to the criminal patterns and methods of each case type conveniently. (This chapter is excluded from the English version.)



III. Notes

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 NTD (New 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.
2. The percentage of the figures is according to the actual number of digits necessary and calculated by rounding.
3. The difference between “corruption/malfeasance cases” and “non-corruption/non-malfeasance cases” is based on whether the suspect is “defined as a public servant” when violating the applicable law (including those applicable to additional penalties based on Article 134 of the Criminal Code); if there is at least one public servant involved in the case, then it is categorized as a corruption/malfeasance case.
4. “Public servants” refers to high, middle, and low-ranking public servants, quasi-public servants, and representatives; “non-public servants” refer to people other than the aforementioned five statuses. High-ranking public servants refers to public servants in position levels of 10-14, or equivalent; middle-ranking public servants refers to public servants in position levels of 6-9, or equivalent; low-ranking public servants refers to public servants in position levels of 5 or below, or equivalent. Quasi-public servants have 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 to 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 centrally and locally elected representatives at all levels.

5. “Corruption amount” refers to illegal profits earned by public servants, quasi-public servants, or their accomplices while under suspicion of corruption; “profiting amount” refers to illegal profits generated by public servants with mercenary intention, by 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 other than the categories above.
6. “Key applicable laws” and “key applicable articles on referral” refer to the laws 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.
7. “Education statistics” are based on the highest graduation level of the suspects. Non-graduates are categorized in the next lower education level.
8. “Statistics of criminal suspects” are analyzed by the “public servants” status and “gender” of the suspects, with the “public servants” status being determined by the aforementioned definition, and the “gender” being distinguished by the biological sex of the suspects.

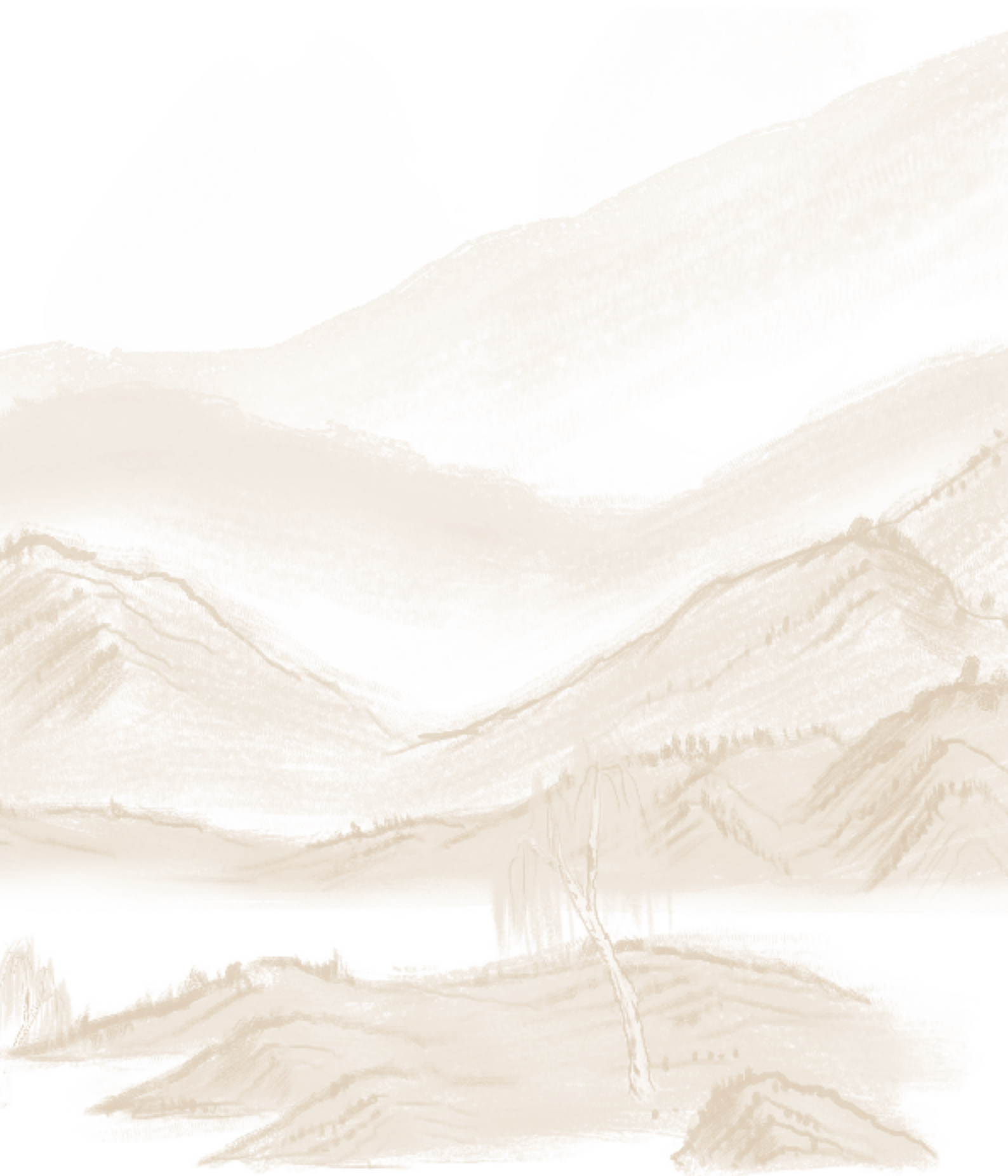




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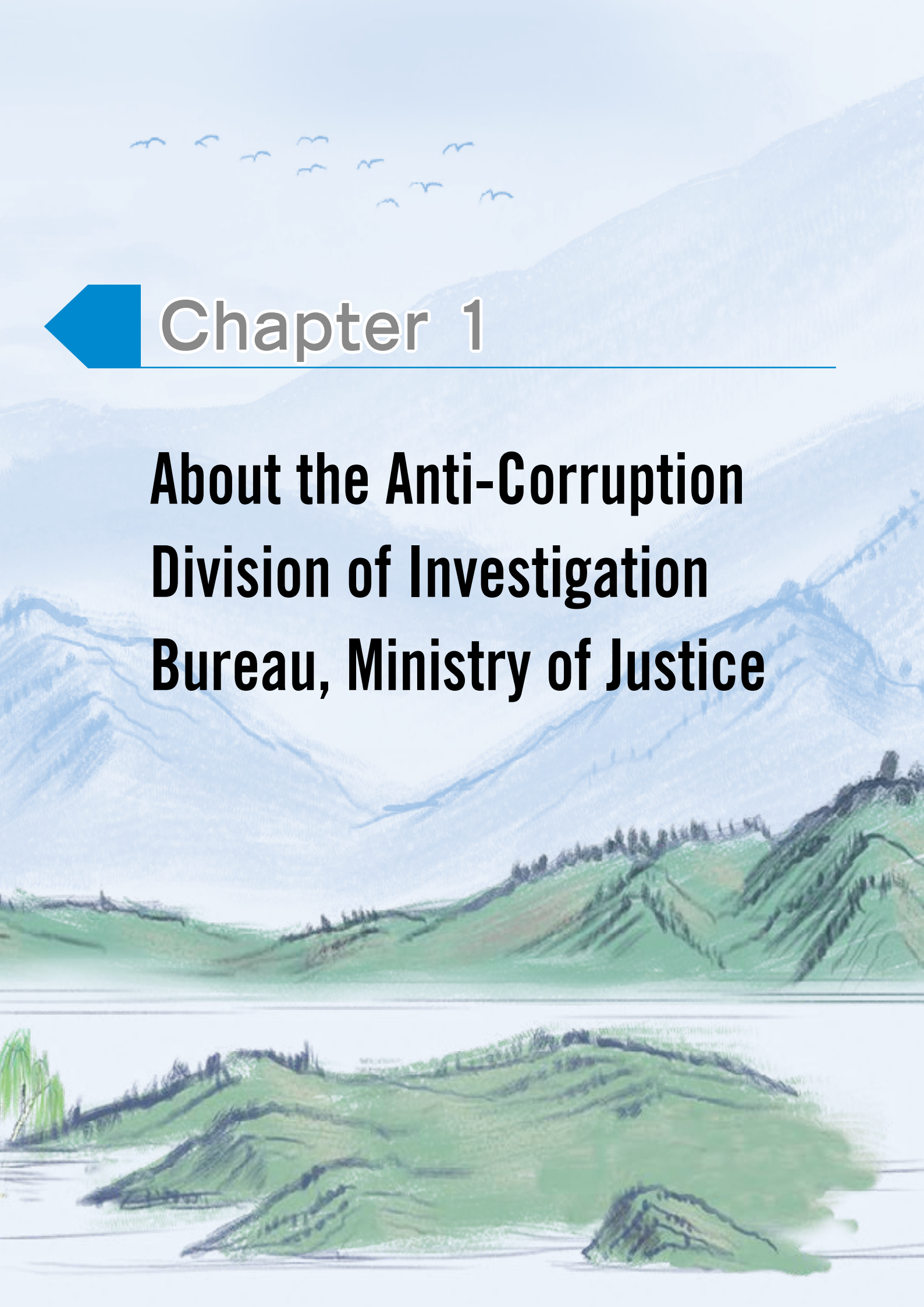
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Chapter 1

About the Anti-Corruption Division of Investigation Bureau, Ministry of Justice

I. Chronicle of Anti-Corruption Operation

The Division One of the Bureau was formerly in charge of anti-corruption operation. In May 1979, the “Economic Crime Prevention Center” was established, and it was expanded the “Corruption and Economic Crime Prevention Center” in August of the same year to strengthen the prevention of corruption and economic crimes.

45

In accordance with the Order of Tai-45-(Nei) No.4711 dated August 27, 1956, the Executive Yuan promulgated 10 administrative duties to the Bureau, in which “corruption and malfeasance” as prescribed in Item 5, and “investigations and infrastructure security upon special orders from higher-ranking authorities” in Item 10, are the legal and regulatory basis for the Bureau in executing anti-corruption tasks.

68

The Executive Yuan issued Letter Tai-87-Fa No. 53381 to amend and approve the nine items of the duties of the Bureau, of which Item 4, “Prevention of corruption and malfeasance and inspection and investigation of vote-buying in elections”, explicitly specified the investigation of vote-buying in elections as the Bureau’s duties.

81

On May 1, 1992, the Bureau established the “Public Construction Fraud Prevention Task Force” in the Anti-Corruption Division. In addition, all members of the Eastern Region Mobile Office were assigned to form the “Major Public Construction Fraud Investigation and Crackdown Task Force”. This task force is specifically responsible for handling major public construction project fraud cases, and has also ordered various pertaining field Divisions, Offices and Units to step up the integration of government employee ethics officers aimed at enhancing the grasp of information by an active gathering of evidence and pursuit of investigation of such cases.

87

78

In February 1989, the "Corruption Eradication Department" was established by the Bureau to be specifically responsible for handling anti-corruption operations. The Corruption Eradication Department was manned by 1 Director, held concurrently by the Deputy Director General of the Bureau, 1 Executive Officer, 2 Deputy Directors, and was supported by 5 sections to be specifically responsible for investigating and processing major corruption/malfeasance cases. At that point, anti-corruption work was segregated from the Bureau's other crime investigation operations as an independent focused task force.

80

In 1991, the Corruption Eradication Department changed its name to the Anti-Corruption Division. In addition to comprehensively guiding the Field Divisions and Offices and mobile offices to actively uncover and investigate major corruption cases, it actively coordinated various government agencies as well as taxation and customs supervisory (inspection) units to strengthen measures to prevent corruption, in order to achieve the goal of corruption/malfeasance eradication and administrative governance transparency. Then, the election of the representatives of the Second National Assembly was held. The Bureau, under the instruction of the Executive Yuan and the Ministry of Justice, has been investigating bribery as special projects in all elections ever since.

95

In order to comply with the government's policy, enhance the ability to proactively uncover corruption cases, fulfill the responsibility of proactively launching investigation, strictly adhere to the procedural justice, speed up the processing time of cases, and probe major and serious corruption cases, the Bureau has applied for a free "Anti-Corruption Hotline" at 0800-007-007 to encourage the members of the public to actively report corruption cases and to demonstrate the determination of anti-corruption and cracking down criminal activities through concrete actions.

97

Pursuant to the Organic Act for Investigation Bureau, Ministry of Justice, which went to effect in 2008, the Bureau legalized the Anti-Corruption Division. Article 6 of the Act stipulates that "The Anti-Corruption Division is charged with the following undertakings: (1) The planning, guidance, coordination, and evaluation of corruption/malfeasance and vote-buying case investigation and prevention work; (2) national security, national interest, and anti-corruption related investigations specifically entrusted by superior agencies; (3) other pertinent anti-corruption undertakings", which is the foundation of the anti-corruption operation of the Bureau.

II. Operation Framework

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 assists with the processing of departmental affairs. The Anti-Corruption Division is divided into 4 sections. Each section's division of work is described below:

Corruption and Malfeasance Intelligence Section:	Handle the consolidation and analysis of corruption intelligence information through horizontal linkage mechanisms as well as the development, management and maintenance of the Bureau's internal information system; integrate the Bureau's existing database and external public information with corruption intelligence information into the information system to facilitate information integration and reuse for colleagues to acquire complete information quickly and discover clues to corruption so as to improve the effectiveness of case investigation.
Northern Investigation Section:	Handle public construction fraud cases, property and labor procurement fraud cases, general corruption cases, and investigation cases specially assigned by higher levels; perform administrative tasks; review the investigation process of cases transferred; handle other planning and supervisory tasks in the northern region and Kinmen, Matsu, Yilan, Hualien, and Taitung.
Southern Investigation Section:	In charge of the operational planning and supervision of the investigating and administrative processing of public construction fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the central and southern region and Penghu, and cases specifically assigned by superior agencies, as well as review of the investigation process of cases transferred.

**Vote-buying
Investigation
Section:**

Handle 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 the Inspection Division of the Taxation Administration and Internal Affairs Office of the Customs Administration under the Ministry of Finance; coordinating and contacting among prosecutors offices, investigation bureaus and anti-corruption agencies; reviewing the planning and execution of vote-buying investigation and crackdown projects; reviewing the referred case investigation process; reviewing and approving the case studies of corruption/malfeasance cases; editing and compiling the anti-corruption manual and criminal investigation manual; handling other administrative work.

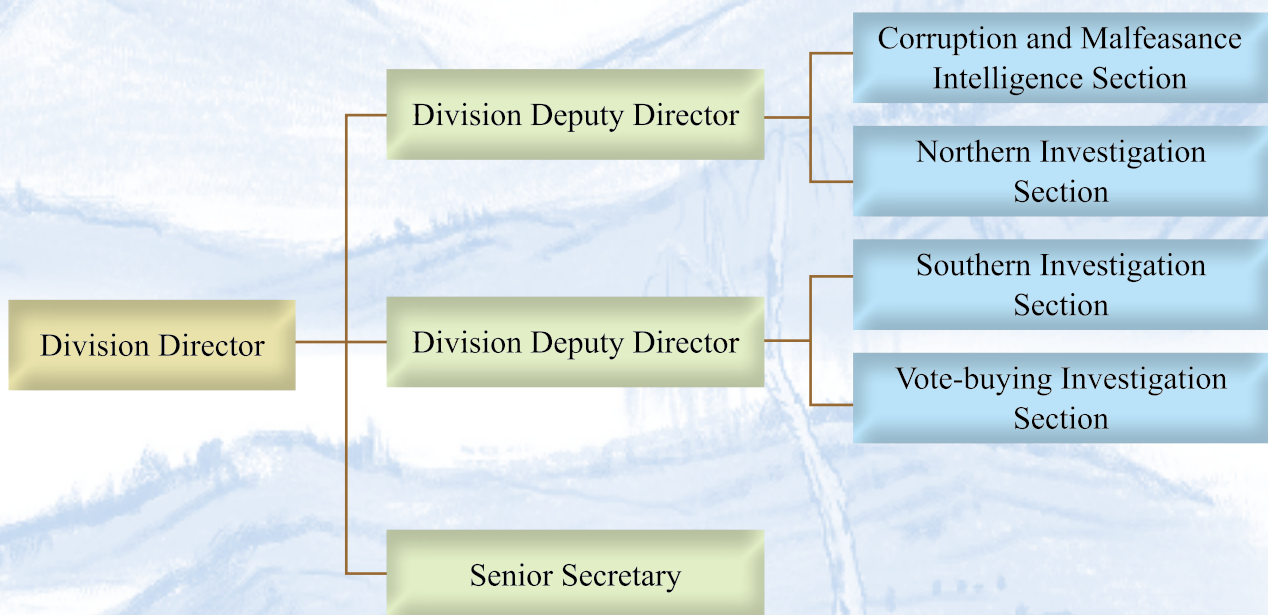


Figure 1-01 Organization Chart of the Anti-Corruption Division

III. Objectives

1. Implement Jurisdiction Management and Call on Nationals against Corruption

Jurisdiction management is implemented to control local corruption and bribery and build public confidence in the Bureau's anti-corruption work. Through case investigation, the Bureau aims to present proactive and active performance to the public and further make an all-out effort to create an incorrupt community.

2. Strengthen Corruption Crackdown and Prevent Corrupt Practices

When human errors or deficiencies in the system identified in the investigation involve the administrative responsibility of public servants, improper administrative measures, or violation of administrative laws, the Bureau collects related data and requests related authorities in charge to handle the cases to strengthen the investigation of administrative malpractice and prevent corruption.

3. Prevent Illicit Capital and Ensure Quality of Government Procurement

According to the investigated cases over the years, the majority are frauds in public construction and property or service procurement. For example, township chiefs took advantage of public works projects and procurement to receive kickbacks, bribery, or private gains through subcontracting, avoiding investigation, designating suppliers, false prices, leaking basic prices, bid-rigging, and falsely budgeting. Public opinion representatives, such as township council chairpersons, vice chairpersons, representatives, and county/city council members misused their power of supervision to lobby, protect, or subcontract public constructions, so as to seek unlawful benefits or misappropriate budgets. This shows that collusion between governments and businesses has not been fully eradicated. The Bureau focuses their anti-corruption work on the prevention of illicit capital in major public constructions and large procurement.



4. Enhance Vote-buying Crackdown Performance and Rectify Electoral Practice

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 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 servants or farmers and fishermen's associations elections, the Bureau frequently sets up a task force to support the prosecution agency in executing vote-buying investigation and crackdown work. They also fully mobilize internal duty and field duty associates to uncover and obtain vote-buying information, actively investigate and process vote-buying cases, to reinforce the government's determination to rectify election practices and maintain election order, promoting a fair and transparent voting environment.

5. Uphold Administrative Neutrality and Implement Anti-corruption Determination

The general public's image of the government is often formed by matters that occur on their own or around it and are seen as a personal loss or a sign of corruption. If government agencies fail to investigate and deal with these matters well, it directly causes public doubt about the government's determination to investigate corruption. Upholding the spirit of administrative neutrality and administration by law, the Bureau makes an all-out effort to investigate major corruption cases listed by the Ministry of Justice in hopes of achieving the objectives of the National Integrity Building Action Plan approved by the Executive Yuan on July 8, 2009 and encouraging integrity and self-discipline.

6. Uphold Procedural Justice and Strengthen Evidence Collection

Focusing on procedural justice and protection of human rights is the evolutionary trend in

criminal procedures. Since the Code of Criminal Procedure was amended in 2003, the courts and the defense have imposed stricter requirements for investigation procedures. To respect human rights, avoid persecution or influence on evidence due to defective procedures, and raise the conviction rate, the Bureau has established various investigation procedures and organized development seminars, where colleagues are urged to strictly comply with laws and regulations and procedural justice. As corruption is a deceitful white-collar crime, both parties to bribery have an inevitable stake, which makes it very difficult to collect evidence of a crime. Therefore, the Bureau requests colleagues to take a skeptical attitude toward undoubted aspects and seek truth by checking funds and using technological identification.

IV. Priorities

1. Case Investigation

(1) Corruption/Malfeasance Cases

The investigation of public servants' corruption/malfeasance crimes is the core operation of the Bureau's anti-corruption work. The so-called "corruption/malfeasance cases" refer to criminal cases where public servants breach the Anti-Corruption Act stipulated under Paragraph 2, Article 10 of the Criminal Code, the Chapter, Offenses of Malfeasance, of the Criminal Code, or the non-simple offenses of malfeasance stipulated under Article 134 of the Criminal Code, or where a public servant's identity is required as stipulated by other laws before a case may be sustained.

When leads are discovered in corruption/malfeasance cases, the Bureau immediately puts a case on file to investigate and upholds the principle of not charging falsely or condoning. Yet, a number of leads, such as the act of contractors 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 behaviors have a high probability of colluding with public servants, the Bureau also sets up a case on file to conduct



an investigation, and once it has been investigated and it is verified that no public servants are involved in it, the case would be enlisted as a “non-corruption/non-malfeasance case.”

Cases where public school teachers, public hospital medical staff and public enterprise personnel, whose identities are classified as public servants prior to the amendment to Article 10 of the Criminal Code on July 1, 2006, allegedly involve themselves in corruption/malfeasance crimes, would be classified as corruption/malfeasance cases. Following the amendment to the Criminal Code, the aforesaid personnel have been excluded from the “identity of public servants” and are no longer under the Anti-Corruption Act¹; however, the Bureau would still set up cases to conduct investigation on conduct that is constituted as larceny, embezzlement, fraud, breach of trust, or forging and tampering of documents during the performance of duties, and these cases would be enlisted as “non-corruption/non-malfeasance cases.”

(2) Vote-buying Cases

Instances of soliciting and accepting bribes in violation of the Presidential and Vice-Presidential Election and Recall Act, Civil Servants Election and Recall Act, the Political Party Act, the Farmers Association Act, the Fishermen Association Act, 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.

(3) Judicial Fraud Cases

Judicial Fraud cases refer to cases relating to judicial authorities (including all levels of courts, Prosecutors Offices, and Administrative Enforcement Agency), the judicial police (including the National Police Agency under the Ministry of the Interior, the Coast Guard Administration under the Executive Yuan, the National Immigration Agency, Ministry of the Interior, 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, tariff and taxation authority staff, lawyers or other persons taking advantage of the people when dealing with criminal, civil, administrative, enforcement, correctional, investigative, administrative remedies and

other cases due to either hastiness, inexperience, being unversed in the law or litigation proceedings, for the purpose 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.

(4) Green Energy Industry Obstruction Cases

The green energy industry is an important policy of the government's nuclear-free homeland and green energy initiative. To prevent corrupt civil servants, public opinion representatives, and underworld crime figures from taking the opportunity to extort benefits from construction companies and obstruct the development of the green energy industry, the Bureau has cooperated with the Ministry of Justice's policy on the massive crackdown on the crimes that obstruct the development of the green energy industry and formulated the collaborative implementation program on the "Strong Crackdown on Crimes that Obstruct the Development of the Green Energy Industry" on April 26, 2021 and mobilized all the Bureau's regional offices (workstations) to comprehensively collect information on crimes that obstruct the development of green energy and formally investigate a case in real time.

(5) Government Procurement Crime Cases

Investigating government procurement crime cases is to maintain the procurement quality and social image of government agencies at all levels. Government procurement should be carried out in a fair, just, and open manner. Corrupt civil servants in collusion with manufacturers without conscience to obtain benefits and undermine the government's procurement quality is not allowed. The Bureau aims to investigate the collusion between the business sector and government officials at all levels and cases in violation of the Government Procurement Act without corruption/malfeasance involved.

(6) National Territory Conservation and Environmental Protection Crime Cases



To implement the national territory conservation policy and cooperate with the Ministry of Justice's policy on strengthening the investigation into land and environmental protection cases, the Bureau launched the National Land Conservation Crime Investigation Project on March 24, 2017 to jointly investigate the destruction of national land, illegal logging of state-owned forest timber, and environmental protection crimes. This project covers the investigation into the illegal occupation of land, illegal gravel mining or stealing of gravel, illegal logging of state-owned forest timber, excessive land use, and environmental protection crimes and further investigation into the involvement of corrupt interest groups or underworld crime figures behind the scenes.

Since the implementation of this project, in addition to cooperating with the Taiwan High Prosecutors Office to strengthen the investigation into environmental protection crimes and the Forestry Bureau to enhance the investigation into illegal logging, the Bureau has further reinforced the investigation into corrupt businesses that illegally operated camping areas, illegally occupied national parks to operate B&Bs, and excessively developed hillsides, thereby destroying soil and water, to run leisure farms.

(7) Non-criminal Civil Servant Misconduct Crime Cases

The Bureau investigates the personnel of state-owned enterprises, hospitals, and schools who are not civil servants under the Criminal Code of the Republic of China and involved in criminal theft, embezzlement, fraud, breach of trust, forgery of documents, or other crimes when performing duties.

2. Increasing Competence of Investigation

(1) Education and Training

As lifelong learning offers a viable means for public servants to advance their professional competency to keep up with the times, the Bureau holds anti-corruption work development seminars

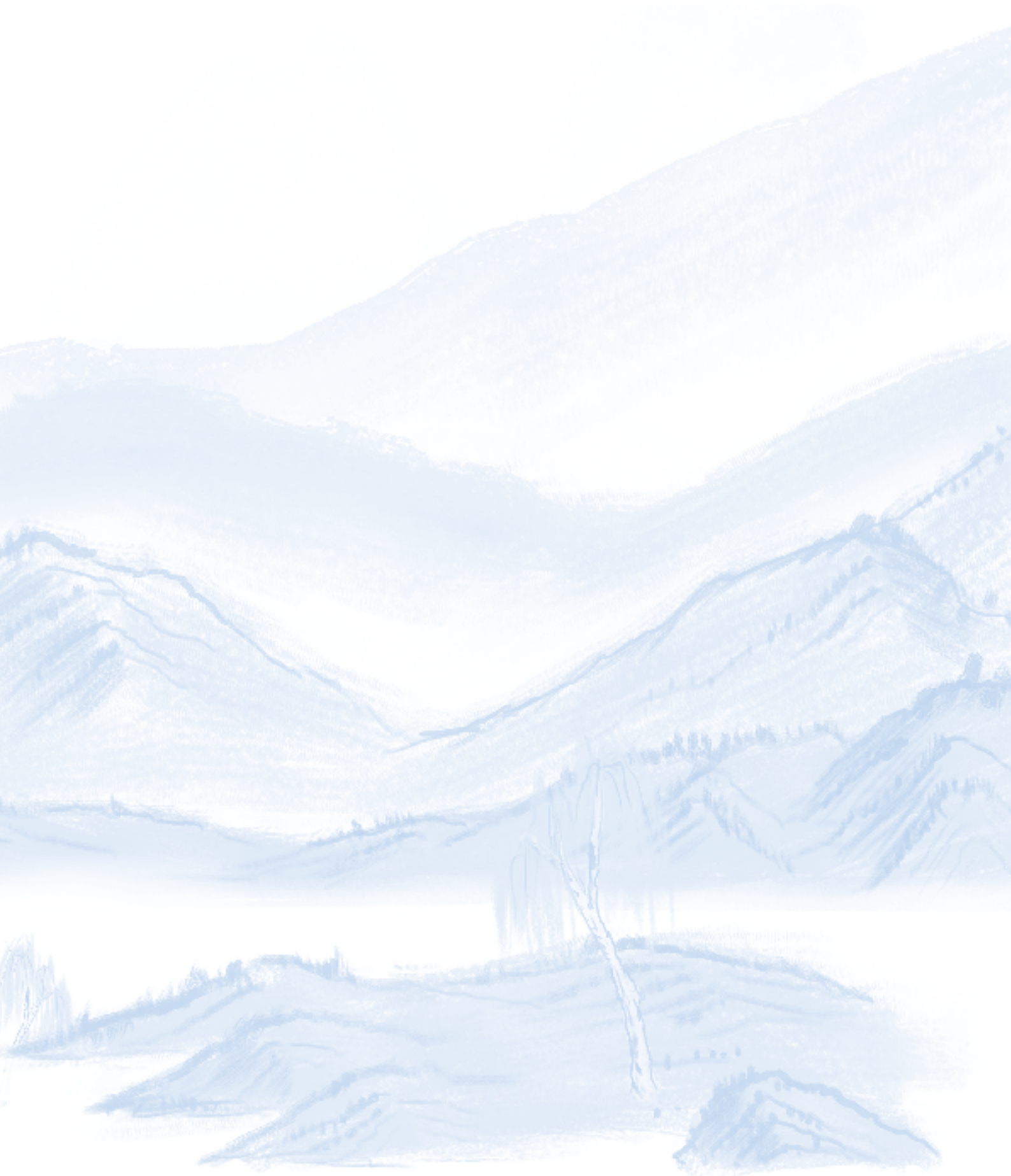
¹ Please refer to "I. Case Investigation Work-I. Transfer Case Statistics" in Part II of this annual report for details.

on a regular basis, holds internal duty and field duty associates' operational opinion exchange meetings from time to time, 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 special types of cases in the form of case study reports, selective recordings of important resolutions of each prosecutor office's anti-corruption executive group meeting, legal advice, and Ministry of Justice's first instance acquittal case analyses are loaded into the database. Bureau associates can then be familiarized with various case processing procedures, 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 raise their professional standards and enhance work performance.

(2) System Establishment

A system is established to strengthen our colleagues' ability to collect evidence and improve the quality of case investigation. An information system is also established to compare various types of corruption cases and analyze the trends of cases, with the aim of enhancing our colleagues' thinking on case investigation. In addition, big data, artificial intelligence, and other technologies are adopted to improve our colleagues' investigation and evidence-seeking skills and develop their new thinking on the anti-corruption work, thereby facilitating the anti-corruption work.









Chapter 2

Anti-Corruption Work Implementation Status and Results

I. Case Investigation

Table 2-01 depicts the overall state of case investigations of the Anti-Corruption Division of the Bureau in 2022, which is divided into two categories, namely anti-corruption cases and vote-buying cases, with a total of 488 cases investigated in 2022. Among them, 441 cases pertained to anti-corruption cases, which comprised 436 cases that were referred officially to the prosecutors for indictments after investigations, 4 cases that were forwarded to the prosecutors with written reports and indicted afterward, and another 1 case where 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 2022. Another 47 cases pertained to vote-buying cases whereby the prosecutors brought indictments, summary judgments, deferred prosecutions, or non-prosecution ex officio in 2022 under the cooperation of the Bureau with prosecutors in case investigation.

To accurately demonstrate the implementation of investigative work regarding corruption/malfeasance prevention and vote-buying investigation and crackdown cases, starting from 2003, the basis of statistical analysis for “anti-corruption cases” has been refocused from prosecution data to referral data, while the basis of statistical analysis for vote-buying cases is still on the panel data of the prosecutors’ office in support of the practical operation state. The case investigation in 2022 will be introduced in separate chapters dedicated to “referred cases” and “vote-buying cases,” respectively.

1. Statistics on Referred Cases

The referred cases comprise two major categories, namely “corruption/malfeasance” and “non-corruption/non-malfeasance,” which are classified based on the key applicable laws 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 constructions, procurement, judicial

Table 2-01 Statistics on Case Investigations Performed in 2022

Unit: Case

Category		Cases	Description
Corruption Cases	Referred to Prosecutors	436	Cases were referred to prosecutors through referral paper after investigations.
	Referred for Prosecution	4	Cases were referred to prosecutors through official letter after investigations in 2022. (Including deferred prosecution, petition for summary judgment, and ex officio non-prosecution)
	Others	1	The Bureau cooperated with prosecutors in the investigation, whereby the prosecution agencies in 2022 brought indictments, summary judgments, deferred prosecutions or ex officio non-prosecutions.
	Subtotal	441	Accounting for 90.37% of cases investigated over the whole year.
Vote-buying Cases		47	The Bureau cooperated with prosecutors in the investigation, whereby the prosecution agencies in 2022 brought indictments, summary judgments, deferred prosecutions, or ex officio non-prosecutions, accounting for 9.63% of cases investigated over the whole year.
Total		488	Note 1: The statistical period in this table is from January 1, 2022 to December 31, 2022. Note 2: The section, "Case Investigation" in the Yearbook indicates the introduction of "cases being referred to prosecutors" and "vote-buying cases" in separate chapters.

corruption and malfeasance, law enforcement, firefighting, correction, urban planning, construction management, land administration, taxation affairs, customs affairs, financial affairs, medical care, education, business registration, motor vehicle management, funerals and interments, environmental protection, national territory conservation, river and gravel management, public welfare subsidy, and subvention, 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 constructions, procurement, judiciary fraud, medical care, education, environmental protection, national territories conservation, and others.

The category of judiciary fraud has become one of the main focuses of investigation 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 to the definition of public servants in Article 10 of the Criminal Code², where in principle physicians in public hospitals, teachers in public schools and staff of state-owned enterprises are no longer defined as public 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 to the Anti-Corruption Division the processing of cases involving larceny, embezzlement, fraud, breach of trust, or forging instruments or seals of these personnel under the Criminal Code. The two categories, environmental protection and national territories 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 on agricultural land, dumping of waste soil, and abuse of industrial waste disposal that simply violate laws, such as the Soil and Water Conservation Act, the Slope Land Conservation and Utilization Act, the Water Act, the Forestry Act, the Urban Planning Law, the Regional Plan Act, the Mortuary Service Administration Act, the Chapter of Offense of Larceny prescribed in the Criminal Code, and the Waste Disposal Act.

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 included the following: (1) Supervisory management for industry and commerce, (2) Banking and insurance, (3) Taxation affairs, (4) Customs affairs, (5) Telecommunication regulation, (6) Road supervision, (7) Transportation, tourism and weather, (8) Justice, (9) Legal affairs, (10) Law enforcement, (11) Firefighting, (12) Construction, (13) Civil

² Amended on February 2, 2005 and implemented on July 1, 2006. The reason for the amendment to the "identity of public servants" is as follows: "According to the former part of Subparagraph 1, "those who empowered with legal function and power serve an organization of the state or a local autonomous body in accordance with law" shall mean those employed by an organization of the state or a local autonomous body in accordance with the law. As a result, those who represent the law or the state or local autonomous body in handling public affairs shall be subject to the obligations of special protection and obedience. For those who are not empowered with legal function and power but serve an organization of the state or a local autonomous body in accordance with law, such as security or cleaning employees, they shall not be subject to the obligations of special protection and obedience and therefore the Criminal Code."



affairs, household registration, military service, and land administration, (14) Immigration and coast guard, (15) Environmental protection, (16) Medical care, (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 property management, (25) State-owned enterprises, (26) Administrative affairs, and (27) Others. A total of 27 categories were listed. Special notations for corruption cases were divided into 5 categories, namely (1) Procurement, (2) Destruction of national territories, (3) Subvention, (4) False claim for public funding, and (5) Alternative military service.

To provide specific statistics, “non-corruption/non-malfeasance cases” should be categorized according to the aforementioned principles. On March 24, 2017, the Bureau established the “National Territories Conservation Program” to integrate the power to investigate destruction of national territories, unlawful logging of national forests, and environmental crimes. The scope of the investigation includes land embezzlement, gravel embezzlement (abuse), unlawful logging of national forests, excessive use of land, and environmental crimes; therefore, the “environmental protection” category under the “non-corruption/non-malfeasance cases” is changed into “land conservation”; in addition, the Bureau does not specify the nature of procurement projects, such as engineering, property, and labor, or categorize the amounts into tiers.

(1) Statistics on Referred Cases by Category

Table 2-02 shows the statistics on the number of referred cases, the total number of people involved, and the amount of money involved in 2022. A total of 441 cases were referred to the prosecutors’ office in 2022. Among these cases, there were 154 “corruption/malfeasance cases” with 674 people involved, including 273 public servants and quasi-public servants, 17 elected representatives, and 384 non-public servants. There is a decrease of 2 cases compared with the statistics of 2021 (529 people in 156 cases) or a decrease of 1.3% (2 cases/156 cases); the number of transferred criminal suspects increased by 145 people, an increase of 27.4% (145 people/529people).

Among the 154 corruption/malfeasance cases, the major categories of those referred were

Table 2-02 Statistics on Referred Cases in 2022

Unit: Case, Person, NTS

Category	Item	Cases	Number of Suspects			Amount of Money Involved in Cases			
			Public Servant (Note)	Public Opinion Representative	Non-public Servant	Corruption Amount	Profiting Amount	Procurement Amount	Others
Corruption/Malffeasance	Supervisory Management of Industry and Commerce	2	6		3	7,416,450	60,000		
	Transportation, Tourism, and Meteorology	1	2		2		216,820		
	Justice	5	10		2	239,699			47,000
	Legal Affairs	2	1		2	37,800			
	Law Enforcement	13	48		38	1,991,673	366,196,000		1,728,092
	Firefighting	1	1						1,776
	Construction	7	12	1	45	22,428,452	2,052,440,000		
	Civil Affairs, Household Registration, Military Service and Land Administration	12	16		6	189,400		276,480	278,120
	Immigration and Coast Guard	9	36		2	497,288			
	Environmental Protection	4	4		8	1,106,716	1,707		
	Medical Care	3	-		11	2,123,276			2,000
	Social Welfare	1	1						
	Education	16	20		36	8,886,177	691,332	17,211,600	703,624
	Agriculture, Forestry, Fishery, and Animal Husbandry	5	6		14	73,720,900	334,070		
	River and Gravel Management	1	-		6				
	Military Affairs	5	15		14	8,749,348	303,574,202		
	Diplomatic Affairs	1	1			1,315,216			
	National Property Management	1	-		1	6,600			
	State-owned Enterprises	6	12		22	50,079,106		202,572,750	14,000,000
	Administrative Affairs	11	19	2	22	2,987,762	243,515		
	Others	48	63	14	150	96,050,858	847,930	807,284,867	2,044,880
	Subtotal	154	273	17	384	277,826,721	2,724,605,576	1,027,345,697	18,805,492
Non-corruption/Non-malffeasance	Financial Affairs and Insurance	1	-		4				
	Taxation Affairs	2	3						
	Road Administration	1	-		2			72,489,999	
	Transportation, Tourism, and Meteorology	3	1		8			5,490,861	3,594,124
	Justice	12	-		18			3,333,960	72,848,205
	Legal Affairs	3	-		10			320,232	109,000
	Law Enforcement	3	2		14				
	Construction	8	-		28			56,747,645	
	Civil Affairs, Household Registration, Military Service and Land Administration	1	-		2			130,560	
	Immigration and Coast Guard	4	35						1,000
	Land Conservation	60	8		244			33,452,074	366,648,404
	Medical Care	6	2		15			6,423,097	13,423,465
	Social Welfare	1	-		2			2,940,416	
	Education	26	8		46			59,330,769	15,355,132
	Agriculture, Forestry, Fishery, and Animal Husbandry	10	2		23			23,202,630	3,160
	Military Affairs	18	2		52			281,276,252	52,190,004
	National Property Management	4	-		8				
	State-owned Enterprises	20	3		69			223,046,873	400
	Administrative Affairs	2	-		3			439,500	
	Others	102	6		242			502,867,123	133,016,571
	Subtotal	287	72		790			1,271,491,991	657,189,465
Total		441	345	17	1,174	277,826,721	2,724,605,576	2,298,837,688	675,994,957

Note: Quasi-public servants are included.



education, law enforcement, civil affairs, household registration, military service and land administration, and others. The modes of these cases are described as follows:

- a. There were 56 people involved in 16 cases in the education category. The main crimes included that the suspects requested bribes from suppliers in the process of handling government procurement tenders; and civil servants illegally obtained public funds, such as training subsidies by means of false documents or false teaching schedules.
- b. The category of law enforcement involved 86 people in 13 cases, in which suspects mainly harbored underground casinos, escort businesses, or sex establishments with female escorts, leaked information that shall be kept confidential, or inquired about income information, and took advantage of their positions to blackmail and swindle victims. The criminal acts are mainly related to the three job duties below:
 - (a) Criminal investigation: Such as accepting bribes from casino operators and intentionally not investigating these casinos, not reporting them, not cracking them down, or providing relevant information to the operators before crackdown or arresting operations; the police officers using their powers when performing their duties to defraud parties in mediation cases of mediation funds, etc.
 - (b) Fraudulently taking or embezzling public property: Such as issuing false notices to fraudulently receive project bonuses; writing off expenses with false vouchers or fraudulently collecting overtime pay, etc.
 - (c) Inquiring confidential information: Suspects were asked to inquire about others' date of birth, name, age, vehicle records, household registration records, ID pictures, and criminal records and leaked such information to consignors in violation of internal regulations.
- c. The category of civil affairs, household registration, military service and land administration involved 22 people in 12 cases. The main crimes are: Suspects were in charge of handling a subsidy, and they were asked to leak the date of birth, name, age, and ID pictures of the individuals who received the said subsidies to the people who asked for such information in

violation of internal regulations; making a fraudulent inventory to claim subsidies and other public funds.

- d. There were 227 people in 48 cases in the others category. Typical cases included that county/city councilors used false “figurehead” or salaries to defraud county/city councils of assistant fees; civil servants overstated the prices of procurement items, requested bribes from suppliers, and illegal acceptance process in the process of handling government procurement tenders; swindled the government out of subsidies using false receipts and documents by taking advantage of their job positions.

A total of 287 cases of “non-corruption cases” were transferred in 2022, 862 people, including 72 civil servants and associate civil servants and 790 non-public officials, an increase of 21 cases compared with 2021 (847 people in 266 cases) or an increase of 7.9% (21 cases/266 cases); the number of transferred criminal suspects increased by 15 people, an increase of 1.8% (15 people/847 people).

The investigation of “non-corruption/non-malfeasance cases” primarily begins after the verification of the evidence about the alleged involvement of public servants in corruption/malfeasance, where a portion of criminal evidence on corruption/malfeasance is deemed unclear, accompanied with other illegal acts, or the law a public servant has breached is other than the charge of corruption/malfeasance; thus, eventually, these are referred to the prosecutors’ office as non-corruption/non-malfeasance cases. Of said types of cases, the content is often closely related to the public servants’ ethics and government agencies’ image even though the said public servants are not suspected of being involved in corruption/malfeasance directly. Consequently, the investigation of such types of cases also contributes greatly to establishing a clean government.

Table 2-03 shows two major categories of “corruption/malfeasance” and “non-corruption/non-malfeasance” based on business categories prone to corruption as set out in the “National Integrity Building Action Plan”, which are subsequently classified according to the Bureau’s business adjustment details. In 2015, the Ministry of Justice promulgated the new “Categories and Principles of Special Notation for Corruption Cases” through an official letter. The Bureau has been classifying

Table 2-03 Statistics on Referred Cases from 2013 to 2014

(Items and Categories of Old Referred Cases)

Unit: Case

Category		2013	2014	Total
Corruption/Malfeasance	Public Construction	45	36	81
	Procurement	156	32	188
	Judicial Corruption and Malfeasance	4	3	7
	Law Enforcement	40	29	69
	Firefighting	2	0	2
	Corrections	1	1	2
	Urban Planning	0	0	0
	Construction Management	3	8	11
	Land Administration	3	2	5
	Taxation Affairs	2	1	3
	Customs Affairs	4	4	8
	Financial Affairs	0	0	0
	Medical Care	2	2	4
	Education	2	4	6
	Business Registration	0	0	0
	Motor Vehicle Management	2	1	3
	Funerals and Interments	0	1	1
	Environmental Protection	5	5	10
	National Territory Conservation	0	3	3
	River and Gravel Management	0	0	0
	Public Welfare Subsidy	3	1	4
	Subvention	6	5	11
	Others	48	37	85
	Subtotal	328	175	503
Non-corruption/Non-malfeasance	Procurement	107	136	243
	Public Construction	69	61	130
	National Territory Conservation	12	65	77
	Environmental Protection (land conservation)	11	19	30
	Education	6	3	9
	Judicial Fraud	6	9	15
	Urban Planning	-	17	17
	Medical Care	2	4	6
	Law Enforcement	-	1	1
	Firefighting	-	1	1
	Customs Affairs	-	1	1
	Financial Affairs	-	1	1
	Others	12	9	21
	Subtotal	225	327	552
Total		553	502	1,055

Table 2-04 Statistics on Referred Cases from 2015 to 2022

Unit: Case

Category		2015	2016	2017	2018	2019	2020	2021	2022	Total
Corruption/Malfeasance	Supervisory Management of Industry and Commerce	1	2	0	4	8	2	1	2	20
	Taxation Affairs	3	1	2	1	0	2	0	0	9
	Customs Affairs	0	0	0	0	2	1	0	0	3
	Road Administration	1	1	0	2	4	5	3	0	16
	Transportation, Tourism, and Meteorology	0	1	2	0	6	2	3	1	15
	Justice	0	0	0	0	1	0	1	5	7
	Legal Affairs	5	5	1	2	4	3	1	2	23
	Law Enforcement	19	27	20	18	20	15	13	13	145
	Firefighting	0	2	2	4	1	1	1	1	12
	Construction	14	13	13	18	7	7	5	7	84
	Civil Affairs, Household Registration, Military Service and Land Administration	13	14	17	5	12	7	8	12	88
	Immigration and Coast Guard	0	2	1	2	1	3	5	9	23
	Environmental Protection	7	6	3	4	19	5	7	4	55
	Medical Care	1	1	4	4	5	1	5	3	24
	Social Welfare	3	2	1	2	0	1	1	1	11
	Education	10	7	6	5	10	12	19	16	85
	Agriculture, Forestry, Fishery, and Animal Husbandry	2	6	6	5	2	5	2	5	33
	River and Gravel Management	2	4	0	1	1	0	2	1	11
	Military Affairs	7	3	11	9	5	16	10	5	66
	Diplomatic Affairs	1	0	0	0	0	0	1	1	3
	National Property Management	0	4	1	0	2	0	1	1	9
	State-owned Enterprises	1	5	2	2	2	4	4	6	26
	Administrative Affairs	4	8	9	10	9	8	5	11	64
	Others	44	22	51	40	59	63	58	48	385
	Subtotal	138	136	152	138	180	163	156	154	1,217

Table 2-04 Statistics on Referred Cases from 2015 to 2022 Continued

Unit: Case

Category		2015	2016	2017	2018	2019	2020	2021	2022	Total
Non-corruption/Non-malefeasance	Supervisory Management of Industry and Commerce	0	1	0	0	1	3	0	0	5
	Financial Affairs and Insurance	0	0	0	0	0	0	0	1	1
	Taxation Affairs	0	0	0	0	0	0	0	2	2
	Customs Affairs	0	1	1	1	0	0	1	0	4
	Road Administration	1	0	0	1	0	1	0	1	4
	Transportation, Tourism, and Meteorology	2	8	1	3	1	1	1	3	20
	Justice	0	0	2	12	9	21	8	12	64
	Legal Affairs	3	0	2	1	7	1	1	3	18
	Law Enforcement	0	2	0	4	2	1	3	3	15
	Firefighting	0	0	1	1	3	1	1	0	7
	Construction	5	10	2	14	6	11	7	8	63
	Civil Affairs, Household Registration, Military Service and Land Administration	1	4	2	0	0	1	1	1	10
	Immigration and Coast Guard	0	4	1	0	0	0	1	4	10
	Environmental Protection (land conservation)	17	18	27	39	27	28	45	60	261
	Medical Care	5	6	9	4	13	7	2	6	52
	Social Welfare	0	0	1	0	0	0	0	1	2
	Education	22	26	14	22	19	27	37	26	193
	Agriculture, Forestry, Fishery, and Animal Husbandry	0	7	9	10	11	17	17	10	81
	River and Gravel Management	2	6	4	2	9	2	0	0	25
	Military Affairs	9	14	19	14	27	15	13	18	129
	National Security Intelligence	1	0	0	0	0	0	0	0	1
	National Property Management	0	5	9	16	12	5	5	4	56
	State-owned Enterprises	9	23	13	20	18	23	16	20	142
	Administrative Affairs	0	1	2	2	7	2	2	2	18
	Others	168	57	92	118	133	119	105	102	894
	Subtotal	245	193	211	284	305	286	266	287	2,077
Total		383	329	363	422	485	449	422	441	3,294

the categories of corruption/malfeasance cases according to the new principles ever since. Table 2-04 shows the statistical analysis from 2015 to 2022 based on the new principles issued by the Ministry of Justice. According to the statistics based on the new principles, law enforcement, construction, and civil affairs, household registration, military service, and land administration accounted for a higher percentage of “corruption/malfeasance cases” from 2015 to 2022. In most of the cases falling into law enforcement, police officers took advantage of their power or opportunity to maintain order, to investigate or seek to collude with casino operators, prostitutes or gangsters or request or receive bribes from them or blackmail the stakeholders, or incited others to use drugs or guns to increase personal performance. As investigations and bans had high mandatory power and required many people’s cooperation in an agency, such corruption cases often had a chain effect and involved a large number of suspects. Most of the cases falling into construction and civil affairs, household registration, military service, and land administration were associated with public works projects and procurement, showing that unworthy public servants or elected representatives sought unlawful benefits mainly from government procurement.

(2) Statistics on Case Sources

Table 2-05 depicts the number of sources of cases referred by the Bureau in 2022, and Figure 2-01 presents the ratio of sources of referred cases to all referred cases. The result of the analysis is as follows:

1. The top three sources were those actively discovered by the Bureau³, handed over by prosecutors offices, and reported by the public. Among the sources of "corruption/malfeasance cases," the top two were those actively discovered by the Bureau and those reported by the public, while the top two sources of "non-corruption/non-malfeasance cases" were those actively discovered by the Bureau and those handed over by prosecutors offices.
2. The sources actively discovered by the Bureau ranked first of all sources, accounting for

³ Cases where the special agents of the field offices of the Bureau have discovered or collected illegal information about a criminal suspect before notifying the Bureau for investigation and handling.

Table 2-05 Statistics on Sources of Referred Cases in 2022

Unit: Case

Category	Active Discovery by the Bureau	Prosecutors Office	Report from the Public	Public Surrender	Governmental Ethics Authorities	Others	Total
Corruption/Malfeasance Cases	86	14	45	1	3	5	154
Non-corruption/Non-malfeasance Cases	118	90	47	1	0	31	287
Total	204	104	92	2	3	36	441

Corruption/Malfeasance Cases

Non-corruption/Non-malfeasance Cases

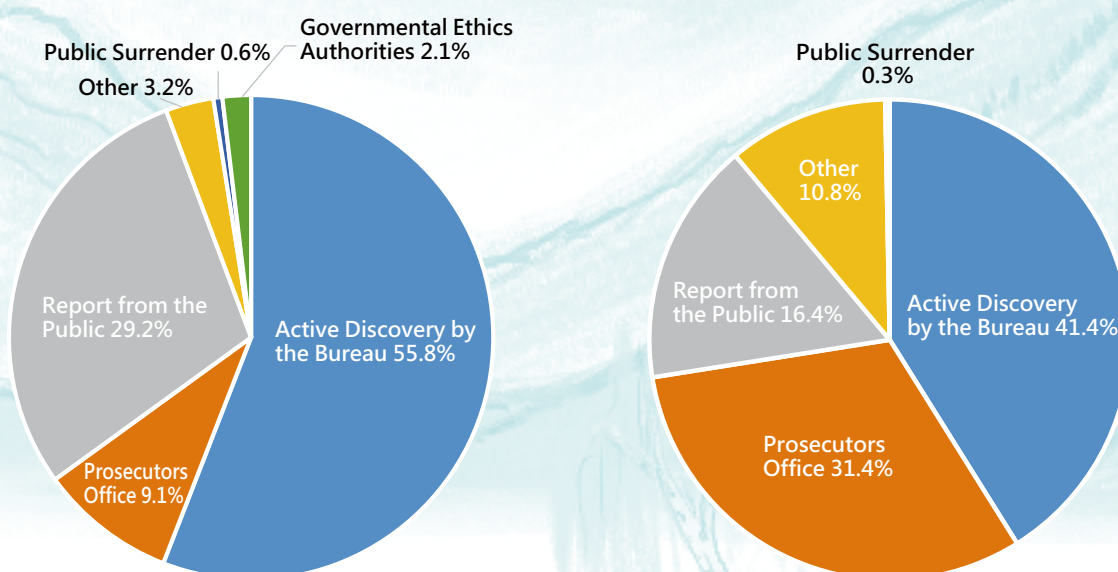


Figure 2-01 Ratio of Sources of Referred Cases in 2022

about 46.3% (204 cases/441 cases), mainly due to the fact that the Bureau's special agents 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 sources are still the foundation of the Bureau's operation, as well as a unique and intangible asset in

the implementation of the fight against corruption.

3. The number of cases established after investigation with sources handed over by prosecutors offices ranked second of all sources. It is obvious that the prosecutors' offices still have deep confidence in the Bureau's investigation capabilities and continue to hand over quality sources to the Bureau for investigation of corruption cases.
4. The number of established cases with sources reported by the public ranked third among all sources, showing that people are still willing to provide quality sources to the Bureau in the hope of eradicating malpractice.
5. There were 3 established cases with sources provided by the government ethics departments, accounting for 0.7% of all sources (3 cases/441 cases). After the establishment of the Agency Against Corruption, Ministry of Justice (hereinafter referred to as the AAC), most sources of corruption/malfeasance cases discovered by the government ethics departments were referred to the AAC, and the number of cases referred to the Bureau for investigation was significantly reduced⁴.

(3) Statistics on Applicable Laws

Tables 2-06 and 2-07 depict statistics on the key applicable laws of referred cases in 2022. A total of 441 cases were referred by the Bureau in 2022 including "corruption/malfeasance cases" and "non-corruption/non-malfeasance cases" as follows:

a. Corruption/Malfeasance Cases:

The largest number, 111 cases, was referred under the applicable laws stipulated in the Anti-Corruption Act, accounting for 72.1% (111 cases/154 cases).

⁴ AAC was established on July 20, 2011. Before its establishment, the Bureau was the only judicial police agency for anti-corruption work in Taiwan. After AAC was established, the Bureau has worked with AAC to investigate corruption/malfeasance cases. Although corruption prevention work that had been implemented for many years was terminated, corruption case investigation and anti-corruption work continue. The greater impact of this change should be the external factor - sources. People are able to report corruption/malfeasance cases in another way; sources reported to the ethics departments of central and local governments are collected by AAC, which has a certain degree of impact on the number of sources accepted by the Bureau.



Table 2-06 Statistics on Key Applicable Laws of Referred Cases in 2022
(by Category) Unit: Case

Category		Applicable Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
Corruption/Malfesance	Supervisory Management of Industry and Commerce		2				2
	Road Administration						-
	Transportation, Tourism, and Meteorology		1				1
	Justice		1		4		5
	Legal Affairs		1		1		2
	Law Enforcement		6		7		13
	Firefighting				1		1
	Construction		7				7
	Civil Affairs, Household Registration, Military Service and Land Administration		6		6		12
	Immigration and Coast Guard		5		4		9
	Environmental Protection		3		1		4
	Medical Care		3				3
	Social Welfare				1		1
	Education		12		4		16
	Agriculture, Forestry, Fishery, and Animal Husbandry		4		1		5
	River and Gravel Management		1				1
	Military Affairs		5				5
	Diplomatic Affairs		1				1
	National Property Management		1				1
	State-owned Enterprises		6				6
	Administrative Affairs		8		3		11
	Others		38		9	1	48
	Subtotal		111		42	1	154
Non-corruption/Non-malfesance	Financial Affairs and Insurance			1			1
	Taxation Affairs				2		2
	Road Administration			1			1
	Transportation, Tourism, and Meteorology			1	2		3
	Justice			1	7	4	12
	Legal Affairs			2		1	3
	Law Enforcement				2	1	3
	Construction			7	1		8
	Civil Affairs, Household Registration, Military Service and Land Administration			1			1
	Immigration and Coast Guard				4		4
	Environmental Protection (land conservation)			3	7	50	60
	Medical Care			4	2		6
	Social Welfare			1			1
	Education			11	15		26
	Agriculture, Forestry, Fishery, and Animal Husbandry			3	2	5	10
	Military Affairs			15	3		18
	National Property Management				1	3	4
	State-owned Enterprises			16	4		20
	Administrative Affairs			2			2
	Others			65	13	24	102
	Subtotal		-	134	65	88	287
Total			111	134	107	89	441

Table 2-07 Statistics on Key Applicable Laws of Referred Cases in 2022
(by Applicable Laws) Unit: Case

Category	Applicable Laws	Article	Paragraph	Subparagraph	Reasons and Details	Number of Cases	Total
Corruption/Malfeasance	Anti-Corruption Act	4	1	5	Demanding, taking or promising to take bribes or other unlawful profits by the acts that violate the official duties.	13	111
				1	Stealing or misappropriating public equipment or properties.	7	
				3	Inflating the prices and quantities of, or taking kickbacks from, public works or procurements under his or her charge.	12	
		5	1	2	Fraudulently making others to deliver personal property or a third person’s property under cover of legal authority.	42	
				3	Demanding, taking or promising to take bribes or other unlawful profits by an act that belongs to the official duties.	15	
		6	1	4	Directly or indirectly seeking unlawful gains for oneself or for others in matters under his or her charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law.	16	
		Others				6	
	Criminal Code	132	1		A public servant disclosing a non-state secret (excluding national defense secrets) without authorization	6	42
			2		A public servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	2	
		134			Regulations of punishment increase on public servants that commit offenses	3	
		213			A public servant fraudulently filling in something on official documents	17	
		216			Using the forged, falsified, or false information entry documents	1	
		270			A public servant harboring the offenses of gambling	1	
		336	1		Causing a public servant to make fraudulent entries into official documents	1	
		339	1		Fraud (illegally gaining properties)	6	
			2		Fraud (illegally gaining profits)	2	
		342	1		Breach of trust	3	
		Political Donations Act	10	1		Improperly accepting political donations	
	Subtotal						

**Table 2-07 Statistics on Key Applicable Laws of Referred Cases
in 2022 Continued (by Applicable Laws)**

Unit: Case

Category	Applicable Laws	Article	Paragraph	Subparagraph	Reasons and Details	Number of Cases	Total	
Non-corruption/Non-malefeasance	Government Procurement Act	87	3		Bid rigging	98	134	
			4		Illegal joint bidding	3		
			5		Bidding in the name of others	15		
			6		Attempt under Paragraphs 1, 3, and 4 of Article 87	15		
		88	1		Imposing improper restrictions on the tendering requirements	3	65	
	Criminal Code	339	1		Fraud (illegally gaining properties)	34		
		320	2		Larceny of real estate	8		
		132	3		A non-public servant disclosing a non-state secret (excluding national defense secrets) without authorization	8		
		213			A public servant fraudulently filling in something on official documents	4		
		215			Fraudulently filling in something on private documents due to business	5		
		336	2		Embezzling properties possessed on the occasion of profession or business	2		
		339-4	1	2	Offense of aggravated fraud	1		
	Others				3			
	Waste Disposal Act						43	43
	Regional Plan Act						25	25
	Soil and Water Conservation Act						11	11
	Air Pollution Control Act						1	1
	Slopeland Conservation and Utilization Act						2	2
	Attorney Regulation Act						6	6
	Subtotal							287
Total							441	

The top three applicable laws stipulated in the Anti-Corruption Act were Subparagraph 2, Paragraph 1, Article 5, fraudulently making others to deliver personal property or a third person's property under cover of legal authority (42 cases), Subparagraph 4, Paragraph 1, Article 6, demanding, taking or promising to take bribes or other unlawful profits by the acts that belongs to the official duties (16 cases), and Subparagraph 3, Paragraph 1, Article 5, directly or indirectly seeking unlawful gains for oneself or for others in matters under their charge or supervision (15 cases). Details are given in Table 2-08.

In addition to the corruption/malfeasance cases referred under the applicable laws of Anti-Corruption Act, there were 42 cases referred under the applicable laws stipulated in the Criminal Code, accounting for 27.3% (42 cases/154 cases); among them, cases involving law enforcement were the highest (7 cases); in most cases, police officers fraudulently claimed bonuses or reimbursements with fake vouchers in violation of internal regulations. Among the provisions of the Criminal Code based on which the cases were referred, Paragraph 1, Article 213, knowingly recording false entries in official documents was mostly violated with 17 cases.

b. Non-corruption/Non-malfeasance Cases:

Among "non-corruption/non-malfeasance cases," 134 cases were referred under the Government Procurement Act, accounting for 46.7% (134 cases/287 cases), of which the majority were 98 referred cases, where a person who committed fraud or used any other illegal means to make the supplier unable to tender or caused the opening of tenders to have an incorrect result (commonly known as fraudulent bid rigging), as specified in Paragraph 3, Article 87; followed by 16 referred cases, where a person borrowed or assumed another's name or certificate to tender, with the intent to adversely affect the result of procurement or to gain illegal benefits (commonly known as borrowed license bid rigging), as specified in Paragraph 5, Article 87; and also by 16 referred cases, where a person attempts to commit bid rigging, as specified in Paragraph 6, Article 87.

As mentioned before, unworthy public servants or elected representatives sought unlawful benefits mainly from government procurement; therefore, the Bureau focused the clues to corruption on such cases. The clues to some of the aforesaid cases investigated by the Bureau under the

Table 2-08 Statistics on Key Applicable Laws of Referred Cases over the Past 10 Years (by Number of Cases)

Unit: Case

Name of Law \ Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Anti-Corruption Act	299	145	115	119	119	110	137	119	125	111
Government Procurement Act	157	169	179	127	115	122	141	129	118	134
Criminal Code	74	132	63	64	73	98	121	120	88	107
Waste Disposal Act	10	18	10	8	17	25	23	26	41	43
Regional Plan Act	4	14	7	5	11	17	18	22	25	25
Soil and Water Conservation Act	3	10	3	4	12	32	32	22	11	11
Urban Planning Law	-	2	-	-	7	1	7	4	7	-
Slopeland Conservation and Utilization Act	2	7	-	1	3	4	1	1	2	2
Attorney Regulation Act	-	-	1	-	2	3	3	5	1	6
Forestry Act	1	1	1	-	2	1	1	-	2	-
Air Pollution Control Act	-	-	-	-	-	3	1	-	2	1
Water Pollution Control Act	1	1	1	-	-	2	-	1	-	-
Business Entity Accounting Act	-	-	-	-	-	1	-	-	-	-
Trade Secret Act	-	-	-	-	-	1	-	-	-	-
Building Act	-	-	-	-	-	1	-	-	-	-
Banking Act	-	-	-	-	-	1	-	-	-	-
Money Laundering Control Act	-	-	-	-	-	-	-	-	-	-
Narcotics Hazard Prevention Act	1	-	-	-	-	-	-	-	-	-
Controlling Guns, Ammunition and Knives Act	-	-	-	-	-	-	-	-	-	-
Tax Collection Act	-	-	-	-	-	-	-	-	-	-
The Smuggling Penalty Act	-	-	-	-	-	-	-	-	-	-
Public Servant Service Act	1	3	1	-	1	-	-	-	-	-
Simple Life Insurance Act	-	-	-	-	1	-	-	-	-	-
Criminal Code of the Armed Forces	-	-	-	1	-	-	-	-	-	-
Wildlife Conservation Act	-	-	-	-	-	-	-	-	-	-
Personal Data Protection Act	-	-	1	-	-	-	-	-	-	-
Political Donations Act	-	-	1	-	-	-	-	-	-	1
Total	553	502	383	329	363	422	485	449	422	441

Government Procurement Act were the collusion of public servants; however, upon investigation, it turned out to be bidders' malpractice, and the bidders were referred to the prosecutors' offices according to the Government Procurement Act as "non-corruption/non-malfeasance cases." Such cases were the incidental results of the Bureau's anti-corruption work, which curbed unworthy suppliers' damage to the free market, promoted fair competition and maintained the quality of public constructions; they were also beneficial to the establishment of an uncorrupt government image.

Among "non-corruption/non-malfeasance cases," 88 cases were referred under other laws, accounting for 30.7% (88 cases/287 cases). These laws included the Waste Disposal Act (43 cases), the Regional Plan Act (25 cases), the Soil and Water Conservation Act (11 cases), the Air Pollution Control Act (1 case), the Slope Land Conservation and Utilization Act (2 cases), as well as the Attorney Regulation Act (6 case).

Sixty-five cases were referred under the Criminal Code, accounting for 22.6% (65 cases/287 cases) of which the majority were 34 referred cases where common fraud was committed, as prescribed in Paragraph 1, Articles 339, followed by 8 cases where gravel embezzlement was committed, as prescribed in Paragraph 2, Article 320, and people who are not public servants disclosing a non-state secret (excluding national defense secrets) without authorization, as prescribed in Paragraph 3, Article 132.

To implement the government's policy of promoting green energy and promote the sustainable development of the industries, the Bureau formulated the collaborative implementation program on the "Strong Crackdown on Crimes that Obstruct the Development of the Green Energy Industry" on April 26, 2021 in alignment with the Ministry of Justice's policy on massive crackdown on crimes that obstruct the development of the green energy industry and mobilized all the Bureau's regional offices (workstations) to comprehensively collect information on crimes that obstruct the development of green energy and formally investigate a case in real time.

Since the implementation of this program, in addition to cooperating with the Taiwan High Prosecutors Office to strengthen the investigation into the crimes that obstruct the development of the green energy industry in various places, the Bureau, to improve the investigation capabilities,



held the Seminar on the Program on Strong Crackdown on Crimes that Obstruct the Development of the Green Energy Industry, at which personnel at various offices (workstations) outside the Bureau and located in the green energy development areas were invited to exchange experiences in investigation and jointly discuss the types, patterns, and methods of crimes that obstruct the development of the green energy industry.

During 2022, the Bureau had investigated and prosecuted a total of two cases, in which the central or local authorities, civil servants, or public opinion representatives took advantage of their positions to extort benefits from companies in this industry or engage in bribery. We have achieved fruitful results. With the crimes that obstruct the development of the green energy industry rooted out, the government can successfully achieve the goals of energy security, environmental sustainability, and green economy.

Figure 2-02 shows the ratio of cases referred under the cooperation between the Bureau and the prosecutors, the criminal charges brought up by the prosecutors in 2022 by key applicable laws. Table 2-08 depicts the number of cases referred over the past 10 years by key applicable laws.

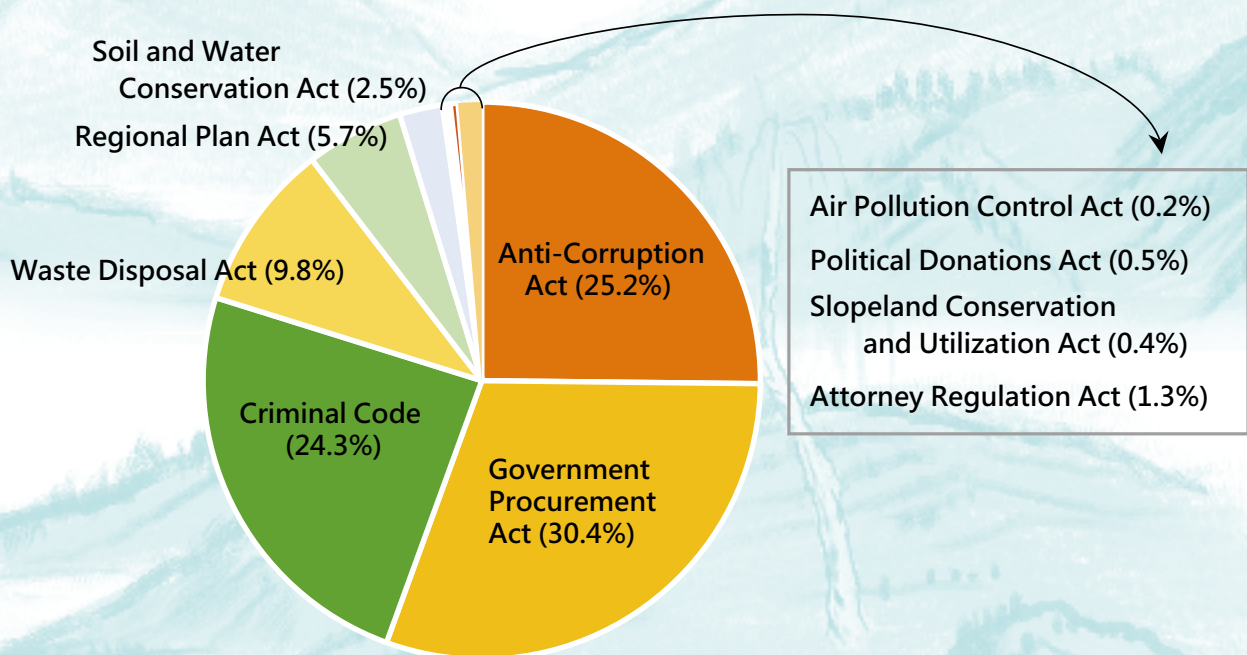


Figure 2-02 Ratio of Key Applicable Laws of Referred Cases in 2022
(by Number of Cases)

Table 2-09 Statistics on Key Applicable Laws of Referred Cases over the Past 10 Years (by Number of Suspects) Unit: Case

Name of Law \ Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Anti-Corruption Act	1,532	831	631	493	333	365	565	849	464	569
Government Procurement Act	604	504	577	440	413	411	383	421	402	393
Criminal Code	460	327	183	182	202	385	260	280	182	271
Waste Disposal Act	18	67	20	28	74	105	85	137	248	214
Regional Plan Act	4	19	10	9	18	30	39	49	34	50
Soil and Water Conservation Act	4	21	6	6	15	50	38	23	12	16
Urban Planning Law	-	2	-	-	11	6	13	8	13	-
Slopedland Conservation and Utilization Act	1	12	-	3	6	4	1	1	3	3
Attorney Regulation Act	-	-	1	-	3	4	6	6	2	9
Forestry Act	23	1	13	-	7	3	2	-	10	-
Air Pollution Control Act	-	-	-	-	-	7	2	-	6	10
Water Pollution Control Act	-	2	7	-	-	6	-	1	-	-
Business Entity Accounting Act	24	-	-	25	25	25	-	-	-	-
Trade Secret Act	-	-	-	-	-	1	-	-	-	-
Building Act	-	-	-	-	-	4	-	-	-	-
Banking Act	-	-	-	-	-	3	-	-	-	-
Money Laundering Control Act	5	-	-	2	-	4	-	-	-	-
Narcotics Hazard Prevention Act	1	-	-	-	-	2	-	-	-	-
Controlling Guns, Ammunition and Knives Act	2	-	-	-	-	-	-	-	-	-
Tax Collection Act	-	-	-	-	-	5	-	-	-	-
The Smuggling Penalty Act	-	-	-	-	-	10	-	-	-	-
Public Servant Service Act	4	3	1	-	1	-	-	-	-	-
Simple Life Insurance Act	-	-	-	-	1	-	-	-	-	-
Criminal Code of the Armed Forces	-	-	-	1	-	-	-	-	-	-
Wildlife Conservation Act	-	-	-	1	-	-	-	-	-	-
Personal Data Protection Act	-	-	1	-	-	-	-	-	-	-
Political Donations Act	1	-	1	-	-	-	-	-	-	1
Total	2,683	1,789	1,451	1,190	1,109	1,430	1,394	1,775	1,376	1,536



For the anti-corruption cases investigated by the Bureau, the applicable laws over the years have mainly been the Anti-Corruption Act, the Government Procurement Act, and the Criminal Code. In 2022, of the 441 cases referred, 134 cases were referred under the Anti-Corruption Act, accounting for 30.4% of all referred cases (134 cases/441 cases); 111 cases were referred under the Anti-Corruption Act, accounting for 25.2% of all referred cases (111 cases/441 cases); 107 cases were referred under the Criminal Code, accounting for 24.3% of all referred cases (107 cases/441 cases); 89 cases were referred under other laws, accounting for 20.1% of all referred cases (89 cases/441 cases). Most of the referred cases were “non-corruption/non-malfeasance cases,” and the environmental protection cases were referred mainly under the Waste Disposal Act, the Soil and Water Conservation Act, and the Regional Plan Act, constantly ranking fourth over the past 10 years.

Table 2-09 depicts the number of suspects referred over the past 10 years by key applicable laws. Figure 2-03 shows the ratio of suspects referred in 2022 by key applicable laws. In 2022, the number of criminal suspects referred under the Anti-Corruption Act was 569, accounting for 37.0%

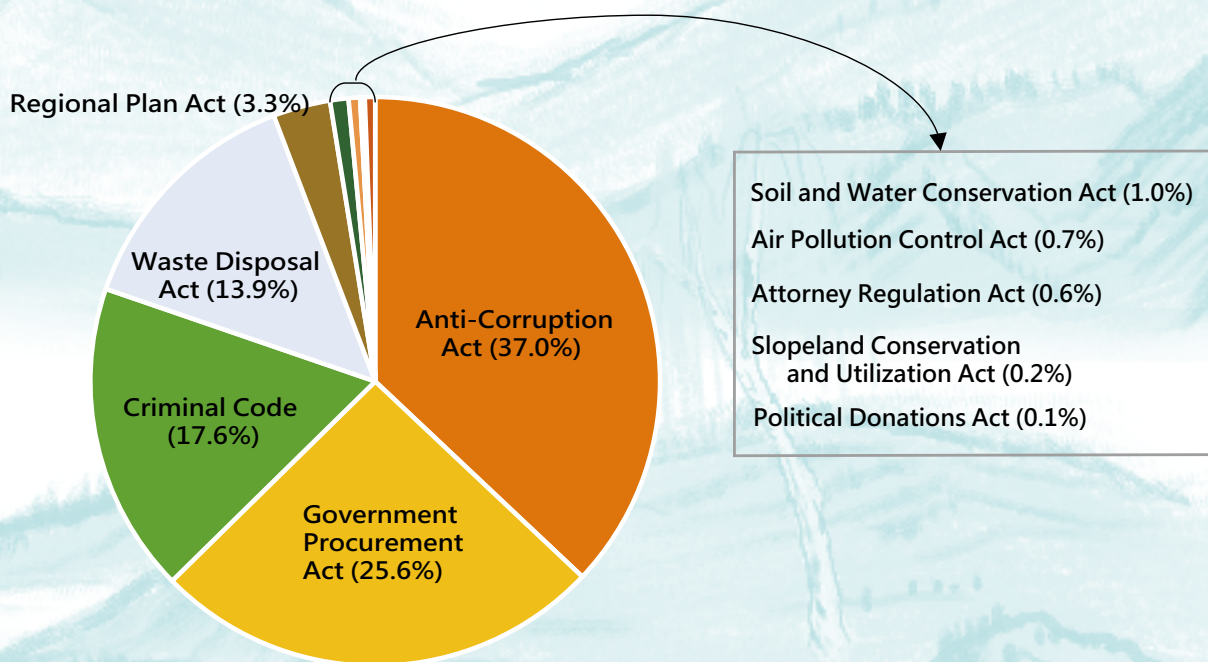


Figure 2-03 Ratio of Key Applicable Laws of Referred Cases in 2022
(by Number of People)

of all referred cases (569 people/1,536 people); 393 suspects were referred under the Government Procurement Act, accounting for 25.6% of all referred cases (393 people/1,536 people), followed by 271 suspects referred under the Criminal Code, accounting for 17.6% of all referred cases (271 people/1,536 people). Based on the data over the years, in 2016, 2019, 2020, 2021, and 2022, the applicable laws under which cases were referred were the same in order, while in 2017 and 2018, the applicable laws under which cases were referred were the Government Procurement Act, the Anti-Corruption Act, and the Criminal Code in order. The number of suspects referred under the Waste Disposal Act was also significant and ranked fourth over the past 10 years.

Table 2-10 demonstrates the applicable provisions for the cases referred under the Anti-Corruption Act over the past 10 years. The top four provisions being violated were Subparagraph 2, Paragraph 1, Article 5, fraudulently making others deliver personal property or a third person's property under cover of legal authority (518 cases); Subparagraph 4, Paragraph 1, Article 6, directly or indirectly seeking unlawful gains for oneself or for others for matters under his charge or supervision (253 cases); Subparagraph 3, Paragraph 1, Article 5, demanding, taking or promising to take bribes or other unlawful profits for matters related to their official duties (206 cases); Subparagraph 5, Paragraph 1, Article 4, demanding, taking, or promising to take bribes or other unlawful profits for matters related to their official duties (178 cases). The aforesaid provisions also occupied the top four places in the respective years.

In 2022, a total of 111 cases, all of which were "corruption/malfeasance cases", were mainly referred under the Anti-Corruption Act, accounting for 37.0% of all referred cases (111 cases/441 cases), in which 42 cases were related to the crime of fraudulently making others deliver personal property or a third person's property under cover of legal authority, as stipulated in Subparagraph 2, Paragraph 1, Article 5, followed by 15 referred cases regarding the crime of demanding, taking or promising to take bribes or other unlawful profits for matters related to their official duties, as stipulated in Subparagraph 3, Paragraph 1, Article 5, and also 15 referred cases regarding the crime of directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision, as stipulated in Subparagraph 4, Paragraph 1, Article 6. The aforesaid crimes are

Table 2-10 Table Statistics on Key Applicable Laws of Referred Cases over the Past 10 Years (in Accordance with the Anti-Corruption Act)

Unit: Case

Article	Paragraph	Subparagraph	Reasons and Details	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total	Ranking
4	1	1	Stealing or misappropriating public equipment or properties.	12	7	8	12	3	4	7	10	5	7	75	
4	1	2	Acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection.	8	5	4	3	3	6	1	6	2	3	41	
4	1	3	Inflating the prices and quantities of, or taking kickbacks from, public works or procurements under his or her charge.	19	10	3	6	5	7	7	8	4	12	81	5
4	1	5	Demanding, taking or promising to take bribes or other unlawful profits by the acts that violate the official duties.	28	25	15	30	14	17	15	11	10	13	178	4
4	2		Attempt as in from Subparagraphs 1 to 4, Paragraph 1, Article 4	-	-	-	-	-	-	1	-	-	-	1	
5	1	1	Withdrawing or withholding public funds without authorization with an intent to profit, or unlawfully collecting taxes or floating government bonds.	-	-	-	-	-	1	-	-	-	-	1	
5	1	2	Fraudulently making others to deliver personal property or a third person's property under cover of legal authority.	157	24	26	32	52	43	54	40	48	42	518	1
5	1	3	Demanding, taking or promising to take bribes or other unlawful profits by an act that belongs to the official duties.	25	25	22	10	13	18	31	21	26	15	206	3
6	1	1	With the intent to profit, withholding public funds or public property which should be lawfully distributed.	1	-	-	-	-	-	-	-	-	-	1	
6	1	2	Committing malfeasance while raising funds or requisitioning land or other properties.	-	-	-	-	-	-	-	-	-	-	-	
6	1	3	Stealing or misappropriating private property or equipment that is in his or her possession due to official position but not for official use.	2	3	7	-	1	2	2	1	2	-	20	
6	1	4	Directly or indirectly seeking unlawful gains for oneself or for others in matters under his or her charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law.	43	43	28	24	27	9	17	21	26	15	253	2

Table 2-10 Statistics on Key Applicable Laws of Referred Cases over the Past 10 Years Continued (in Accordance with the Anti-Corruption Act)

Unit: Case

Article	Paragraph	Subparagraph	Reasons and Details	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total	Ranking
6	1	5	Directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision while clearly knowing the act violates the law, the statutes or orders authorized by the law, the mandate of the position, the self-governance statute, the self-governance regulations, the rules of commission, or the code for regulating unspecified people that have the effect of the law and thereby having gained profits.	4	1	-	1	1	-	1	-	1	1	10	
6-1			If the prosecutor has found during the investigation that the said person, his or her spouse or their minor children have had inconsistent increase in property or income at the time of the committing the offense or within three years thereafter, the suspect may be ordered to make an account of the suspicious property, and the person fails to make an account with reasonable excuse, cannot provide a justifiable explanation, or makes a false account.	-	1	-	-	-	-	-	1	-	-	2	
11	1		Any person who tenders a bribe or other unjust valuables, promises to give anything of value or gives anything of value to a person subject to Article 2 of the Act in return for that person's performing or omitting against his or her official duties.	-	1	2	-	-	1	1	-	-	-	5	
11	2		Any person who tenders a bribe or other unjust valuables, promises to give anything of value or gives anything of value to a person subject to Article 2 of the Act in return for that person's performing or omitting not against his or her official duties.	-	-	-	-	-	2	-	-	1	-	3	
11	4		Any person who is not subject to Article 2 of the Act and has committed the offenses of the previous three paragraphs.	-	-	-	-	-	-	-	-	-	3	3	
13	1		The immediate superior who has actual or direct proof that a person under his/her supervision has committed one or more of the acts listed in the Act and has covered up for the case without exposing it to the competent authorities.	-	-	-	1	-	-	-	-	-	-	1	
Total				299	145	115	119	119	110	137	119	125	111	1,399	



described separately as follows:

a. Fraudulently making others deliver personal property or a third person's property under cover of legal authority, as stipulated in Subparagraph 2, Paragraph 1, Article 5

This is a crime often committed by public servants. Such crime can be broadly classified into two categories: (1) use false “figurehead”, invoices or other certificates to defraud public funds from relevant agencies, such as declaring travel expenses or meal expenses that were inconsistent with actual spending, applying for subsidies by concealing facts, or declaring assistant fees with a false list of assistants; and (2) defraud the public or suppliers of money as they were not familiar with the content of the public servants’ administrative duties, the scope of public power, or operating regulations, such as exaggerating the influence of their powers to defraud the public of service fees, or to defraud the public of processing fees under false pretenses.

Usually, the first category accounts for the majority, by which the suspects take the opportunity to request funding knowing that the cost is not paid, fake transactions, not holding activities, not making donations to social welfare organizations, or not executing duties/task but presenting fake documents or invalid staff roster to apply for reimbursement in order to profit through such cheating ways.

In addition to government agencies, law enforcement, and the military, the suspects included village chiefs, township council representatives, county/city councilors, and other elected public servants.

Among the 42 cases referred under this crime in 2022, there were 11 cases, in which special municipality or city/county councilors, township council representatives, and township mayors swindled the government out of subsidies and funds with false receipts or documents; 14 cases, in which special municipality or city/county councilors fraudulently applied for public assistant subsidies from the councils with false “figureheads” or false salaries or applied for attendance fees by signing in fraudulently; 3 cases, in which civil servants raised funds or collected fees from the public under the guise of official duties; 3 cases, in which village chiefs and village clerks who fraudulently claim work funds for laborers from the township/city offices by falsely stating or

floating the salaries of environmental cleanup workers in the villages; 11 cases, in which public servants fraudulently claimed attendance pay, activity expenses, travel expenses, transportation expenses, and overtime pay or meal expenses for overtime based on false attendance records.

b. Demanding, taking or promising to take bribes or other unlawful profits by acts that do not violate official duties, as stipulated in Subparagraph 3, Paragraph 1, Article 5

A total of 15 referred cases were related to this crime, among which 7 cases were associated with government procurement. The main offenses were as follows: public servants designated the awarded suppliers that had participated in the design planning in violation of the Government Procurement Act; public servants accepted bribes so as not to find faults with supplies in the acceptance or payment application process.

Other non-government procurement cases were as follows: Elected representatives accepted bribes from businesses to put pressure on government agencies to help the businesses obtain benefits; public servants at an urban development unit accepted bribes from businesses to handle relevant business; using the association's authority to apply for government subsidies and then demanding their recipients to "donate" the aforementioned subsidies to the association, thereby gaining unlawful benefits.

c. Directly or indirectly seeking unlawful gains for oneself or for others in matters under his charge or supervision as stipulated in Subparagraph 4, Paragraph 1, Article 6

There were 15 cases in which the suspects were prosecuted under the crime of directly or indirectly seeking unlawful gains for oneself or for others in matters under their charge or supervision. Among the cases, the public servants knew that the relevant bidding information must not be leaked to specific suppliers but they still provided information to them so that specific suppliers won the bid; they knew that suppliers engaged in collusive bidding but still did not cancel the bid, and covered up for them to win a bid; they passed an acceptance test even though they knew a supplier's construction progress lagged behind and it could not complete the work as required in the contract when the contract performance deadline expired to allow it to obtain project funds; they covered up for specific suppliers and linked them with specific qualifications so that they could win



bids to obtain project funds.

Other cases that are not related to government procurement. For example, the staff of the township/city offices did not collect inspection fees from the public pursuant to the regulations but conducted the inspection and issued an inspection report anyway; public servants took possession of the government's public property without the approval of the head of the agency and charged fees from the public; auditors or labor condition inspectors leaked reported contents or inspected work schedules to cover suppliers' illegal acts; members of the cleaning units covered for the suppliers to transport or handle illegal wastes.

Table 2-11 shows the number of cases referred under the applicable laws prescribed in the Criminal Code over the past 10 years, including common fraud (258 cases), as stipulated in Paragraph 1, Article 339; the offense of occupying real property (127 cases), as stipulated in Paragraph 2, Article 320; the offense of making a false entry in an official document (114 cases), as stipulated in Article 213; the offense of public servants disclosing secrets relating to matters other than national defense (90 cases), as stipulated in Paragraph 1, Article 132; the offense of breach of trust (43 cases), as stipulated in Paragraph 1, Article 342; the offense of forging or altering documents, or making a false entry (42 cases), as stipulated in Article 216, and most of the aforesaid crimes also came out on top in the respective years.

In 2022, a total of 107 cases, including 42 "corruption/malfeasance cases" and 65 "non-corruption/non-malfeasance cases," were referred under the Criminal Code, accounting for 20.9% of all referred cases (107 cases/441 cases).

The "corruption/malfeasance cases" were mostly the offense of disclosing secrets relating to matters other than national defense, such as public servants leaking others' personal information or procurement staff leaking confidential tender documents, as stipulated in Article 132 of the Criminal Code of the Republic of China, or police officers leaking others' personal information or procurement staff leaking confidential tender documents, as stipulated in Article 132 of the Criminal Code of the Republic of China; in some other cases, the suspects, who are public servants, committed crimes other than dereliction of duty under the authority, opportunity or means of their

Table 2-11 Table Statistics on Key Applicable Laws of Referred Cases over the Past 10 Years (in Accordance with the Criminal Code)

Unit: Case

Article	Paragraph	Offense	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total	Ranking
122	2	Offense of accepting bribes and breaching one's duties	1										1	
123	1	Quasi bribery-taking		1									1	
129	2	A public servant intercepting or embezzling money or objects that should be issued to people	1				1				2		4	
132	1	A public servant disclosing a non-state secret (excluding national defense secrets) without authorization	5	12	-	6	7	10	15	15	10	10	90	4
	2	A public servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	-	-	-	2	3	-	3	-	5	3	16	
	3	A non-public servant disclosing a non-state secret (excluding national defense secrets) without authorization	1	-	4	-	1	2	-	-	4	8	20	
134		Regulations of punishment increase on public servants that commit offenses				1	5	2	3	1	1	3	16	
138		A public servant damaging any document under management by means of official duties				-	-	-	-	-	-	1	1	
157		Luring someone to enter a lawsuit and then taking the case		1		-	-	-	-	1	-	-	2	
158	1	A person posing as a public official and exercising functions and power as such				-	-	-	-	1	-	-	1	
159		Openly and without authority wearing the uniform or badge or making use of the official title of a public servant				-	1	-	1		-	-	2	
163	1	A public servant setting free or facilitating the escape of any person under his/her custody		-		-	-	-	-	1	-	-	1	
165		Destruction of criminal evidence		1		-	-	-	-	1	-	-	2	
169	1	Malicious accusation		1		-	-	1	-	-	-	-	2	
176		Quasi intentionally or negligently sets fire		-		-	-	-	-	-	-	1	1	
185	3	Offense of attempting to endanger the safety of public traffic		-		1	-	-	-	-	-	-	1	
187-2	1	Offense of nuclear radiation emissions		-		1	-	-	-	-	-	-	1	
190-1		Offense of poisoning		-		-	-	-	1	-	-	-	1	
210		Offense of forging or altering private documents	1	6	1	1	2	-	2	1	-	1	15	
211		Offense of forging or altering official documents	1	2	-	-	4	2	-	-	1	-	10	
213		A public servant fraudulently filling in something on official documents	12	7	10	9	13	14	13	4	11	21	114	3
214		Causing a public servant to make fraudulent entries into official documents	1	1	-	1	1	1	9	2	2	-	18	
215		Fraudulently filling in something on private documents due to business	4	1	2	2	1	1	3	4	4	5	27	

Table 2-11 Statistics on Key Applicable Laws of Referred Cases over the Past 10 Years Continued (in Accordance with the Criminal Code)

Unit: Case

Article	Paragraph	Offense	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total	Ranking
216		Using the forged, falsified, or false information entry documents	2	5	-	-	5	5	6	12	6	1	42	6
217	1	Forging a seal, the impression of a seal, or a signature	-	-	-	1	-	-	-	-	-	-	1	
	2	Using a seal, the impression of a seal without authority	-	1	-	1	-	-	-	-	-	-	2	
218	2	A person using without authority a public seal or the impression of a public seal	-	-	-	-	-	-	-	-	-	-	-	
231	2	A public servant harboring a person who makes a male or female to have sexual intercourse or make an obscene act with a third person	-	1	-	-	-	-	-	-	-	1	2	
268		A person intending to make a profit and furnishing place for gambling or assembling persons to gamble	1	1	-	-	-	-	-	1	-	-	3	
270		A public servant harboring the offenses of gambling	-	-	-	-	-	-	1	-	-	1	2	
276	2	Negligently causing the death of another on the occasion of profession or business	-	-	-	-	-	1	-	-	-	-	1	
304	1	Offense of coercion	-	1	1	-	-	-	-	-	-	-	2	
305		Offense of intimidation	-	-	-	-	-	1	-	-	-	-	1	
320	1	Offense of larceny	1	4	14	-	4	2	1	-	2	-	28	
	2	Larceny of real estate	3	42	-	6	8	23	18	10	9	8	127	2
321	1	Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	-	-	-	1	-	-	2	-	-	-	3	
335	1	Offense of embezzlement	1	1	3	-	1	1	-	1	-	1	9	
336	1	Embezzling properties possessed on the occasion of official matters or public welfare	-	-	2	2	1	-	-	1	3	3	12	
	2	Embezzling properties possessed on the occasion of profession or business	1	2	-	1	2	2	6	6	-	-	20	
339	1	Fraud (illegally gaining properties)	33	26	23	21	8	23	26	43	21	34	258	1
	2	Fraud (illegally gaining profits)	-	-	2	-	1	2	3	6	-	2	16	
	3	Attempt on fraud	1	2	-	1	-	-	1	2	-	1	8	
339-1	2	A person improperly using feel collection equipment to make profit	-	-	-	-	-	-	-	-	-	-	-	
339-4	1	Offense of aggravated fraud	-	-	-	-	-	1	-	2	2	1	6	
	2	Offense of aggravated fraud	-	-	-	2	1	1	-	-	2	-	6	
342	1	Breach of trust	4	13	1	3	3	3	7	5	3	1	43	5
	2	Attempt on breach of trust	-	-	-	1	-	-	-	-	-	-	1	
Total			74	132	63	64	73	98	121	120	88	107	940	

duties, shall be subject to the punishment prescribed for such offense by increasing it, as stipulated in Article 134 of the Criminal Code of the Republic of China.

The “non-corruption/non-maleficance cases” were mostly the offense of fraud, including the public servants, personnel of state-owned enterprises, and public and private school teachers defrauding government funds, as stipulated in Article 339 of the Criminal Code of the Republic of China, as well as the offense of illegal gravel mining or unlawful occupancy of national territories by members of the public, as stipulated in Article 320 of the Criminal Code of the Republic of China.

(4) Statistics on Suspects

Tables 2-12 and 2-13 show the identity and gender of suspects referred over the past 10 years. Figure 2-04 shows the ratio of suspects referred by gender and status over the past 10 years.

Table 2-12 Table Statistics on Suspect Profiles in Referred Cases over the Past 10 Years (by Status and Gender)

Unit: Person

Category Year	Public Servant												Non-public Servant		Total	
	High-ranking Public Servant		Middle-ranking Public Servant		Low-ranking Public Servant		Quasi Public Servant		Public Opinion Representative		Subtotal		Male	Female	Male	Female
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female				
2013	164	37	327	56	224	46	192	51	51	21	958	211	1,183	328	2,141	539
2014	72	1	162	25	86	9	101	33	18	3	439	71	1,057	222	1,496	293
2015	32	2	110	17	115	16	27	11	14	5	298	51	845	257	1,143	308
2016	25	4	111	19	103	30	60	11	10	7	309	71	646	164	955	235
2017	21	5	133	28	65	13	6	0	15	9	240	55	636	178	876	233
2018	34	4	122	15	85	6	12	3	16	3	269	31	915	191	1,184	222
2019	47	4	119	33	61	16	25	13	14	8	266	74	793	261	1,059	335
2020	23	4	93	18	62	14	49	12	22	7	249	55	1,213	258	1,462	313
2021	22	3	91	7	77	14	36	8	27	18	253	50	830	243	1,083	293
2022	22	2	107	13	109	18	53	21	10	7	301	61	925	249	1,226	310
Total	440	64	1,268	218	878	164	508	142	187	81	3,281	669	8,118	2,102	11,399	2,771

Table 2-13 Statistics on Suspect Profiles in Referred Cases over the Past 10 Years (by Job Title)

Unit: Person

Category Year	Public Servant						Non-public Servant	Total
	High-ranking Public Servant	Middle-ranking Public Servant	Low-ranking Public Servant	Quasi Public Servant	Public Opinion Representative	Subtotal		
2013	201	383	270	243	72	1,169	1,511	2,680
2014	73	187	95	134	21	510	1,279	1,789
2015	34	127	131	38	19	349	1,102	1,451
2016	29	130	133	71	17	380	810	1,190
2017	26	161	78	6	24	295	814	1,109
2018	38	137	91	15	19	300	1,106	1,406
2019	51	152	77	38	22	340	1,054	1,394
2020	27	111	76	61	29	304	1,471	1,775
2021	25	98	91	44	45	303	1,073	1,376
2022	24	120	127	74	17	362	1,174	1,536
Total	528	1,606	1,169	724	285	4,312	11,394	15,706

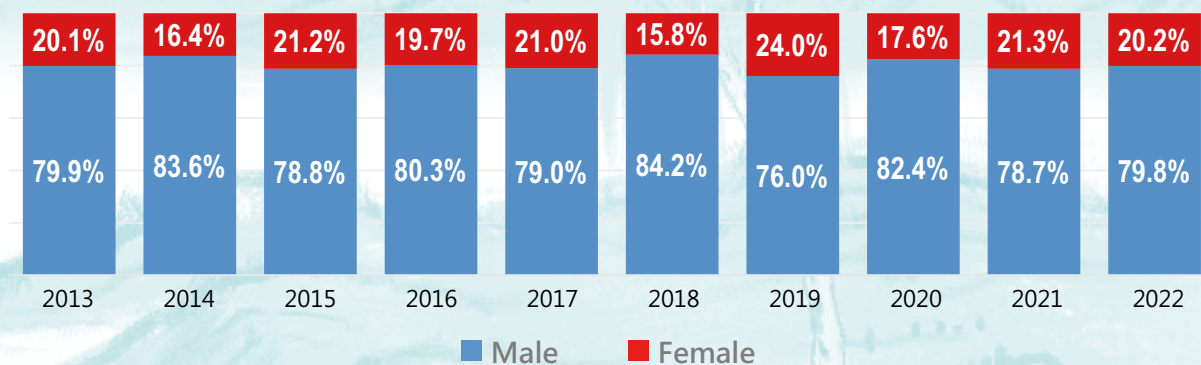


Figure 2-04 Ratio of Suspects' Gender in Referred Cases over the Past 10 Years

Of the 1,536 criminal suspects referred in 2022, 1,226 were male suspects, accounting for 79.8% (1,226 people/1,536 people). High, medium, and low-ranking male public servant suspects accounted for 91.7% (22 people/24 people), 89.2% (107 people/120 people), and 85.8% (109 people/127 people), respectively. The proportion of males in corruption/malfeasance cases was significantly higher than that of females, and the historical data also showed the same trend.

Figure 2-05 shows the proportion of the referred public servants, quasi-public servants, and elected representatives in the past 10 years. In 2022, the low-ranking public servants accounted for the highest proportion, 35.1%, followed by middle-ranking public servants, 33.1%, then by quasi-public servants, 20.4%, and finally by elected representatives, 4.7%. The proportions over the past five years roughly showed the same trend.

Table 2-14 shows the number of suspects referred in 2022 by key applicable laws. In 2022, a total of 200 public servants, quasi-public servants, and elected representatives were referred under the Anti-Corruption Act, which was the most widely applicable law to public servants suspected of corruption/malfeasance. Among 222 non-public servants referred under the Anti-Corruption Act, 91 of them committed corruption/malfeasance stipulated in Articles 4 to 6 regarding public servants,

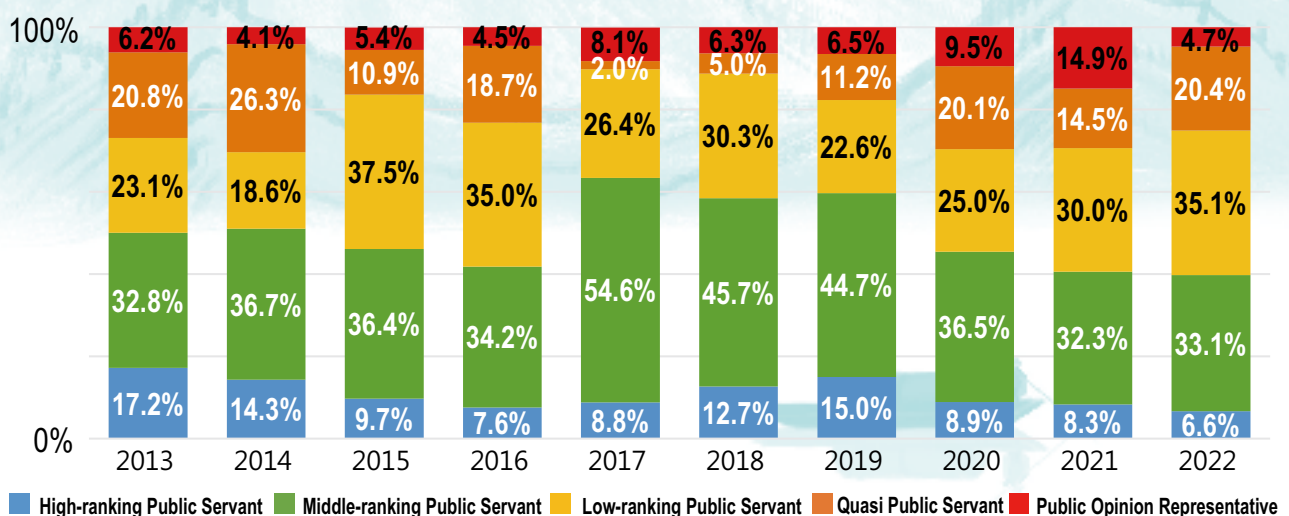


Figure 2-05 Ratio of Public Servants' Status in Referred Cases over the Past 10 Years

Table 2-14 Statistics on Suspect Profiles in Referred Cases in 2022
(by Key Applicable Laws and Job Title)

Unit: Person

Status	Applicable Law	Anti-Corruption Act	Government Procurement Act	Criminal Code	Others	Total
High-ranking Public Servant		17	0	7	0	24
Middle-ranking Public Servant		65	1	53	1	120
Low-ranking Public Servant		65	0	62	0	127
Quasi Public Servant		37	0	37	0	74
Public Opinion Representative		16	0	1	0	17
Public Servant (subtotal)		200	1	160	1	362
Non-public Servant		222	438	181	333	1,174
Total		422	439	341	334	1,536

and 131 of them committed bribery, as stipulated in Article 11. The bribe recipients included members of the Legislative Yuan, elected heads or managers of township and city offices, local elected representatives, village chiefs, CEO of the Refining Business Division, CPC Corporation, Taiwan, Chief Physician of a military hospital, personnel at the local education bureau, sergeant major of the Armaments Bureau, Ministry of National Defense, Deputy Captain, Coast Guard Administration, police officers, public works and construction management unit personnel of county/city government and township/city offices, personnel of state-owned enterprises, as well as management personnel of a columbarium pagoda.

As for individual cases, the largest number of people referred under the Anti-Corruption Act was 40. Some police officers of a certain police station under Shulin Precinct, New Taipei City Police Department, took advantage of the Road Traffic Management and Penalty Act (hereinafter referred to as the “Traffic Management Act”), in which the penalty for “revoking” a vehicle’s license plate is more severe than “suspending” a vehicle’s license plate, and once a vehicle’s license

plate is revoked, there is no way to enforce the penalty for suspending a vehicle's license plate. The police officers co-opted with the owners of the vehicles whose license plates had been suspended due to violating the relevant provisions of the Traffic Management Act, and issued fraudulent tickets so that the vehicle plates could be revoked in accordance with the provisions. Then, the vehicle business operators assisted the vehicle owners to return the license plates, and applied the re-issuance of the license plates after vehicle inspection in order to obtain the unlawful benefits that the vehicle owners could still drive them during the period of their suspension.

In 2022, 438 non-public servants were referred under the Government Procurement Act, accounting for 28.5% of the total number of suspects referred (438 people/1,536 people). According to the statistics in the yearbooks in recent years, such situation has remained the same, indicating that the trend of trying to manipulate the chance of winning bids for government projects or procurement has not diminished.

Excluding unknown education, Table 2-15 shows that the higher the rank of public servants, the higher the education, which is also true for the education of elected representatives; the education

Table 2-15 Statistics on Suspect Profiles in Referred Cases in 2022
(by Education and Job Title)

Unit: Person

Status \ Education	Master's or above	University	Junior College	Senior high school	Junior High School or Below	Unknown	Total
High-ranking Public Servant	9	8	1	5	1	0	24
Middle-ranking Public Servant	40	38	24	12	6	0	120
Low-ranking Public Servant	4	38	57	21	3	4	127
Quasi Public Servant	25	13	6	24	6	0	74
Public Opinion Representative	5	5	3	3	1	0	17
Public Servant (subtotal)	83	102	91	65	17	4	362
Non-public Servant	111	289	203	312	180	79	1,174
Total	194	391	294	377	197	83	1,536



of most of the non-public servants referred was senior high school, followed by university, then followed by junior college.

Figure 2-06 shows the ratio of public servants referred in the past 10 years by education. A total of 358 public servants (including public servants, quasi-public servants, and elected representatives) referred in 2022 had confirmed education, including the majority at 28.5% (102 people/358 people) holding a bachelor's degree, followed by 25.4% (91 people/358 people) holding a junior college diploma; those with a master's degree or higher accounted for 23.2% (83 people/358 people); those with a senior high school degree accounted for 18.2% (65 people/358 people), and those with a junior high degree or below accounted for 4.7% (17 people/358 people).

The overall distribution of education level over the past ten years was similar although the percentages varied by year. The master's degree or above, bachelor's degree, and junior college diploma ranked among top three. In recent years, the proportion of public servants with a bachelor's degree has been relatively large, reaching 28.5% in 2022. This is presumably related to the increased willingness of persons with higher education qualifications to work as public servants.

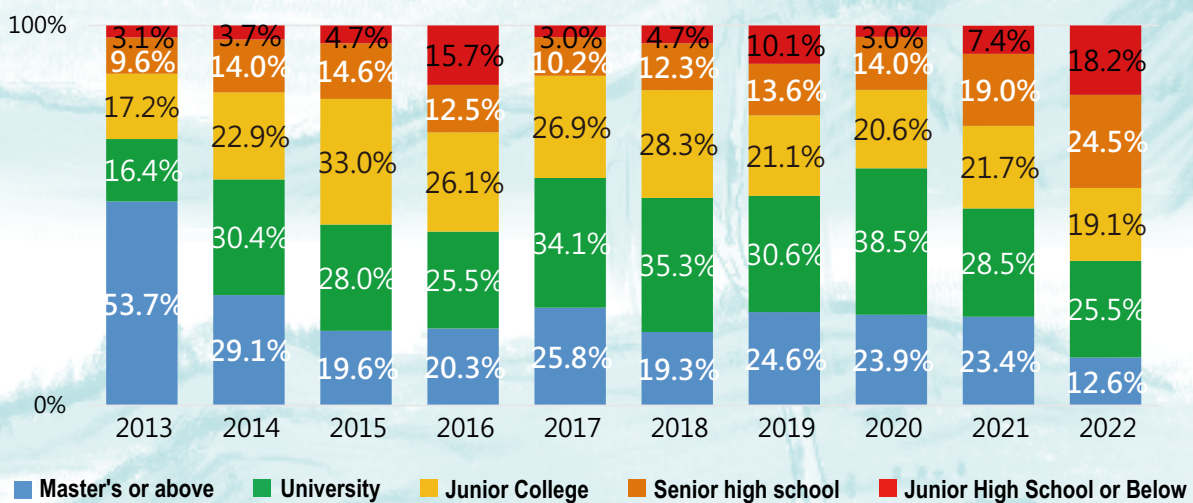


Figure 2-06 Ratio of Public Servants' Education in Referred Cases over the Past 10 Years

Table 2-16 shows the number of elected public servants referred in the past 10 years. Among them, 17 elected representatives at all levels and 29 local government mayors were referred in 2022 as follows:

a. County/City Councilor:

The main offenses committed by the 9 referred county/city councilors were as follows: 7 county/city councilors used false “figurehead” or salaries to defraud county/city councils of assistant fees during their service term; 2 county/city councilors, after accepting payments from businesses, pressured public units by means of parliamentary interpellation to demand them not to demolish illegal buildings of businesses.

Table 2-16 Statistics on Elected Public Servants Referred over the Past 10 Years

Unit: Person

Category	Public Opinion Representative								Head of local self-governing body				Total
	Legislative Yuan	County/City Council			Township Council			Subtotal	County/City Mayor	Township Mayor	Village Chief	Subtotal	
	Member of Council	Speaker	Deputy speaker	Councilor	Chairperson	Vice-chairperson	Representative						
2013	0	0	1	44	4	1	25	75	1	29	50	80	155
2014	0	0	1	6	4	1	9	21	1	9	6	16	37
2015	1	1	0	12	3	1	1	19	0	8	11	19	38
2016	0	0	0	18	0	0	1	19	0	6	13	19	38
2017	0	0	0	20	2	1	1	24	0	7	22	29	53
2018	2	0	0	12	3	1	1	19	0	10	13	23	42
2019	0	0	0	19	3	0	0	22	0	15	49	64	86
2020	6	0	0	15	6	0	2	29	0	9	17	26	55
2021	1	1	0	14	0	0	29	45	0	6	21	27	72
2022	0	0	0	9	5	0	3	17	0	5	24	29	46
Total	10	2	2	169	30	5	72	273	2	104	226	303	576

b. Township Council:

The main offenses committed by the 8 referred representatives of the township councils were as follows: 2 representatives claimed reimbursements with fraudulent invoices and vouchers; 4 representatives colluded with public servants of local township offices and covered up for specific suppliers to win bids for public construction projects, and subsequently received a portion of the kickbacks received by the suppliers as consideration for the projects; 2 representatives fraudulently received attendance fees, transportation expenses, and meal expenses without actually attending the meetings by falsifying attendance records.

c. Township Mayor:

A total of 2 town mayors and 3 township mayors (a total of 5) were referred. The main offenses were as follows: They all took advantage of their power in official capacity to lead bidding and received bribes or agreed on a kickback of a certain percentage of the project amount in advance to secure or designate specific suppliers to be awarded or pass acceptance; they also took advantage of the power in official capacity to lead the decision-making in the personnel affairs in the unit and accepted bribes to arrange preferred personnel to be hired, as well as to increase the amount of budgets.

d. Village Chief:

A total of 24 village chiefs were referred. The main offenses committed by the 24 people referred were as follows: 20 of them falsified community patrol records, or falsely filled in other relevant documents related to activities in the village to fraudulently claim subsidies; two abused the authority for managing the community centers as village chiefs and appropriated the rents of the community centers for personal use; two took advantage of the power as village chiefs to ask for bribes from construction companies executing construction projects in the villages.

2. Statistics on Vote-buying Cases Investigated

Elections that the existing laws regulate in terms of vote-buying conduct can be divided into two domains: public servant elections and non-public servant elections. The former encompasses

9 types of elections, namely the president/vice president, legislators, municipality mayors, county/city mayors, township mayors, village chiefs, councilors of special municipalities, county/city councilors, and township council representatives. The latter encompasses 3 types of elections, namely the farmers' association representatives and employees, fishermen's association representatives and employees, and persons in charge of political parties and persons at a central, municipal, and county/city level.

The objectives of the bribery crackdown missions that the Bureau executes are defined according to the characteristics 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 investigation energy.

Vote-buying cases tallied in the Yearbook refer to the cases, following the Bureau's support of the prosecution agency with investigation, which the prosecutors have proceeded to file for public prosecution, apply 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, 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 accused are 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 "prosecution cases."

In 2022, the main task of the Bureau was to continue the vote-buying investigation into the nine-in-one local elections of the Republic of China held on November 26, 2022. Since the event involved the elections of nine types of local officials, the competition was rather fierce, and the potential candidates started to prepare a year before the election, hoping to be eventually elected



from the fierce competition. In order to purify the election, the Bureau adhered to the principle of administrative neutrality and started the pre-election preparation work since the beginning of 2022, prepared the investigation plan and administrative resources, and gradually implemented the job duties in accordance with the election schedule. On August 29, 2022, the first day of the Central Election Commission's acceptance of the registration of candidates for the "nine-in-one" local election, the Bureau held the "Oath-taking Ceremony for the Inspection and Investigation of 2022 Local Election" to demonstrate its utmost determination in the inspection and investigation of the election.

(1) Statistics on Prosecution Cases over the Years

Table 2-17 and Table 2-18 are statistics on the number of prosecution cases and the number of people involved in election bribery investigated by this Bureau in the past 10 years. Take the case of "village chief" election bribery investigated and prosecuted in 2021 as an example. In that year, no "village chief" election was held in our country. The statistics listed are related to election bribery cases in 2021 or prior years, and after the Bureau investigated them and searched for evidence, they are the results of prosecution by the prosecutors in 2021. The annual data of the election for each type of election is marked in red in a gray background, which provides a better understanding of the results of election bribery investigation.

As of the end of 2022, a total of 47 cases were investigated and prosecuted by prosecutors. However, if a case was investigated and referred to prosecutors in 2022 but prosecuted after December 31, 2022, the prosecution results be disclosed in the year of prosecution and will be included in the "Anti-Corruption Yearbook" for the coming year.

The potential people accused of vote-buying cases include the candidates and their vote captains, family, and friends and even those receiving bribes. For the local elections of county/city councilors, township mayors, township council representatives, and village chiefs, and the elections of fishermen's associations and farmers' associations, the prosecution of candidates accounts for a higher percentage; for the elections of county/city mayors and legislators, the percentage of vote

Table 2-17 Table Statistics on Vote-buying Cases Prosecuted over the Past 10 Years (by Number of Cases)

Unit: Case

Item	President and Vice President	Legislator	Special Municipality Mayor	Special Municipality Councilor	County/ City Mayor	County/ City Councilor	Township Mayor	Township Council Representative	Village Chief	Irrigation Association	Farmers' Association	Fishermen's Association	Total
2013	0	1	0	0	0	1	0	0	2	0	74	1	79
2014	0	1	0	1	0	4	2	6	8	13	4	0	39
2015	0	0	0	32	2	83	44	79	117	1	1	0	359
2016	0	37	0	1	0	8	5	4	11	1	0	0	67
2017	0	0	0	0	0	0	0	0	0	3	70	10	83
2018	0	0	0	3	0	2	8	16	18		6	1	54
2019	1	0	1	16	2	90	23	98	129		0	0	360
2020	19	11	1	0	0	0	1	1	13		1	0	47
2021	0	1	0	0	0	0	0	1	2		36	1	41
2022	0	0	0	2	0	5	5	12	15		7	1	47
Total	20	51	2	55	4	193	88	217	315	18	199	14	1,176

Note 1: Those in red color are the years where an election took place.

Note 2: The elections of public official at all levels include the election of the president and the vice president of the Legislative Yuan, the speakers and the deputy speakers of the municipality councils, the speakers and the deputy speakers of the county and city councils, and the chairpersons and vice chairpersons of the township councils; the elections of farmers' associations and fishermen's associations include those of representatives at all levels, directors and supervisors. The elections of irrigation associations include those of the president and committee members. Starting from 2002, the irrigation associations held elections of the chairpersons and members in accordance with the Act of Irrigation Association Organization. However, after the Legislative Yuan amended the act, such elections were terminated.

Note 3: In addition to the major prosecution cases, the statistics also include summary judgments, deferred prosecutions and non-prosecution ex officio.

captains prosecuted is often higher than the percentage of candidates prosecuted due to a relatively wider constituency, more cautious and detailed division of labor, and an evidence-based legal system.

In order to respond to the expectations of the people of the country and hold a fair, clean, and smooth election, the Bureau adheres to the principle of administrative neutrality, sets out

Table 2-18 Table Statistics on Vote-buying Cases Prosecuted over the Past 10 Years (by Number of Suspects)

Unit: Person

Item	President and Vice President	Legislator	Special Municipality Mayor	Special Municipality Councilor	County/ City Mayor	County/ City Councilor	Township Mayor	Township Council Representative	Village Chief	Irrigation Association	Farmers' Association	Fishermen's Association	Total
2013	0	3	0	0	0	6	0	0	3	0	170	2	184
2014	0	3	0	4	0	7	17	33	19	82	18	0	183
2015	0	0	0	206	6	379	144	341	638	1	10	0	1,725
2016	0	388	0	5	0	107	25	6	31	1	0	0	563
2017	0	3	0	0	0	0	0	0	4	7	395	33	442
2018	0	0	0	6	0	3	62	86	55		26	2	240
2019	7	0	5	53	4	420	94	473	654		0	0	1,710
2020	54	40	1	0	0	0	4	1	110		2	0	212
2021	0	1	0	0	0	0	0	2	20		220	4	247
2022	0	0	0	9	0	65	30	58	64		30	2	258
Total	61	438	6	283	10	987	376	1,000	1,598	91	871	43	5,764

Note 1: Those in red color are the years where an election took place.

Note 2: The elections of public o at all levels include the election of the president and the vice president of the Legislative Yuan, the speakers and the deputy speakers of the municipality councils, the speakers and the deputy speakers of the county and city councils, and the chairpersons and vice chairpersons of the township councils; the elections of farmers' associations and fishermen's associations include those of representatives at all levels, directors and supervisors. The elections of irrigation associations include those of the president and committee members. Starting from 2002, the irrigation associations held elections of the chairpersons and members in accordance with the Act of Irrigation Association Organization. However, after the Legislative Yuan amended the act, such elections were terminated.

Note 3: The accused may be candidates, persons who conduct bribes, bribe receivers, or other criminals connected with vote-buying cases.

investigation and administrative support plans, and cooperates with the election timeline and the guiding principles of the Ministry of Justice to implement various election inspections and investigations step by step. In 2022, among the 47 prosecution cases regarding election bribery investigated by the Bureau, 2 cases were associated with the elections of the special municipality councilors, 5 cases for the elections of township mayors, 12 cases for the elections of township

council representatives, 7 cases for the elections of farmers' associations, and 1 case for the elections of fishermen's associations. The prosecution situation is as follows:

a. Election of Special Municipality Councilors:

A total of 9 people in 2 cases were prosecuted, namely 1 case of monetary bribery and 1 case of donating funds, which took place in Taichung City and Tainan City. In these cases, the candidates or their brokers bribed eligible voters with cash or donating funds for tours to request them to vote for said candidates, in order to influence the voting results.

b. Election of County/City Councilors:

A total of 65 people in 5 cases were prosecuted, which took place in Hsinchu County, Chiayi County, Chiayi City, and Penghu County. In these cases, the candidates for county/city councilors or their brokers bribed eligible voters with cash and request them to vote for said candidates.

c. Election of Township Mayors:

A total of 30 people in 5 cases were prosecuted, namely 4 cases of monetary bribery and 1 case of gift bribery, which took place in Taoyuan City, Yilan County, Hsinchu County, Hualien County, and Taitung County. In these cases, the candidates or their brokers bribed eligible voters with cash as well as food and beverages and request them to vote for said candidates, in order to influence the voting results.

d. Election of Township Council Representatives:

A total of 58 people in 12 cases were prosecuted, namely 8 cases of monetary bribery, 2 cases of gift bribery, 1 case of bribery with food and beverages, and 1 case in the others category, which took place in Yilan County, Hualien County, Yunlin Country, Miaoli County, Chiayi County, Chiayi City, Taitung County, and Pingtung County. In these cases, the candidates for township council representatives or their brokers bribed eligible voters with cash or gifts to request them to vote for said candidates, in order to influence the voting results; or they published false information in the media and insinuated that candidates had already committed bribery or had been under investigations for illegal activities, etc., and were involved in the crime of knowingly spreading false information through mass media.

e. Election of Village Chiefs:

A total of 64 people in 15 cases were prosecuted, including 8 cases of monetary bribery, 1 case of tour bribery, 5 cases of gift bribery, and 1 case in the others category, which took place in Taipei City, Taoyuan City, Taichung City, Keelung City, Yilan County, Hualien County, Yunlin County, Chiayi County, and Pingtung County. In these cases, candidates or their brokers bribed eligible voters with cash, tours, food, wine, materials for the prevention of COVID-19 such as rapid tests, and other improper benefits and request them to vote for said candidates.

f. Elections of Farmers and Fishermen's Associations

A total of 32 people in 8 cases were prosecuted (30 were prosecuted in accordance with the Farmers Association Act and the other 2 were prosecuted in accordance with the Fishermen Association Act). All 8 cases involved monetary bribery, which took place in New Taipei City, Taoyuan City, Taichung City, Miaoli City, and Nantou County. In these cases, candidates or their brokers bribed eligible voters with cash and request them to vote for said candidates.

(2) Statistics on Applicable Articles of Prosecution Cases

Of the existing law that bans and also clearly stipulates a criminal penalty for vote-buying conduct, in the domain of public 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 the other types of public servants elections are stipulated in the Civil Servants Election and Recall Act, and of those not stipulated by the aforesaid laws, relevant stipulations in the chapter, offenses of interference with voting, of the Criminal Code are applied; non-public servant elections are separately regulated, according to the type of organizations that stages the elections, under the Farmers Association Act, the Fishermen Association Act, and the Political Party Act.

Table 2-19 depicts the key applicable laws to the accused prosecuted in the vote-buying cases and the number of the accused in 2022. A total of 141 people were prosecuted in accordance with the Offenses of Interference with Voting under the Criminal Code of the Republic of China, ranking

Table 2-19 Statistics on Vote-buying Cases Prosecuted in 2022

(by Key Applicable Laws)

Unit: Person

Disciplinary Action		Prosecution	Summary Judgment	Deferred Prosecution	Ex officio non-prosecution	Total
Applicable Law						
Civil Servants Election And Recall Act	Offering bribes to candidates under Paragraph 1, Article 97	1	-	-	-	1
	Offering bribes to voters under Paragraph 1, Article 99	72	-	-	11	83
	Circulating rumors or spreading false information under Article 104	-	-	1	-	1
Subtotal		73	-	1	11	85
Criminal Code	Intervening the correctness of election results under Article 143	22	-	33	86	141
Subtotal		22	-	33	86	141
Farmers Association Act	Taking bribes from voters under Subparagraph 1, Paragraph 1, Article 47-1	5	-	10	2	17
	Offering bribes to voters under Subparagraph 2, Paragraph 1, Article 47-1	12	-	1	-	13
	Offering bribes to candidates under Subparagraph 3, Paragraph 1, Article 47-1	-	-	-	-	-
	Offering bribes to candidates of general manager under Subparagraph 3, Paragraph 2, Article 47-2	-	-	-	-	-
Subtotal		17	-	11	2	30
The Fishermen Association Act	Taking bribes from voters under Subparagraph 1, Paragraph 1, Article 50-1	-	-	-	-	-
	Offering bribes to voters under Subparagraph 2, Paragraph 1, Article 50-1	2	-	-	-	2
Subtotal		2	-	-	-	2
Total		114	-	45	99	258



top of all categories and accounting for 54.7% (141 people/258 people) of the total people referred; followed by those prosecuted in accordance with the Civil Servants Election And Recall Act, accounting for 32.9% (85 people/258 people) of the total; followed by 30 people prosecuted under the Farmers Association Act, accounting for 11.6% (30 people/258 people) of the total; finally, followed by 2 people prosecuted under the Fishermen Association Act, accounting for 0.8% (2 people/258 people) of the total, which are described separately as follows:

a. Bribing the Voters:

This type of bribery aims to bribe votes by offering them feasts, tours or gifts, or bought votes directly by providing money or through violence to make voters vote for the candidate based on the amount of gains rather than the knowledge and character of the candidate, ultimately causing an unfair result of the election. As this type of bribery has a greater impact on the result of the election and public reactions, it has always been the focus of the government's crackdown actions during elections. In the public servants' elections in 2022, 83 people were prosecuted for bribing voters and 1 person prosecuted for spreading rumors or spreading false news.

b. Bribery between the Candidates

Candidates or candidates with candidatures bribed each other and agreed to drop out of the election or conduct a certain campaign (commonly known as getting bribed to drop out of the election). For the applicable laws, depending on the identity as a bribe giver or recipient, Article 97, paragraphs 1 or 2 of the Civil Servants Election and Recall Act, Article 47-1, paragraph 1, subparagraphs 3 and 4 of the Farmers Association Act, and Article 47-2, paragraph 1, subparagraphs 3 and 4 of the Farmers Association Act shall apply, respectively. In the public servants' elections in 2022, 1 person was prosecuted for bribing candidates.

(3) Statistics on Vote-buying Modes

Vote-buying cases are divided into two categories by law; namely bribery and other improper benefits; bribery means money or other property that can be calculated in money; other improper benefits mean any tangible or intangible benefits other than bribery that are sufficient for people's

needs or desires.

The legal basis of the aforesaid other improper gains is for criminal elements to cater to the ever-changing social 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 Examples⁵ for the general public to refer to and abide by, with timely revisions and amendments made alongside the state of practical implementation development. The latest amendment to said examples approved by the Ministry of Justice on November 14, 2011 has not only listed the 23 types of tangible vote-buying modes on which the practical legal practicing sector had reached a consensus, but also listed 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.

Because of the different types of elections, bribery is regulated separately in the Presidential

⁵ According to Taiwan High Prosecutors Office Letter Tai-Wen-Zi No. 1000017770 dated November 17, 2011, the Illustrated Vote-Buying Criminal Conduct Examples include the following: 1. Providing tea, meals or cash, notes, gift certificates, bills of lading or securities for supporters. 2. Providing everyday items with an economic value, such as electric cookers, thermos, and radios. 3. Providing domestic or international sightseeing tours, domestic tours or temple visits for free or at a discount, which is quite disproportionate to the cost. 4. Providing catering services or feasts for free or at a discount in the name of fundraising, gathering, or other similar activities, which is quite disproportionate to the cost. 5. Providing shuttle buses or transportation allowances between the residence and the place of voting. 6. Increasing salaries or bonuses or providing paid leaves. 7. Providing funds, uniforms, or supplies for activities organized by religious groups, fellowships, or other institutions or organizations in the name of donation. 8. Providing construction funds for counties, cities, townships, villages, communities, or organizations in the name of appropriation or subvention. 9. Distributing articles, prizes, and bonuses in the name of festival activities. 10. Providing prizes in the name of lucky draws or quizzes. 11. Entertaining at dance halls, lounges, karaokes, or other entertainment venues. 12. Acquiring national identity cards. 13. Removing from debt. 14. Paying the party membership fees for dummy head counts. 15. Paying the utility bills, taxes, insurance or other daily expenses, fees, fines, or compensation. 16. Selling meal coupons in exchange of money several times the value of the meal coupons after the election of the candidate. 17. Gambling and agreeing to give several times of bets after the election of the candidate. 18. Providing or referring job opportunities or good positions. 19. Giving lottery tickets and scratch-offs. 20. Giving agricultural and fishery products. 21. Providing services for free or at an unproportionate price. 22. Paying salaries, wages, consulting fees, or other allowances in the name of employment. 23. Delivering bribes for bribery in the name of campaign funds. 24. Soliciting, promising or presenting other types of bribes or improper gains. However, the letter emphasizes that "whether each type of conduct constitutes bribery, it remains to be determined by the prosecutor according to the specific circumstances of the case."

and Vice Presidential Election and Recall Act, the Civil Servants Election and Recall Act, the Criminal Code, the Farmers Association Act, the Fishermen Association Act, and the Political Party Act; however, the elements and structure of bribery are similar, that is, to agree with persons with a right to vote not to exercise their right to vote or to exercise their right to vote in a certain way by soliciting, promising or presenting bribes or other improper benefits. By examining vote-buying cases the Bureau has investigated over the years, the more common vote-buying modes were vote-buying with money, vote-buying with gifts, vote-buying with food and beverages, vote-buying with tours, and election betting.

Table 2-20 shows the modes of prosecuted vote-buying cases which the Bureau investigated over the past 10 years. Figure 2-07 shows the vote-buying modes in 2022 described separately as follows:

a. Monetary bribery:

Table 2-20 Statistics on Modes of Vote-buying Cases over the Past 10 Years

Unit: Case

Year \ Mode	Money	Gifts	Food and Beverages	Tours	Donations	Fraudulent relocation	Gambling on election	Others	Total
2013	75	2	0	0	0	0	0	2	79
2014	31	5	1	0	0	0	0	2	39
2015	302	14	8	1	1	0	0	33	359
2016	56	1	3	0	0	0	0	7	67
2017	71	7	1	3	0	0	0	3	85
2018	33	14	2	1	0	0	0	3	53
2019	267	12	7	4	0	66	1	3	360
2020	11	2	0	3	0	9	13	9	47
2021	30	6	1	1	0	0	0	3	41
2022	34	7	2	1	1	0	0	2	47
Total	910	70	25	14	2	75	14	67	1,177

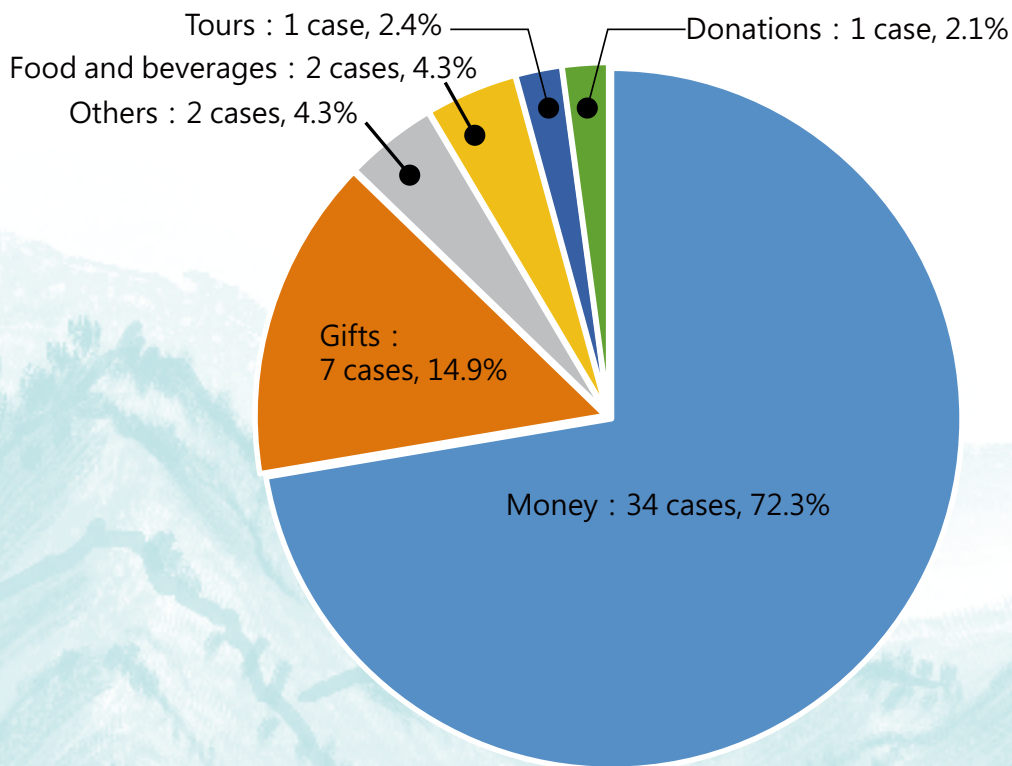


Figure 2-07 Ratio of Modes of Vote-buying Cases in 2022

In 2022, a total of 34 cases involving monetary bribery were prosecuted, accounting for 72.3% of 47 prosecution cases in the year (34 cases/47 cases), while accounting for 77.32% of 1,177 over the past ten years (910 cases/1,177 cases). This mode of vote-buying has ranked top, indicating that vote-buying with money was the most direct and efficient mode of vote-buying for candidates or their supporters. Generally, regardless of the level of election duties, the amount of bribes for general voters was from NTD\$500 to NTD\$3,000. For the elections in outlying islands or indigenous constituencies or those constituencies where relatively fewer votes were required for getting elected, the amount of bribes per vote was relatively high.

b. Gift bribery:

In 2022, a total of 7 cases involving bribery with gifts were prosecuted, accounting for 14.9% of 47 prosecution cases in the year (7 cases/47 cases), while accounting for 5.9% of 1,177 over the past ten years (70 cases/1,177 cases). Vote-buying with gifts usually occurs in the election of general



voters. The most common choices for bribery were wine, cigarette, or mushroom gift boxes, or even COVID-19 rapid tests or other anti-pandemic supplies as gifts in recent years. In this mode of vote-buying, candidates bestowed gifts in excuse of festival customs or reciprocity, by which to garner voters' favor and ask them to support their being elected or sway them from their decisions.

c. Bribery with food and beverages:

In 2022, a total of 2 case involving bribery with food and beverages was prosecuted, accounting for 4.3% of 47 prosecution cases in the year (2 case/47 cases), while accounting for 2.1% of 1,177 over the past ten years (25 cases/1,177 cases). Bribery with food and beverages often involves inviting the constituency to restaurants for free meals in the name of events held by senior citizens' associations, community development associations, or in the name of discussing the development of tourist areas, and candidates are arranged to show up to greet the constituency and make toasts table by table in order to win the favor of those with voting rights, ask the attendees to vote for the attending candidates, or try to sway their electoral intentions.

d. Tour bribery:

In 2022, a total of 2 case involving bribery with tours was prosecuted, accounting for 4.3% of 47 prosecution cases in the year (2 case/47 cases), while accounting for 1.2% of 1,177 over the past ten years (14 cases/1,177 cases). The aforesaid tour bribery is that candidates treat voters for tours in the name of volunteers or members for free or at preferential prices, or the fee will be refunded afterwards, but in recent years, as this type of bribery attracts too much attention, it has been rarely adopted.

e. Others:

In 2022, a total of 2 cases could not be categorized into the aforesaid categories, accounting for 4.3% of 47 prosecution cases in the year (2 cases/47 cases), while accounting for 5.7% of 1,177 over the past ten years (67 cases/1,177 cases). The above-mentioned two cases involved the spreading of false information or provision of improper benefits, such as free car wash services, to influence the election results.

II. Professional Development

1. Workshops for Anti-corruption Operations

For the Field Divisions and Offices (1) to emphasize the importance of handling the bribery and vote-buying investigation in the 2022 local elections and the future trend of clean government and anti-corruption, (2) to strengthen the awareness campaigns of the Bureau's work plan for handling the bribery and vote-buying investigation in the 2022 local elections and implement the government's policy of prohibition of bribery, and (3) to maintain the fairness of the 2022 local elections and to prevent criminals from spreading false information to influence voters and hinder elections and to cause negative effects, on July 21, 2022, the the Anti-Corruption Division held workshops for anti-corruption operation via video conferencing to improve the effectiveness of the Bureau's inspection and investigation of bribery and vote-buying in elections and general anti-corruption operation.

2. Online Exchange and Learning

With the increasingly convenient Internet technology, information conveyance, exchange, and integration are able to transcend the restrictions of time and space. 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 an internal network Anti-Corruption Database at the Bureau at the end of 2004 and expanded the database year after year, with the functions of joint learning and sharing, to compile case investigation-related experiences and perspectives, various operational guidelines of the Bureau, and routine work results, experiences, and feedback of colleagues working inside and outside the office. With the database covering six categories, including the bulletin board, operations profile, operational guidelines, anti-corruption work manual, and on-the-job training. These are updated regularly and shared with the colleagues of the Bureau so



as to advance their professional competency and innovative perspectives at work.

3. Case Study Reports

The Bureau has the field units in charge of anti-corruption cases drawing high attention or involving institutional reforms or personnel changes in the year compile case study reports from time to time. The case study reports cover the discovery, investigation and evidence collection of cases and related systems reviewed, and are made available in the aforesaid Anti-Corruption Database for colleagues' reference.

4. Collaboration with Friendly Forces

Although the Bureau and the Agency Against Corruption, Ministry of Justice and other judicial police agencies are not affiliated and have healthy competition with one another, we always maintain close contact, hoping to play a unified role in combating corruption, bribery investigations, and land preservation. For example, the Cases 6 and 8 of the prosecution cases in this annual report are the best examples of the Bureau's cooperation with the Agency Against Corruption, Ministry of Justice to jointly demonstrate the "iron triangle" of prosecution, investigation and anti-corruption institutions working together to collect evidence rigorously and execute swiftly and resolutely.

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Anti-Corruption Yearbook 2022

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