

The Crime of Disclosing Banking Professional Secrets in Iraqi and Comparative Law

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The crime of disclosure of banking professional secrets is considered an economic crime because it harms clients on the one hand, and because it affects banks' reputation and confidence in them on the other hand, which in turn affects foreign investment and the country's economy negatively. The obligation to maintain banking professional secrets is an ethical, religious, and legal obligation at the same time, as most countries have criminalised the disclosure of banking professional secrets either in commercial and financial laws or in laws relating to banking secrecy. Iraq is not among the countries that have a special law, but it has criminalised the disclosure of banking professional secrets in a law on Banks, the Central Bank Law and the Temporary Stock Market Law. The crime of divulging banking professional secrets is the general pillars which are the physical pillar represented by criminal behaviour in the form of positive behaviour (disclosure) or by negative behaviour (the offender's failure to commit to performing his legal duty which is to keep the secret or not enabling others to see it), and a criminal result (harm to the customer). The unphysical pillar is the deliberate or wrongful disclosure of banking professional secrets, and the special pillars are the pillar of the crime subject (banking professional secret), and the adjective of the perpetrator (trust in the banking professional secret), and specific to the penalties imposed on the perpetrators of this crime. However, these penalties are not commensurate with the seriousness of the crime and its importance of the professional secret to the banker.

Key words: *The secret, the bank, the customer, banking professional secret, disclosure.*

Introduction

Employment in the public sector allows the public employee to peruse secrets that they would otherwise not be privy to, whether these secrets are of a personal nature relating to



members of society who have interests with the incumbent of the job and those related to social security and births and the health, financial and security situation, or those that are of a practical nature such as secrets related to an activity. For the public administration or institution, however, the disclosure of these secrets would cause harm to the public interest of the state and the interest of society. Therefore, these secrets are the concern of individuals and countries alike, but interest in them varies from one country.

The commitment to maintain banking professional secrets is a legislative environment suitable for foreign investment on the one hand, and to encourage national savings, on the other hand. Therefore, it is necessary to provide criminal protection for the secrets from disclosing them to ensure security, income, and investment for all customers who deal with Iraqi banks of all kinds (Al-Ashqar, Muhammad Suleiman).

Research Problem

The research on the subject of "disclosing professional secrets in Iraqi and comparative law" raises many problems that can be posed in the form of questions. What is the concept of disclosing professional secrets of banking in Iraqi and comparative law? Is there a difference in their concept from the concept of disclosing banking professional secrets in jurisprudence? What are the pillars of the crime of disclosing professional secrets? Are there special pillars next to it? Are the penalties mentioned in Iraqi and comparative law a deterrent to the perpetrators, and is the criminal and penal policy sufficient to eliminate the crime of divulging a professional secret or to reduce its commission?

Research Importance

The importance of research stems from the legal problems that banking professional secrets raise, which need study and research, especially after the increasing spread of these crimes. This includes a commitment to banking secrecy in an absolute manner that may lead to increasing many criminal phenomena, especially money laundering and terrorism financing crimes, and the lack of legal studies concerned with research and study, especially from the criminal aspect in detail and the scarcity of judicial rulings.

Research Method

The first approach is the comparative approach, as we compare the Iraqi law (the Banking Law issued by Decree No. 40 for the year 2004, the Central Bank Law issued by Decree No. 56 for the year 2004, and the Temporary Securities Markets Law No. 74 for the year 2004) with the law relating to the secrecy of Lebanese banks No. 6 of 1956 and the Law on Confidentiality of Accounts in Banks No. 204 of 1990. The second is the analytical

approach, as the comparative legal texts will be analysed to reach the Criminal protection for banking professional secrets.

The Concept of the Banking Professional Secret and Its Legal Basis

I will explain in the first paragraph the concept of banking professional secrets, while the second paragraph will be to clarify its legal basis.

The Concept of the Banking Professional Secret

In this paragraph, I will explain the concept of a banking professional secret in a term, and its concept in law as follows. This term consists of three words: (the secret, the professional, the banker). The secret is something that if disclosed, would harm the reputation of the employer, or it is all that the trustee knows during or on the occasion of a job or profession and in its disclosure would be harmful to a person or family because of its nature or under the circumstances that surround it (Mustafa, 1999). Banking professional secrets are all data or information unknown to its precise components or in its final form that will affect dealing with the bank's customer or trust in the bank or affect his financial or social situation in general (Obaidat, 2005).

The banking professional secret is a convention intended not to be disclosed, including customer accounts except in certain cases estimated by the legislator (Al-Ajmi, 2010), every order, fact or information related to the bank's knowledge through a banking process. This also includes how the customer was led to the bank, and the customer's interest in keeping their deposits, the value of its amount, bank facilities, loans granted, guarantees, and instruments registered by the customer on the bank and others (Awad, 1987). All the facts that the customer entrusts to the owner of the profession or job are related to secrecy, that the distinct character of determining the facts are the secret (Najeda, 2001).

Banking professional secrecy is the obligation of every person practising banking business essentially not to divulge any secret duty order that came to their knowledge in the process of exercising their profession, except for a person with a certain capacity (Al-Jaafari, 2005). The duty incumbent on banks is to preserve the secrecy of economic and personal economic issues related to customers and other people which would have come to their knowledge while practising their profession, while recognising the existence of the presumption of discretion in the interest of these customers (Dr. Al-Jilali, 2011).

The Concept of the Banking Professional Secret in the Law

The legislation did not provide a definition of the secret, and the reason why no definition of the secret in the laws may be due to the difficulty of defining the term secret is that what is considered a secret under certain conditions may not be considered as well under other conditions, and what is considered a secret for a person that is not considered a secret for another person this is on the one hand, and On the other hand this may be regarded as a secret in a particular time, while it is not considered a secret in another time (Hassi, 2011), and we support this opinion.

Through reference to the comparative laws, I did not find a specific concept of the professional banking secret in the Egyptian and Lebanese law, and also the Iraqi law did not clarify the concept of the professional banking secret, but rather it was a statement of what is meant by banking business, as the Central Bank of Iraq law issued by Decree No. (56) for the year 2004 defined banking activities By saying (banking business: business that includes the receipt of financial deposits or other collectible funds from the public with the aim of opening bids or making investments for their account) (Article 1).

The Iraqi Banking Law also defined banking business by saying (“banking business” means the business of receiving cash deposits or other funds due from the public to deposit credits or investments in their accounts) (Article 1).

The Legal Basis for Compliance with the Professional Banking Secret

The bank relies as the main funder of economic activities and the shelter of investors who seek to benefit from its extensive experiences and services on fixed principles established by banking transactions and customs for a long time until they have become solid legal rules in banking transactions, and at the forefront of these principles is the principle of commitment to the banking professional secret, which is that the bank is committed to Not to disclose the secrets deposited by clients with him to protect trust in banks as economic and financial institutions on the one hand, and to protect the financial and moral interests of customers on the other hand, in addition to protecting the public interest in strengthening credit and providing The right climate for economic investment (Al-Taji, 2018).

Countries differed regarding the provision of protection for banking secrets, as they took one of two methods, either to provide protection under special provisions in the financial and commercial laws or to provide protection under special provisions contained in the laws on bank secrecy.

The Basis for Commitment to the Banking Professional Secret in Financial or Commercial Laws:

The commitment to maintain the banking professional secret is one of the obligations that protect the interests of customers, whether material or moral on the one hand, and providing confidence in banks as economic financial institutions engaged in an important economic and social profession on the other hand.

To ensure the proper and orderly conduct of this vital public facility and the protection of the supreme public interest in strengthening the credit system and providing an appropriate climate for investment and economic stability from a third party.

The basis for the legal commitment to the professional banking secret is in the financial and commercial laws in many countries. In Egypt, several laws were issued in this regard that regulated the provisions of professional banking secrecy, including Law No. (163) for the year 1957 regarding banks and credit in Articles (63) to (64) thereof. And Law No. (120) of 1975 regarding the Central Bank of Egypt and the banking system in Article (9) thereof.

The Lebanese legislator was also concerned with adhering to the professional banking secret and treating it in many laws, including the Cash and Credit Law and the establishment of the Central Bank issued by Decree No. 13513 of 1963 (The article (44), (127 / 3), (150 -151), (190), (197), (202- 203).

Law No. (28/67) amending the Law on Monetary and Credit and the Establishment of the Central Bank No. (28) for the year 1967 dealt with the obligation to preserve the banking professional secret in Article (43) thereof, and the Law on the Establishment of the Banking Free Zone implemented by Decree No. (9976) of 1977 in Article (2) and (3) from it.

And in Iraq, the Banking Law was issued by Decree No. (40) of 2004, as this law dealt with banking secrecy in Chapter (eight) of it, indicating the scope of banking secrecy, cases in which it is possible to exit from bank secrecy, the crime of disclosing the banking professional secret and the penalties applied to its perpetrators In Articles (49) to (52) of this law, and the Central Bank of Iraq Law issued by Order No. (57) for the year 2004 regulates the provisions for professional banking secrecy in Article (22 / paragraph A and B) thereof, and the temporary law for stock exchanges issued Decree No. (74) of 2004 dealt with bank secrecy in Section (V) / Paragraph (13) from it.

The Basis for Commitment to the Banking Professional Secret in the Laws on Banking Secrecy:

Countries may not be satisfied with stipulating the obligation to preserve the banking professional secret in public legislation as a professional secret such as punitive laws or regulating its provisions in commercial and financial laws, but rather go to the allocation of independent laws regulating the professional secret. The banker made the obligation to maintain it a mandatory principle that violating the offender would be punished with criminal and civil penalties or one of them. The motives for establishing banking secrecy in those countries were multiple, including economic to attract the capital escaping from taxes. Including political motives (Dr. Al-Bassat, 1993).

Among these are the Lebanese Republic in Law No. (6) of 1956 regarding bank secrecy in Articles (2), (4), (6), (8) thereof. Likewise, the United States of America, as the Banking Confidentiality Law was issued in 1970, and the Arab Republic of Egypt in the Law Concerning the Confidentiality of Accounts in Egyptian Banks No. 205 for the year 1990 in Article (1) to (8).

The Crime of Disclosing the Banking Professional Secret and Its Penalty

Searching for the crime of disclosing banking professional secrets requires researching the pillars of this crime on the one hand, and researching its penalty on the other hand.

The Crime of Disclosing the Banking Professional Secret

To discuss the crime of disclosing the banking professional secret, the pillar of this crime must be clarified, so I will divide this paragraph into two points. The first point will be dedicated to the general pillars of the crime of disclosing the banking professional secret, while the second point will be singled out for the special pillars of this crime as follows:

The General Pillars of the Crime of Disclosing the Banking Professional Secret:

For the crime of disclosing the banking professional secret, and then the entitlement of the perpetrator to the punishment of this crime stipulated by law, it is necessary to verify the general pillars which are the material pillar of the crime, and the moral corner of this crime and this is what I will explain in two points as follows:

A-The Physical Pillar of the Crime: The physical pillar of the crime of disclosing the banking professional secret is criminal behaviour, and the criminal result:

- **Criminal Behaviour:** The crime of divulging the banking professional secret cannot be achieved unless criminal behaviour occurs, and the question that arises here is whether this crime is achieved by committing the perpetrator to a positive criminal behaviour only, or can it be achieved by negative behaviour? What are the forms of this behaviour?

The crime of disclosing the banking professional secret is achieved by a positive criminal behaviour that is (the act of disclosure) and is intended (disclosure of confidential facts from a person entrusted with it under his position, position or profession in violation of the law) (Shafi, 2007).

Four conditions must be met in disclosure. The first condition is that disclosure is a secret of its nature or the circumstances surrounding it, and the second condition is that it is not known to all, and the third condition is that the perpetrator knew about it during or due to his job, and the fourth and last condition is The disclosure of the secret should be without a legitimate reason or legal text authorising it, and accordingly, the disclosure shall not be realised if it was disclosed based on coercion or under the influence of pressure or without knowing the nature of it being a secret, and the denominator of the disclosure will use the secret for the benefit of the perpetrator Personal or the benefit of any other person, and that means a person does not resort to divulging the secret but rather resorting to its use to obtain material or moral benefit or to achieve a certain profit or social status or ability to compete in the field of work (Dr. Salama, 1999).

It is worth noting that the disclosure of the banking professional secret is not required to be complete, as it is sufficient to disclose a part of it, and it is not required that the disclosure be public, but it is sufficient that the disclosure of secrets is to one person. Disclosure may be tacit as if the employee allowed someone to be informed of the papers related to his job deposited with him and who are entrusted with its secret if they are confidential. The act of disclosure may be automatic or non-automatic, and the disclosure may be verbal or written directed to a person, but it must contain a minimum amount of accurate information (Dr. Sidqi, 2014).

Also, the crime of disclosing the banking professional secret with negative criminal behaviour occurs in the form of refraining from preventing others from viewing the secret as long as the employee trusted to the secret was able to prevent him from that. If the person who is observing the secret sees a person trying to view the papers that are supposed to have a secret nature it does not count as disclosure simply because of the silence on the part of the person who is committed to keeping the banking professional secret about a question posed to him.

Disclosure may be direct as if a person accepts two tasks at the same time, one of which assumes disclosure of the information obtained from the other and was obliged to keep it confidential (Anis, 2016). In the law relating to the secrecy of accounts in banks, the Egyptian legislator defined criminal behaviour with positive behaviour (giving or disclosing) (Article 5), and with negative behaviour (for the offender to refrain from performing his duty), as it stipulated that it is not permissible to review it or give data (Article 1). The Lebanese legislator went on to declare that this crime occurs by a positive behaviour (the act of disclosure), and by a negative behaviour (the perpetrator abstaining from performing the legal obligation and sharing the secret), as he stipulated that they are obliged to keep the secret absolutely in the interest of the customers of these banks and they may not disclose what they know about clients' names, funds, and matters related to them to any individual, or a general administrative, military, or judicial authority (Article 2).

As for the Iraqi legislator, this crime takes place positively and negatively, as the Central Bank of Iraq law stipulated that "Also, it is not permissible for anyone who has seen this information to disclose it to other references mentioned"(Article 54). Article 49 of the Banking Law states that "the bank maintains confidentiality concerning all clients' accounts and deposits and ... it is prohibited to give any data on it ...", and Article 50 stipulates that "it is prohibited ... Providing any information or data about clients and ... or disclosing them or enabling a third party to view this information and data...". The temporary law of the stock market stated that "the broker or obligor must abide by the following procedures: A- Protect confidential information that pertains to investors except when he is obliged to disclose it legally" (Article 13).

- **The Criminal Result:** For the crime of disclosing the banking professional secret to occur completely, a criminal result must be achieved, that is, the act (disclosing the banking professional secret) should cause material or moral damage to the victim, such as if he is injured in his position, honour, or reputation, And the failure to achieve the criminal result, denies its criminal character (Dr. Jaafar, 2009). By referring to the comparative laws, we find that they did not explicitly stipulate the criminal consequence of criminal behaviour, but they implicitly defined the criminal result with a harmful result which is (damage to the customer).

B- The Moral Pillar of the Crime: The crime of disclosing the banking professional secret is realised when the perpetrator intends to disclose the banking professional secret, so it does not happen if the disclosure occurred due to lack of precaution, negligence or failure to observe the regulations and instructions etc. And it is sufficient for this crime to be realised merely to disclose the perpetrator to the banking secrets and knowledge of its subject with the direction of the perpetrator's will to that for the availability of the general intent, as the private intent (special intention) is not required, which is what the French judiciary went

to, as it ruled (that the disclosure of the secrets is in itself from Infamous acts that do not require a special intent to support them (Dr. Ahsan, 2008).

The general intent is sufficient to achieve the criminal intent of the crime of disclosing the banking professional secret, as the opinion that required in this crime has been abandoned with a special intent consisting of intent to harm the customer. The reason for this is that the criminal offense is to ensure the proper and regular functioning of some professions which is not related damage or intent to damage is more than protection against damage (Dr. Hosni, 1988).

The employee who peruses the papers, documents or data must know that they have the confidentiality as a banking professional who is practising a profession that makes them a warehouse of secrets. They must also know that the customer is not satisfied with the disclosure of secrets. However, if the perpetrator believes that the incident does not have a professional confidentiality characteristic, or think that the client has authorised him to disclose the secret, the criminal intent negates this on the one hand. On the other hand, in addition to the availability of knowledge, the direction of the perpetrator's will to disclose the secret and the consequent violation of the integrity of the rights the law prohibits assaulting (Al-khawald & Ali, 2016).

The crime of disclosing banking professional secrets is considered one of the intentional crimes in which the moral pillar is in the form of criminal intent, as this crime does not occur if it occurred as a result of negligence or lack of precaution by the burden of the obligation to maintain it unless the failure to disclose the crime of professional secret does not prevent the establishment of civil liability if its elements are available. Therefore, this crime does not occur if one of the employees of the bank made a mistake while informing the account holder of his balance and disclosing it in a way that allowed others to know the value of his balance or the worker disclosed in the bank a loud value of the account of a customer account so that it enabled others to know the value of the balance without intending it (Salama, 2014).

The Lebanese legislator in the Banking Confidentiality (Amendment) Law stipulated that the crime of divulging the banking professional secret occurred intentionally, as Article 8 stipulated that “every intentionally violating the provisions of this law punishes its perpetrator.....”.

Some see that this crime, as well as intentionally, can be a mistake in the form of unintentional error, for example in the form of recklessness, such as one of the bank's employees telling a co-worker that a businessman deposited a large amount of money in the bank, and the colleague informs a wife. The businessman reported that, because the

employee did not appreciate the situation, and was less thoughtful in his behaviour (Abdul, 2014).

The Special Pillars of the Crime of Disclosing the Banking Professional Secret:

The crime of divulging the banking professional secret is the general pillars, which are the physical pillar and the moral pillar. They must be available to carry out this crime, and the fall of one of these two pillars means the absence of criminal responsibility for the perpetrator. and by referring to the comparative laws, we find that two special pillars must be investigated for the crime of disclosing the banking professional secret, which is the character of the offender (entrusted to the banking professional secret), the subject of the crime (a professional banking secret).

A- The Capacity of the Perpetrator: For the crime of disclosing the banking professional secret, the perpetrator of the crime must enjoy a certain capacity, which is under the nature of his work entrusted to the secret from the secrets and to work for a public institution (Anis, Ibid).The actor's attribute is an important pillar in the crime of disclosing professional secrets in general, and the crime of disclosing banking professional secrets in particular, so this crime is not committed by any person, but a person with a certain characteristic. These attributes are derived from the type of profession that he exercises, that is, a professional attribute. The reason for that is that the law punishes the disclosure of the secret to protect the interests of individuals when they relate to owners of professions and jobs requesting their services and they are forced to elaborate on them. Additionally, if they are depositing them with secrets as to why the profession is closely related to the status of the necessary trustee and the person whom people find themselves obliged to resort to for the sake of his profession (Almurshady, 2016).

B-The Crime Subject: There must be a relationship between the banking professional secret (the subject of the crime) and the capacity of the perpetrator. If the act is not related to any association with this profession, it does not fall within the framework of the professional banking secrecy.

The secret must be known by the person who is supposed to conceal it during the exercise of the job, and this means that the concept of the relationship with the profession must be taken in the broad sense so it falls under the meaning of professional banking secrecy that the customer pays a certain amount to his boyfriend as well as the actions that are only partially known by the bank.The significance of the secret takes on a flexible meaning due to his appreciation to the judge of the matter, to which the description is attributed, that is, the nature of the work itself, its harmful effects and the nature of the committed act (Al grad, 2004).

Penalty of the Crime of Disclosing the Banking Professional Secret

After we discussed what is the professional banking secret, the punishment for the perpetrators of this crime must be researched and this requires dividing this paragraph into two points, as I will allocate the first point to penal penalties, while the second point will be for non-penal sanctions as follows.

Penal Penalties: Penal penalties are corporal punishments, especially executions, and penalties depriving of liberty, and financial penalties (fines, confiscation), and the question here is, do comparative laws provide for all criminal penalties? Is the punishment for the crime of divulging the complete banking professional secret the same penalty for attempting to commit the crime? What are its minimum and upper limits? Is the organisation of these sanctions commensurate with the seriousness of this crime, so that it constitutes integrated criminal protection for the customer and the professional banking secrecy? To answer these questions, it is necessary to refer to the comparative laws as follows:

As for the Egyptian Law, Law No. 205 of 1990 regarding the confidentiality of accounts in banks (the amended) took the penalties depriving of liberty and the financial penalties (the fine), as Article 7 stipulated that “without prejudice to any more severe punishment, anyone who violates the provisions of the first and second articles (last paragraph) and the fifth article of this law include imprisonment for no less than a year and a fine of no less than ten thousand pounds and not more than twenty thousand pounds”. It did not stipulate the punishment for attempting this crime.

The Lebanese law went to the introduction of penalties that deprived of liberty, specifically the penalty of imprisonment only, and made the penalty for attempted the same as penalty the crime of divulging the complete banking professional secret, as Article 8 stipulated that “every intentionally violating the provisions of this law punishes the perpetrator with imprisonment from three months to a year and the attempted crime is punishable by the same punishment..”.

As for the Iraqi law, the Central Bank Law (the amended) has taken only financial penalties (fines), as Article 62 (first, second, and third paragraphs) stipulates that “the president and members of the bank’s board of directors, the bank’s director and the employees who are obligated to keep the bank’s secrets and who obtain Information under their profession imposing fines not exceeding 10 ten million dinars for a single violation by the Central Bank of Iraq if it reveals the secrets of any of its clients”. The Temporary Stock Market Law No. 74 2004 was taken with imprisonment and fine, and Section (15), which came under the title (penalties), states that “Imposing material fines and penalties that may include imprisonment as defined by law by a court with competent jurisdiction over people who intentionally

violate the terms of this law or the legal order issued by the authority or people who do not comply with the requirements of the legal body in terms of information or documents under this law as well as the people who help Mainly with knowledge of such behaviour”.

The temporary law for the Iraqi securities markets became more successful than the law of the Central Bank of Iraq because it was not satisfied with the penalty of the fine, but rather stipulated in addition to it a prison sentence that means a temporary prison sentence. This means that it counted the crime of divulging the banking professional secret from the felonies, while other Iraqi laws counted it from misdemeanours, and the punishment of a partner in the above law is the same as the punishment for the perpetrator because this crime is an economic crime.

Non-Penal Sanctions

Non-penal sanctions are civil, administrative punishments, and the question that arises here is whether the comparative laws stipulated non-penal penalties. Are you limited to one or more types? Did you combine penal and non-penal sanctions? Will these penalties in the event of their occurrence achieve integrated protection of the banking professional secret? To answer these questions, it is necessary to refer to the comparative laws.

Concerning the Egyptian legislator, the law on bank account confidentiality (the rate) did not stipulate non-penal penalties only with penal penalties (imprisonment and fine), but administrative penalties can be applied under the law of workers in the state that criminalises the disclosure of the professional secret in general, including the professional banking secret (The article 80).

Also, the Lebanese legislator is the other in the Banking Confidentiality (Amendment) Law, limited to making the punishment for the perpetrators of the crime of disclosing the banking professional secret criminal penalties (imprisonment and fine).As for the Iraqi legislator, the Central Bank Law (the amended) went to the introduction of administrative (disciplinary) penalties if he committed the crime of divulging the banking professional secret, which is (alerting, warning, withdrawing licenses, imposing administrative fines not exceeding 10 ten million dinars for a single violation by The Central Bank of Iraq (Article 62 / first, second, and third).

The Central Bank of Iraq can also, under the provisions of the Banking Law, request the bank to suspend the work of any authorised manager or branch manager temporarily or permanently depending on the gravity of the violation, as well as the Central Bank of Iraq to request the bank to remove the chairman or the removal of any member of the board or That the bank’s board of directors dissolve and appoint a trustee (The article 56).



The Iraqi Securities Market Interim Law of 2004 went to make the punishment for the perpetrators of the crime of disclosing the banking professional secret as well as criminal penalties, non-penal (administrative) penalties which are a warning to the mediator, an administrative fine, stopping the broker or his representative from working for a while, and revoking the broker's authority to trade Bonds on the market (Section 11). The subject of the research did not provide for civil penalties, except that compensation can be signed for the customer's employees and employees of the bank and the bank pays it according to Article 219 of the Iraqi Civil Law, provided that the bank returns what it includes to the employee responsible for the damage caused to the customer.

Conclusion

Through research on the subject of the crime of divulging the banking professional secret in Iraqi law (a comparative study), we concluded that the commitment to the professional banking secret was an ethical obligation and then it became a religious obligation, and it has now settled into a legal obligation stipulated in the comparative laws.

Comparative legislation has gone in two directions regarding the criminalisation of the banking professional secret: the first criminalising the disclosure of banking professional secrets in commercial and financial laws, which was followed by the Iraqi legislator, while the second trend criminalises the disclosure of the banking professional secret in laws relating to banking secrecy.

The crime of disclosing a banking secret in addition to the general pillars is a private pillar, which is the capacity of the perpetrator who is the trustee of the banking professional secret. This crime is an intentional crime that cannot occur in the form of unintentional error.

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