



On November 20, Law No. 21.121 was published in the Diario Oficial of Chile, modifying the Criminal Code in relation to bribery and bribery offenses; and amending Law No. 20.393 on criminal liability of legal persons.

The aforementioned amendment of the Criminal Code, in addition to increasing the penalties for bribery crimes, criminalizes **bribery between individuals** and **unfair administration**, setting forth penalties of deprivation of liberty, fines and seizure of the profits that would have been unlawfully obtained by individuals.

Specifically, **bribery between individuals** is typified as a crime that punishes those who exercising a position or function in the private sector, request or accept to receive money or other benefit, for themselves or for a third party, or offer, give or consent to give money or other benefit, as a retribution for acting in violation of their duties or refrain from acting in accordance with them favoring the contract with one offeror over another.

On the other hand, **unfair administration** is typified as a crime that punishes those who being in charge of the custody or management of all or part of the assets of another person, cause a prejudice to such person, either exercising abusively powers to dispose on her behalf or force it, or acting inappropriately or omitting proper conduct in a way manifestly contrary to the interests of the owner of the assets.

In conclusion, in both cases it is possible to perceive that the legislator wanted to prevent illicit situations that could trigger, among others, acts of unfair competition or abuse of trust, punishing those who request or offer a bribe.

In our opinion this amendment, should contribute to a greater care and thoroughness in structuring of prevention and risk control models, as well as in resolving potential conflicts of interest, defining policies to eradicate influence peddling and any type of corruption.