

**Law No. (2) of 1979
on economic crimes**

The General Secretariat of the General People's Congress

In execution of the resolutions adopted by the People's Congresses in their third ordinary session of 21 Dhu al-Qaada – 20 Dhu al-Hijja 1398 AH corresponding to 21 October – 20 November 1987 AD, which were drafted by the General People's Congress in their fourth ordinary session of 1399 AH corresponding to 1987 AD on economic crimes;

drafted the following law:

**Chapter (1)
Definitions**

Article (1)

Public funds are inviolable and their protection is the duty of every citizen.

Article (2)

In the implementation of the provisions of this law, "public servant" shall refer to anyone who has been entrusted with a public function in committees, congresses, secretariats, municipalities, local administrative units or bodies, public institutions, unions, syndicates, leagues, associations, private public-interest bodies, companies or enterprises in which these bodies are shareholders, and enterprises in which the "partners, not wage earners" applies, whether he is a member, employee, producer or labourer, permanent or temporary, paid or unpaid. This includes notary publics, arbiters, experts, translators, and witnesses during their performance of their duties.

Article (3)

In the implementation of the provisions of this law, public funds shall refer to funds that are owned by or subject to the administration or supervision of one of the bodies mentioned in the previous Article, or any other body whose funds are considered by law to be public funds.

Chapter (2)

Crimes against the National Economy

Article (4)

Anyone who intentionally causes damage by any means to an oil facility, one of its annexes, a public facility, or a warehouse for raw materials, products, or commercial goods, shall be sentenced to death or life imprisonment.

Article (5)

Without prejudice to the provisions of Law No. (97) of 1976 on combating the smuggling of goods, anyone who smuggles abroad cash, financial valuables, alloys, gold jewellery, or gemstones, if the value of the smuggled goods exceeds LYD 1,000, shall be sentenced to imprisonment.

If the perpetrator repeats the actions set forth in the previous paragraph, the provisions of the aforementioned Law No. (97) of 1976 do not apply. The penalty stipulated in the aforementioned paragraph shall apply even if the value of smuggled items is less than LYD 1,000.

The penalty shall be life imprisonment if the value of smuggled items exceeds LYD 5,000, or if the perpetrator is part of a smuggling gang.

Article (6)

Any public servant who intervenes for his own account or that of another in contracting, supplies, auctions, or tenders, or any other operations related to one of the bodies stipulated in Article (2) of this law, shall be sentenced to imprisonment for a period of no less than five years.

Article (7)

Anyone who causes the spread of plant or animal diseases that are dangerous to the agricultural economy or national livestock shall be sentenced to imprisonment for a period of no less than five years.

If the spread of the pest is a result of a mistake on the part of the perpetrator, the perpetrator shall be sentenced to imprisonment or fined an amount of money of no less than LYD 100.

Article (8)

If a public servant's violation of his duties or negligence causes damage to one of the establishments or warehouses stipulated in Article 4, he shall be sentenced to imprisonment.

Article (9)

Anyone who intentionally causes gross damage to public funds or the public interest shall be sentenced to imprisonment, fined an amount of money of no less than LYD 1,000 and not exceeding the value of the damage, and sentenced to pay compensation for the resulting damages.

Article (10)

Any public servant whose serious error causes damages stipulated in the previous Article due to negligence in his performance, the breaching of his duties, or the abuse of power, shall be sentenced to imprisonment and fined an amount of money of no less than LYD 500 and the value of damages. No criminal suit may be filed or procedures undertaken except on the basis of permission from the Prosecutor-General.

Article (11)

Anyone who causes the infliction of gross damage to national production, a clear shortage in public consumption goods or in goods that are consumed on a wide scope by destroying production tools, raw materials, or agricultural or industrial products, or causes disruption in production in any facility, shall be sentenced to imprisonment and fined an amount of money of no less than LYD 1,000.

The same penalty shall apply to anyone who causes the infliction of gross damage to agricultural projects, forests, pastures, or water sources, as well as anyone who cuts down trees, destroys crops, constructs buildings or creates partitions or digs wells inside agricultural lands

without receiving a permit to do so from the competent bodies. If the damage is the result of negligence or neglect, then the perpetrator shall be sentenced to imprisonment for a period of no less than one year and fined an amount of no less than LYD 500.

If the action is particularly serious, then the perpetrator shall be sentenced to imprisonment for a period of no less than six years, and fined an amount of no less than LYD 2,000.

In all cases, the crime's effects shall be removed and tools used to commit it shall be confiscated.

Article (12)

Any committee secretary or member, board chairman or member, director, representative, liquidator, or auditor in companies fully or partially owned by bodies stipulated in Article (2) of this law shall be sentenced to imprisonment if he intentionally mentions false information regarding budgets, closing accounts or reports, deliberately fails to mention essential information in these documents, discloses company secrets he obtained through his work, or exploits these secrets for his own personal benefit or the benefit of another person.

Article (13)

Anyone who publishes or broadcasts false news that disrupts local markets, resorts to other means that lead to the withdrawal of funds held in banks or the rise or fall of prices of goods, real estate, stocks, or bonds in circulation in the markets, shall be sentenced to imprisonment.

Article (14)

Any public servant who uses the funds entrusted to him by virtue of his position for purposes other than those for which the funds were allocated as part of an economic and social transformation plan, and in a way that inflicts damage to the goals of such plan, shall be sentenced to imprisonment.

Article (15)

Any public servant commissioned with safeguarding and maintaining public funds found negligent in doing so shall be sentenced to imprisonment. The court may rule to compel to offender to pay the value of damages inflicted to the public funds that he failed to safeguard and maintain.

Article (16)

Any public servant involved in the administration, oversight, or supervision of the production or marketing of commodities that commands or allows for the production, export, or sale of commodities that are of low quality or inconsistent with the prescribed models or specifications, in an amount exceeding that permitted for manufacturing or trade, shall be sentenced to imprisonment.

Article (17)

Anyone who, in circumstances other than those permitted by law, engages in trade, manufacturing, or agricultural activity that laws and regulations have stipulated must be solely conducted by one of the bodies stipulated by Article (2) of this law, shall be sentenced to imprisonment.

Article (18)

Anyone who uses force, violence, terrorism, threats, or perpetrates other illegal acts with intent to coerce another person to abstain from work shall be sentenced to imprisonment for a period of no less than one year.

The perpetrator shall be sentenced to imprisonment if he intends to cause damage to national production or obstruct the transformation plan.

Article (19)

Any public servant in a cooperative or commercial enterprise that unlawfully withholds, refuses to sell, or conceal the commodities that he was entrusted with selling to the public, or that gives these commodities as a favour to a specific person or persons in amounts exceeding their normal needs, shall be sentenced to imprisonment for a period of no less than two years, and fined the equivalent of the value of the commodities that he withheld, refused to sell, concealed, or gave away.

Article (20)

Any public servant who by any means reveals information that, due to its importance, is considered a secret related to manufacturing or other economic activities, without the permission of the competent authority, shall be sentenced to imprisonment.

Chapter (3) Crimes of Bribery

Article (21)

Any public servant who requests, receives, or accepts a gift or promise of cash to which he is not entitled for himself or another person, , to induce him to refrain from one of his position's functions, to mistakenly believe or claim that some act is a function of his position, or to violate his duties, even if he does not intend to commit such act, or does not actually abstain from it or violate his work duties, or if the public servant accepts a gift for performing one of his position's functions, shall be sentenced to imprisonment.

The same penalty shall apply to the briber and anyone who intentionally mediated between the briber and the person bribed.

Article (22)

Anyone who offers a public servant a gift or promise of money or a benefit to which he is not entitled, whether in the form of cash or another benefit, to induce the public servant to perform one of his position's functions, perform an act contrary to his duties, or abstain from or delay the same, and the public servant does not accept, shall be sentenced to imprisonment.

Article (23)

If the purpose of the bribe is the perpetration of an action punishable by law with a penalty more severe than the penalty prescribed for the bribe, then the penalty shall be the penalty prescribed for the action along with the fine prescribed for the bribe.

Article (24)

The briber or intermediary shall be exempted from the punishment if he informs the authorities of the crime before any action is taken in this regard.

Article (25)

If the performance of work or abstention therefrom set forth in Article (21) and Article (22) is a right, the penalty for the briber and intermediary shall be reduced by half.

Article (26)

Anyone who receives or accepts a gift or benefit with the intention of delivering it to another person with knowledge of its purpose shall be sentenced to imprisonment for a period of no less than one year and fined an amount of money not exceeding LYD 3,000, if he did not serve as intermediary for the bribe.

Chapter (4)

Crimes of Embezzlement and Abuse of Power

Article (27)

Any public servant who embezzles, claims ownership over, or grants another person public funds or the funds of another person entrusted to him by virtue of his position shall be sentenced to imprisonment. If the conditions are met, he shall be punished by the *hudud* punishment for theft.

Article (28)

Any public servant who unlawfully appropriates public funds shall be sentenced to imprisonment.

If the action is not accompanied by the intention to appropriate, the perpetrator shall be sentenced to imprisonment and fined an amount of money not exceeding LYD 1,000, or either of these penalties.

Article (29)

Any public servant who requests, receives, or accepts a gift or promise of cash or a benefit to which he is not entitled either for himself or on behalf of another person, to use real or alleged influence to obtain or attempt to obtain business, commitment, contracting, a procurement agreement, license, orders, decisions, rulings, a position, service, rank, medal, or any sort of reward or benefit from any public authority or body under his supervision shall be sentenced to imprisonment.

Article (30)

Any public servant who abuses his position or function to coerce or induce another person to give him or promise to give him or another person cash or another benefit to which he is not entitled shall be sentenced to imprisonment for a period of no less than ten years.

The perpetrator shall be sentenced to imprisonment for a period of no less than two years if the public servant accepts the undeserved item solely in exploitation of the other person.

Article (31)

Anyone who claims to have influence over a public servant and obtains for himself or for another person or induces another person to give money or another benefit to him or the other person or promises the same in return for acting as an intermediary between the other person and the public servant shall be sentenced to imprisonment for a period not exceeding five years.

The same punishment shall apply to anyone who obtains money, another benefit, or a promise of such, for himself or for another person by claiming the necessity of using this money or benefit to win the favour of and reward the public servant.

Article (32)

Anyone who embezzles electrical energy or water from public utility networks shall be sentenced to imprisonment for a period of no less than six months.

Article (33)

Any public servant who obtains an unlawful benefit for himself from the activities of the department where he exercises his position, whether directly, through another person, or through other actions, shall be sentenced to imprisonment for a period of no less than two years.

Article (34)

Any public servant who abuses the powers of his position for the benefit or harm of another person shall be sentenced to imprisonment for a period of no less than six months if no other criminal text in the law applies.

Chapter (5) General Provisions

Article (35)

In all cases stipulated in Articles (5), (21), (22), (27), (28), (29), (30), (31), (32), (33), the perpetrator shall be fined an amount of money equivalent to double that which was smuggled, embezzled, requested, accepted, promised, offered, obtained, seized, or compelled someone else to give, and the amounts obtained due to the commission of the crimes set forth in the Articles referenced in this Article shall be confiscated or returned.

Article (36)

In implementation of the provisions of this law, imprisonment shall entail hard labour for the prisoner and the deprivation of his civil rights in accordance with the provisions of the Penal Code.

Article (37)

The provisions of this law shall not preclude any more severe penalty stipulated by the Penal Code or any other law.

The provisions of this law shall not prejudice the disciplinary accountability of the public servant and his punishment by one of the stipulated penalties in the Civil Service Law or any other law.

Article (38)

Every citizen has the right to notify the competent authorities of any crime that violates the provisions of this law.

Article (39)

Law No. (73) of 1975 shall be repealed with the adjustment of certain provisions of the Penal Code. Any provision contrary to the provisions of this law shall be repealed.

Article (40)

This law shall be published in the Official Gazette and shall enter into force from 20 Dhu al-Hijja 1398 AH corresponding to 20 November 1978 AD.

The General Secretariat of the General People's Congress – Libya

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