

Memorandum
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ECPRD 6116 The offering of a financial advantage in exchange for the resignation of a seat in parliament

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Following a specific case, the Folketing is currently engaged in discussions on the more fundamental legal and constitutional issues that may arise in situations where a Member of the Folketing is offered or receives a financial benefit from others—including individuals affiliated with the Member's political party—on the condition that the Member resigns their seat. These discussions include consideration of whether there is a need to introduce a prohibition against such arrangements.

In preparation for a potential future regulation of the matter, answers are therefore sought to the following questions.

Case Finland

- 1) Is there any legislation or other form of regulation, such as a code of conduct, that prohibits i. a Member of Parliament from accepting a financial advantage on the condition that they resign their seat; ii. the act of offering such a proposal, including by individuals from the member's own party.**
- 2) If so, what does the regulation entail, and how is it enforced?**

Finland has legislation that prohibits a Member of Parliament (MP) from accepting a financial advantage in return for resigning their seat, as well as prohibiting any person from offering such an advantage. These prohibitions are found in the [Finnish Criminal Code \(Rikoslaki, 39/1889\)](#), particularly in **Chapter 40**, which governs offences in office, and **Chapter 16**, which addresses offences against the public authorities.

Under **Chapter 16, Section 14(a)** of the Criminal Code of Finland, it is a criminal offense to *offer, promise, or give a gift or other benefit to a Member of Parliament if the intent is to influence the MP to act or refrain from acting in their parliamentary role in a certain way*. This includes:

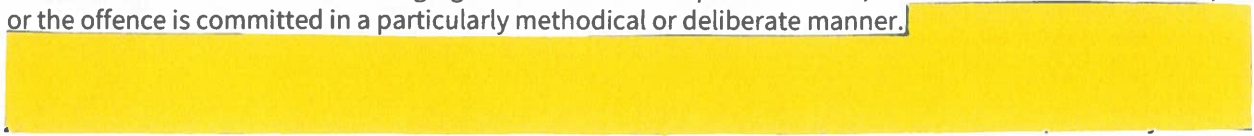
- **Resigning their seat**, if the resignation is part of an agreement involving a financial or other benefit.
- The law applies regardless of whether the benefit is for the MP or another person.
- The act must be such that it undermines confidence in the independence of the MP's mandate

The same section also criminalizes the act of offering such a benefit, whether by individuals from the MP's own party or others. This means:

- Any person who **proposes or offers** a financial advantage to an MP in exchange for resignation (or any other parliamentary action) may be guilty of bribery.
- The law does not exempt party members or political allies from liability.

Under **Chapter 40, Section 4** of the Criminal Code, titled “*Acceptance of a bribe as a Member of Parliament*”, it is a criminal offence for an MP to request, receive, or agree to receive an unlawful gift or benefit for themselves or another in exchange for acting or refraining from acting in their parliamentary capacity. While the section applies broadly to any parliamentary conduct, it encompasses the scenario where an MP agrees to resign in return for a financial reward, as resignation from office is a parliamentary act with direct political consequences. The penalty for this offence is a fine or imprisonment for up to two years.

The offence becomes more serious under **Chapter 40, Section 4a**, which defines “*Aggravated acceptance of a bribe as a Member of Parliament*.” According to this provision, the bribery is considered aggravated when the act is conducive to causing significant harm to the public interest, involves a substantial benefit, or the offence is committed in a particularly methodical or deliberate manner.



Enforcement

These provisions are enforced through Finland’s ordinary criminal justice system. Suspected violations may be **investigated by the police and prosecuted by the public prosecutor**. In addition, constitutional oversight bodies such as the **Parliamentary Ombudsman** and the **Chancellor of Justice** may initiate investigations into improper conduct by public officials, including MPs. If a Member of Parliament is convicted of bribery, the consequences may include criminal penalties and potential expulsion from Parliament, depending on the severity of the offence.