

The Social Dangerousness of Sexual Corruption: A Criminal-Law Argument for Its Independent Legal Recognition

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Abstract: The article examines the social dangerousness of sexual corruption as an independent ground for its possible recognition in criminal law, that is, for its criminalisation. The initial problem is that sexual corruption cannot be criminalised solely because the sexualised conduct in question is morally unacceptable, because particular cases have attracted public attention, or because they have caused reputational harm to the institution within which such conduct occurs. Drawing on doctrinal-legal and conceptual-analytical approaches, the article argues that sexual corruption acquires criminal-law significance where sexual consent, sexual availability, a sexual act, or tolerance of sexualised conduct is incorporated into the structure of an unlawful exchange and becomes a condition for access to an institutional benefit, decision, protection, advancement, or other advantage. In practice, the social dangerousness of sexual corruption is complex, since it simultaneously affects the victim's sexual autonomy and human dignity, equality of access to social and institutional goods, the proper functioning of public, official, educational, employment-related, or other procedures, and trust in those procedures. Its manifestations must therefore be distinguished from conventional bribery, sexual harassment, sexual coercion, sextortion, disciplinary misconduct, and private intimate relationships within hierarchical settings. A criminal-law response is permissible only where there is a clearly defined criminal-policy threshold that consistently excludes both the unjustified criminalisation of the sexual sphere and the failure to address cases of sexualised corrupt abuse of power.

Keywords: abuse of authority, criminal policy, criminalisation, sexual autonomy, sexual corruption, social dangerousness.

INTRODUCTION

The question of whether sexual corruption may be criminalised should not be framed in terms of moral condemnation of sexualised conduct, public attention, or reputational harm to a public authority, law-enforcement agency, corporation, educational institution, or other institution within which such conduct occurs. For the purposes of criminal-law analysis, a different question is decisive: whether sexual corruption possesses an inde-

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pendent social dangerousness sufficient for its recognition as a criminally significant act. Accordingly, the possible criminalisation of sexual corruption cannot amount to an emotional response to high-profile instances of sexualised abuse of power, many of which became publicly visible in the context of the #MeToo movement. On the contrary, that process must be undertaken with the necessary precision, within the framework of legal principles and rules, and on the basis of the methodological grounds, principles, and conditions of legitimate criminalisation (see, for example, Măgureanu, 2025: 4–5, 11).

Such caution is particularly important because punitive responses to sexualised violence and abuses of power do not always eliminate the systemic conditions of their reproduction and may reinforce distortions within the justice system (Pellegrini, 2018: 263). At the same time, sexual corruption, like corruption generally, cannot be countered exclusively through non-criminal organisational, labour-law, anti-corruption, or gender-protective measures. Existing legal and institutional mechanisms for responding to sexualised abuses often fail to ensure the timely identification, cessation, and proper assessment of such conduct (Rhode, 2019: 382–383, 386–387, 390–391). A criminal-law prohibition may therefore be justified, but only where its necessity is supported by independent social dangerousness, legal certainty, systemic coherence, evidential provability, and proportionality. For that reason, the initial problem of the present study does not lie in whether a new offence can technically be incorporated into criminal legislation, but in whether sexual corruption goes beyond conduct that is merely immoral, disciplinarily censurable, or administratively significant, having regard to the level of social dangerousness of the act. This approach makes it possible to avoid two extremes: on the one hand, the unjustified criminalisation of the sphere of sexual freedom and private life (see Manikis, 2025: 1856–1860); on the other, the failure to address those cases in which sexual consent, sexual availability, or tolerance of sexual conduct is transformed into a means of corrupt exchange, a condition of access to a benefit, or a form of corrupt abuse of power (Bjarnegård et al., 2025: 1–2).

Accordingly, the *aim* of this article is to demonstrate that sexual corruption possesses an independent form of social dangerousness arising from the convergence of sexual exploitation, abuse of authority, and distortion of institutional decision-making, and therefore cannot be fully absorbed by the existing categories of corruption, sexual harassment, sexual coercion, or disciplinary misconduct.

METHODS

The present study is undertaken as a doctrinal legal and conceptual-analytical examination of sexual corruption in the context of its possible criminalisation. Its methodological basis consists in the sequential elucidation of the social dangerousness of sexual corruption through the categories of unlawful benefit, sexual autonomy, abuse of power, institutional dependence, and corrupt exchange. The article does not attempt an empirical measurement of the prevalence of sexual corruption, since its purpose is to reconstruct the criminal-law structure of the phenomenon in question and to identify the features that make it possible to distinguish it from a range of adjacent phenomena. Accordingly, the study addresses three interrelated questions: whether the social dangerousness of sexual corruption can be substantiated independently of moral condemnation and public attention; which protected interests are affected by sexual corruption and through what mech-



anism the relevant harm is caused; and where the criminal-policy threshold lies between cases that justify a criminal-law response and situations requiring an employment-law, disciplinary, anti-discrimination, administrative, or ethical response. Scholarly approaches to corruption, sexual harassment, sexualised abuse of power, and the #MeToo context are used as analytical material for identifying the social and institutional logic through which sexual corruption is externally manifested. At the same time, the study does not claim to develop an exhaustive legislative model of the offence of sexual corruption. Its task is confined to a more limited, but logically prior, step: identifying the material features of social dangerousness without which the subsequent construction of the offence and the system for proving it would be methodologically unfounded.

RESULTS AND DISCUSSION

SEXUAL CORRUPTION BEYOND MORAL DISAPPROVAL

The starting point for the analysis is that social dangerousness should not be used as a rhetorical label attached to morally disturbing conduct. In criminal-law doctrine, social dangerousness is usually understood as the material basis for criminalisation and for the subsequent recognition of conduct as criminally wrongful (see especially Dzyuba, 2014: 134; Shablysty, 2015: 118). It reflects not only the harmfulness of conduct, but also its heightened capacity to endanger legally protected values and the social relations built around them. Therefore, in assessing the criminal-law significance of sexual corruption, it is insufficient to refer to the moral unacceptability of sexualised conduct, its institutional undesirability, or the reputational harm that it may cause to a public authority, corporation, or other institution. It is necessary, rather, to establish that the conduct in question possesses a degree of social harmfulness and social dangerousness capable of justifying a specifically criminal-law response by the state to the planning, preparation, facilitation, commission, concealment, and other acts connected with the relevant offence.

The sexual element of the phenomenon may obscure its public-institutional danger. In some contexts, sexualised abuse of power is perceived as a private moral failure or “sexual scandal”, rather than as a distortion of institutional authority. Barnes et al. show that voters tend to respond considerably more harshly to corruption scandals than to sexual scandals, which suggests that the sexual framing of misconduct may weaken its perceived connection with abuse of public function, breach of institutional trust, and distortion in the distribution of public goods (Barnes et al., 2020: 103–106, 111–112). This risk is intensified by gender stereotypes and ambivalent sexism: where sexualised abuse is normalised within a professional or hierarchical environment, it may be silenced or may not be recognised by the participants themselves as a violation (Blumell & Mulupi, 2020: 639–640). It should also be borne in mind that treating such a situation exclusively as a sexual scandal creates a risk that it will be assessed through gender stereotypes, assumptions about women’s “morality”, assumptions about the “permissibility” of male conduct, victim-blaming, and double standards. For criminal-law analysis, however, what is decisive is not the moral reputation of the participants, but the fact that a sexual benefit is used as an unlawful condition of access to power, a resource, an advantage, or protection.



It follows that the independent, criminally significant social dangerousness of sexual corruption is manifested not in the mere fact of sexual conduct between persons situated in asymmetrical social or official relationships, although such acts may, of course, violate constitutional rights to sexual freedom, physical and mental integrity, human dignity, and related interests, but in the corrupt conditioning of that conduct. In other words, the decisive point is that an immoral act is committed by a person in whom a corresponding level of trust is placed and who abuses that trust in bad faith. What is criminally significant, therefore, is not the intimate relationship as such, which need not necessarily take the form of sexual intercourse, but the use of power, authority, influence, dependence, or access to a benefit in order to transform sexual consent, sexual availability, or tolerance of sexual conduct into a means of obtaining, conferring, retaining, or distributing an advantage.

THE PROTECTED INTERESTS AFFECTED BY SEXUAL CORRUPTION

Having distinguished sexual corruption from the moral censure of sexualised conduct, it is necessary to identify the range of protected interests to which such conduct causes harm or creates a real risk of harm. This question is of fundamental importance for assessing the independent social dangerousness of sexual corruption, since the criminal-law significance of the relevant conduct cannot be justified merely by reference to its sexual, immoral, or reputationally sensitive character. Rather, it must be derived from the fact that sexual corruption simultaneously affects personal, institutional, and public-law interests whose protection extends beyond the sphere of private morality and disciplinary censure. In this respect, contemporary approaches that propose understanding corruption more broadly than formal bribery, embezzlement, or unlawful enrichment are of substantial importance. Johnson et al., for example, propose that corruption should also be understood as the undermining of legitimate governance and as a breach of the trust placed in public authority. The authors emphasise that a focus on only one element of corruption prevents the broader process by which legitimate governance is undermined from being properly seen (Johnson et al., 2013: 175, 196). Applied to sexual corruption, this approach makes it possible to argue that the exchange of an unlawful sexual benefit for access to a position, role, contract, promotion, protection, or other institutional resource is capable of causing harm not only to the immediate victim, but also to the institutional order itself, since it substitutes a hidden sexualised condition for the transparent and equal criteria that should govern the distribution of benefits.

Sexual corruption therefore produces two interconnected types of harm that are usually distributed between different groups of offences: corruption-related harm and harm to sexual autonomy. It distorts institutional decision-making because an act, omission, favourable treatment, or protection begins to depend not on lawful criteria, but on the provision or expectation of an unlawful sexualised benefit. At the same time, it impairs sexual autonomy because consent, availability, or tolerance of sexualised conduct is placed within relations of power, dependence, expected benefit, or fear of adverse consequences (Lămaşanu, 2025: 143–144). For this reason, the protected interests affected by sexual corruption comprise a set of values protected by the state and society, including sexual autonomy, human dignity, equality of access to institutional goods, the proper functioning of institutional procedures, and trust in the decisions made within them. In this context, it is also important to note that



personal and institutional harm are mutually reinforcing: the impairment of sexual autonomy deforms the decision-making process, while the distortion of the procedure intensifies the victim's dependence and diminishes the reality of free will.

THE MECHANISM OF SOCIAL HARM

In conceptualising the social dangerousness of sexual corruption for the purpose of assessing the prospects for its criminalisation, it is important to take into account that the social dangerousness of such unlawful conduct does not arise automatically from the mere existence of asymmetrical relations, sexual conduct or contact, official dependence, or a reputationally sensitive situation. In a general sense, sexual corruption becomes objectively manifest where sexual conduct is incorporated into the structure for the distribution of an institutional benefit and begins to perform the function of an unlawful condition, a means of pressure, a form of settlement, or a hidden currency of access to an act or omission, a decision, a resource, or an advantage. In this respect, Filchev's (2024: 15) observation is well founded: social dangerousness cannot be reduced solely to the harm caused, since its elucidation requires account to be taken of the structure of the act, the manner of its commission, the setting, the means used, the subjective elements of the conduct, motive, purpose, and other circumstances affecting its social meaning. In the context under consideration, it follows that criminally significant dangerousness is determined not by the mere presence of a sexual component, but by its connection with a power-based or institutional resource, the dependent position of the other party, the conditionality of access to a benefit, and the deliberate use of sexual conduct as an element of corrupt exchange.

On this basis, the modern mechanism of harm caused by sexual corruption may be understood as consisting of several interrelated elements. First, one party possesses power, authority, influence, or factual access to an institutional resource. What matters here is not the formal title of the position, but the real capacity to affect another person's access to a benefit, decision, protection, assessment, promotion, contract, role, service, or other socially significant opportunity. Secondly, there is an institutional benefit whose distribution should depend on lawful, transparent, professional, competitive, or otherwise objective criteria. In sexual corruption, this logic is replaced by a hidden sexualised condition, so that a decision, act, omission, protection, or favourable treatment depends on willingness to provide an unlawful sexual benefit (Isnawan, 2025: 455–456). Thirdly, sexual consent, sexual availability, a sexual act, or tolerance of sexualised conduct becomes a non-material unlawful advantage, or sexualised bribe, through which an institutional advantage is acquired, retained, conferred, or distributed. Fourthly, the victim's free expression of will is distorted not necessarily by direct violence or threat, but by dependence, fear of losing an opportunity, or the need to retain employment, assessment, protection, career prospects, or access to a service. Finally, the institutional procedure itself is distorted, because equal access is violated, trust in the procedure is undermined, bona fide participants are displaced, and an informal order for the distribution of opportunities emerges.

It appears that, in criminal-law terms, these elements may be regarded as the preliminary constitutive core of sexual corruption. That core comprises: firstly, the possession by one party of power, influence, or controlled access to an institutional resource; secondly, the existence of an institutional benefit, decision, protection, promotion, or other advantage



to which access ought to be determined by lawful criteria; thirdly, a sexualised unlawful advantage expressed in sexual consent, availability, action, or tolerance of sexualised conduct; fourthly, a conditional link between that advantage and the institutional benefit; fifthly, the use of the other party's dependence or vulnerability; and, sixthly, the intentional incorporation of the sexual element into the structure of the corrupt exchange.

INSTITUTIONAL AND VICTIMOLOGICAL CONSEQUENCES

A comprehensive understanding of the mechanism of social harm caused by sexual corruption makes it possible to proceed to a critical analysis of its institutional and victimological consequences, the significance of which must not be underestimated when determining whether sexual corruption may be criminalised. The importance of this analysis lies in the fact that, if the mechanism of harm shows precisely how a sexual benefit is incorporated into the structure of corrupt exchange, the consequences of such conduct reveal why it cannot be regarded as a private moral conflict between participants in asymmetrical relations.

In this respect, it is useful to analyse the conditions under which sexualised criminal conduct that became public in the #MeToo era was committed, above all that part of the material which concerns not merely sexual harassment, but sexualised abuse of power over the victim's career, professional, economic, or social future. A significant proportion of the cases that acquired public visibility through #MeToo and related initiatives concern sexual harassment, sexual coercion, abuse of power, or violent sexual offences (see, for example, Castle et al., 2020: 927; Cobb & Horeck, 2018: 489–490; Peters & Besley, 2018: 458–459), and therefore should not automatically be classified as sexual corruption. At the same time, taking into account the conditions under which the “acceptability” of corruption is conceptualised (see Hladky, 2019: 25–33), this context is relevant to the analysis of the social and institutional environment in which sexually corrupt interactions become possible and reproducible. Moreover, a separate layer of such situations (see especially Jaffe, 2018: 80–81, 86; Krook, 2018: 66–67, 71; Mainiero, 2020: 331) reveals a more complex structure of unlawful conduct, in which a sexual act, sexual availability, or tolerance of sexualised conduct becomes an unlawful condition for obtaining employment, career opportunities, protection, advancement, or other advantages. It is here that sexualised abuse of power comes close to sexual corruption, since the sexual benefit is linked to access to an institutional resource. Accordingly, the significance of #MeToo lies not only in exposing the scale of sexual violence and harassment (Peirone, 2024: 11; Rhode, 2019: 380, 390–391), but also in revealing the shadow economy of sexualised power, within which institutional benefits are distributed through unlawful sexual conditioning.

The victimological consequences of sexual corruption are manifested, first and foremost, in the fact that the victim is placed before a choice that may appear voluntary only on the surface. In reality, that choice is formed under conditions of dependence on another person's decision, fear of losing employment, a role, an assessment, protection, a career prospect, access to a service, or another socially significant opportunity. The harm caused by sexual corruption is therefore not exhausted by the sexualised act itself, but includes the loss of the reality of free expression of will, the experience of compulsion, fear of professional or social exclusion, and the subsequent difficulty of proving that outward consent was conditioned by power-based and institutional dependence.



In addition, sexual corruption creates a particular form of secondary victimisation, since the victim often faces not only the fact of sexualised conditioning itself, but also the subsequent assessment of the situation through moral stereotypes, suspicion of voluntary participation, accusations of career calculation, or doubt as to the credibility of his or her experience (see, for example, Zvi & Shechory Bitton, 2026: 109–110). It is precisely for this reason that shifting sexual corruption into the frame of a “sexual scandal” is especially dangerous: such a context unfairly redirects attention from the corrupt use of power to the victim’s moral reputation, makes it more difficult to identify the institutional character of the harm caused, and consequently weakens the criminal-law potential of the anti-corruption regime.

In this context, studies concerning #MeToo in professional, political, and media environments are particularly illustrative. Jaffe (2018: 80–81, 86) notes that many public revelations centred on the “power of the boss”: the capacity to hire, dismiss, restrict professional opportunities, and threaten economic, physical, or emotional security. Especially significant is the letter by women agricultural workers to which she refers, which described cases in which sexual acts effectively became a condition for obtaining additional shifts or retaining employment. Lisa Mainiero (2020: 330), analysing sexuality and power in the workplace in the #MeToo era, likewise identifies a model of power asymmetry in which persons possessing institutional power use it to sexually subordinate persons of lower status. Krook (2018: 66–67), in turn, emphasises that sexual harassment in the political sphere should be understood not as the conduct of isolated wrongdoers, but as a systemic and cultural problem. Especially significant in this respect is the model she identifies, in which a person occupying a position of power demands sexual services as a condition of employment or advancement.

It follows that the institutional and victimological consequences of sexual corruption are interrelated. It may be assumed, firstly, that the stronger the victim’s dependence on an institutional decision, the greater the risk that his or her freedom of sexual volition will be distorted; and, secondly, that the weaker the transparency of the institutional procedure, the more easily a sexualised condition may be incorporated into the mechanism for distributing and conferring benefits. For this reason, sexual corruption should be understood not as a private sexual episode or an institutional scandal, but as a socially dangerous abuse of power causing personal, institutional, and public-law harm.

WHY SEXUAL CORRUPTION DIFFERS FROM ADJACENT PHENOMENA

The preceding analysis makes it possible to proceed to the question of distinguishing sexual corruption from adjacent phenomena. It is important to understand, however, that such differentiation is not merely terminological, but above all criminal-policy in significance, since the independent social dangerousness of sexual corruption can be substantiated only if it is not wholly absorbed into existing categories of corruption-related, official, disciplinary, or sexual offences.

It should first be emphasised that the social dangerousness of sexual corruption does not coincide with the social dangerousness of conventional bribery or corrupt patronage. Corruption in the general sense may involve the demand for, offer, provision, or receipt of an unlawful benefit of a pecuniary or non-pecuniary nature (see Johnson et al., 2013: 175),



bearing in mind that a non-pecuniary unlawful benefit may also be sexual in character (Zarosylo & Hladky, 2018: 126). The specificity of sexual corruption, however, lies in the fact that the unlawful benefit assumes a specifically sexualised form. In such a case, the subject matter of the corrupt exchange is not simply a “non-pecuniary bribe” or a non-pecuniary unlawful benefit, but sexual consent, sexual availability, a sexual act, or tolerance of sexualised conduct. It is precisely for this reason that sexual corruption, first, is not merely a form of bribery with an unusual subject matter and, secondly, alters the structure of corruption-related harm, since it combines the corrupt deformation of an institutional decision with an impairment of the person’s sexual autonomy.

At the same time, sexual corruption cannot be wholly identified with sexual harassment or sexual coercion. In sexual harassment, the central element is unwanted conduct of a sexual nature which violates a person’s dignity or creates a hostile, degrading, or offensive environment. In sexual coercion, the principal element is the suppression of freedom of sexual volition through violence, threat, pressure, or another form of influence. Sexual corruption is defined by a different feature: sexual conduct, sexual availability, or tolerance of sexualised conduct is used as a condition for obtaining, retaining, conferring, or distributing an institutional advantage. Its centre of gravity therefore lies not only in the unwelcome nature of the sexual conduct, and not only in coercion to engage in it, but above all in the corrupt conditioning of access to a benefit.

It is precisely this circumstance that also makes it possible to distinguish sexual corruption from disciplinary misconduct, official unethical conduct, favouritism, and the existence of a private intimate relationship within a hierarchical environment. In this context, it should be emphasised that not every intimate relationship between persons situated in asymmetrical relations constitutes sexual corruption. What is criminally significant is not the mere fact of sexual conduct, but its incorporation into the structure of an unlawful exchange, where access to a position, role, assessment, contract, advancement, protection, service, or other benefit is made dependent on a sexualised condition. Accordingly, the key criterion of differentiation should not run along the line between the “sexual” and the “non-sexual”, but along the line between “autonomous sexual conduct” and “a sexualised unlawful benefit within the structure of corrupt exchange”.

Taking these circumstances into account, sexual corruption possesses independent criminal-law significance not because it mechanically combines the features of corruption and sexual abuse, but because it creates a distinctive type of social dangerousness. This dangerousness consists in the fact that a sexual benefit assumes the function of an unlawful sexual advantage and is used as an unlawful “currency” of access to an institutional decision (see, for example, Bjarnegård et al., 2025: 8). It is this construction, therefore, that distinguishes sexual corruption from a range of adjacent unlawful conduct, including conventional bribery, sexual harassment, sexual coercion, sextortion, disciplinary misconduct, and consensual intimate relationships involving subsequent favouritism.

CONCLUSIONS

In conclusion, the social dangerousness of sexual corruption cannot be derived from the mere fact of sexualised conduct, from its moral unacceptability, from the public attention



attracted by cases of such corruption, or from the reputational harm caused to the institution concerned by so-called “sexual scandals”. The criminal-law significance of sexual corruption arises only where sexual consent, sexual availability, a sexual act, or tolerance of sexualised conduct is incorporated into the structure of an unlawful exchange and becomes a condition of access, in particular, to an institutional benefit, act, decision, protection, or advantage. It is precisely in this respect that sexual corruption is fundamentally distinct from corruption as a generic phenomenon, as well as from a range of adjacent forms of unlawful conduct. It is therefore appropriate to assert that sexual corruption, first, possesses an independent social dangerousness that is complex in nature and is not exhausted by individual victimisation and, secondly, should not be wholly absorbed into such adjacent phenomena as conventional bribery, sexual harassment, sexual coercion, sextortion, or disciplinary misconduct.

At the same time, recognising sexual corruption as possessing independent and complex social dangerousness does not entail any practical need for the unlimited expansion of criminal repression within the sphere in which it manifests itself (see, for example, Natalis et al., 2026: 78–80). On the contrary, in order to avoid the disproportionate harm that may be caused by the criminalisation of sexual corruption, the criminal-policy threshold in this field must be strictly defined according to the following logic: firstly, a criminal-law response may be justified only where there is demonstrable real power, influence, or control over an institutional resource needed by the other party to the sexually corrupt relationship; secondly, a connection is established between sexualised conduct and access to a benefit, decision, protection, or advantage; thirdly, the unlawfulness of the relevant condition is established; fourthly, there is a distortion of the freedom of will of a person in a dependent or vulnerable position; fifthly, equal and lawful criteria for the distribution of the benefit have been violated; and, sixthly, the objective and subjective structure of the sexually corrupt exchange is capable of proof. Beyond this threshold, the relevant conduct may remain a matter for employment-law, disciplinary, anti-discrimination, administrative, or ethical response, but need not be brought within the sphere of criminal law. The approach outlined above makes it possible to understand the criminal-law recognition of sexual corruption not as a symbolic response to high-profile cases, but as a legally justified element of a comprehensive response to corruption, sexualised abuse of power, and institutional inequality. Further research in this field should therefore focus on the legislative formulation of the offence of sexual corruption and on the standards for proving the conditional link between the sexualised unlawful advantage and the institutional decision. It is important, however, to emphasise that proving sexual corruption should not be reduced to the search for a direct witness to a sexually corrupt arrangement. In the absence of witnesses, evidential significance may attach to correspondence, the sequence of official or institutional decisions, the temporal proximity between the sexualised condition and the granting of the benefit, the recurrence of the conduct, the victim's dependent position, a departure from ordinary procedure, and other circumstantial material capable of reconstructing the conditional link between the sexualised unlawful advantage and the institutional advantage.

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