



## THE CONCEPT OF CORRUPTION AND THE DEVELOPMENT OF THE ANTI-CORRUPTION SYSTEM

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### ABSTRACT

This abstract aims to provide an overview of the concept of corruption, the evolution of anti-corruption systems, and their role in fostering transparent and accountable governance. It begins by elucidating the multifaceted nature of corruption, encompassing bribery, embezzlement, nepotism, and other forms of malfeasance. The detrimental effects of corruption on economic growth, public trust, and social justice are delineated, emphasizing the urgency of combating this pervasive issue.

### KEYWORDS

Corruption, crime related to corruption, conflict of interests, openness and transparency; systematicity, cooperation of the state and civil society, priority of measures to prevent corruption, inevitability of responsibility.

### INTRODUCTION

The concept of corruption: an analysis of international standards and national legislation. No one doubts that the topic of corruption is relevant. It is being talked about in all spheres: mass media, conferences, meetings and mutual conversations with special emphasis. The fact that the issue of corruption is studied not only within the framework of the science of international law, but also in the system of such

sciences as criminal law, criminology, and political science shows that it is a multifaceted, urgent problem.

Corruption is a socio-legal phenomenon associated with the use of official position for personal purposes. In most cases, corruption is defined as taking bribes from citizens and obtaining illegal monetary income by state officials for personal gain and wealth.



Etymologically, "corruption" comes from the Latin word "corruptio", which means "to spoil, to buy, to divert with a bribe". According to the legal encyclopedia, "corruption is a criminal activity in the field of politics or public administration expressed in the use by officials of the rights and powers granted to them to gain personal wealth."

In the "Encyclopedic Dictionary of Legal Terms" it is said that corruption is "the illegal use of their status and related opportunities by persons authorized to perform state functions to obtain material and other wealth, privileges."

Among theoretical scientists, politicians and practitioners, there are different opinions and opinions about the concept of corruption, and many try to express it in a broader sense. Some scholars say that bribery itself is corruption, while others define corruption as a wide-ranging criminal association. According to the theoretical interpretation, corruption is the use of the official position and the position and the reputation associated with it for the purpose of gaining personal wealth or for the interests of a group of people. It is a dangerous phenomenon for the society expressed in undermining the authority.

The history of corruption is as old as the history of mankind. The ancient Greek philosopher Aristotle said: "The most important thing in any government is to organize the work through laws and regulations so that the officials cannot get rich by illegal means." Taking and giving bribes is mentioned in the 12 Tables of Laws of Ancient Rome. In primitive and first-class societies, it was considered a natural thing to pay a fee to a village head, a tribal elder, or a military leader to obtain a certain privilege. The situation has changed depending on the complexity and professionalization of the state apparatus. High-ranking officials demanded that lower-ranking employees be satisfied

only with the assigned salary. Lower-level officials, on the contrary, preferred to secretly receive (or demand) additional fees from the nobles for the performance of their official duties.

One of the earliest records of corruption is found in ancient Babylonian cuneiform inscriptions. According to texts dating back to the middle of the third millennium BC, the Sumerian king Urukagin was looking for ways to solve the problem of putting an end to the illegality of judges and officials, who were already taking illegal fees.

Ancient Egyptian rulers faced similar issues. Documents found in the course of archaeological research indicate that corruption was especially rampant in Jerusalem in 597-538 BC, after the Jews were taken captive by the Babylonian king.

In the early stages of the history of ancient societies, when professional state officials did not yet exist (ancient Greek city-states, republican Rome), there was almost no corruption. This phenomenon arose only at the stage of the decline of antiquity. During this period, it was said about the state officials caught in the trap of corruption: "He came to a rich region as a poor person and left a poor region as a rich person." At the same time, the special term "corrumpire" appeared in Roman law, which was considered a synonym of the words to corrupt, bribe, and served to express all forms of abuse of official position.

In places where the power of the central government was weak (for example, in Europe during the early Middle Ages), the use of official positions to extort money from the population in most cases became a generally accepted norm.

As the state became more centralized, it more severely limited the independence of citizens, thus giving lower and higher officials the incentive to secretly break the law in favor of citizens who wanted to escape strict



control. Public punishments of corrupt officials to serve as a lesson to others have usually had no effect, as those removed (dismissed or executed) have been replaced by new bribe-takers. Since the central government usually did not have the necessary power and means to establish overall control over the activities of officials, it was content with punishing only the most dangerous forms of corruption.

In the Middle Ages, the norms of customary law adopted in the countries located on the territory of Uzbekistan were mainly determined by the legal traditions based on the principles of Islamic culture. In particular, in order to regulate the work of officials in the state of Amir Temur, interrogations, inspections, inspections, and investigations were conducted from time to time. Acts such as abuse of power, bribery, constant drinking, domestic disorder were considered grave sins and were severely punished. According to historical sources, Amir Temur's son Mironshah, grandsons Pirmuhammad and Halil Sultans were punished in front of the people for violating the norms mentioned above.

At that time, responsibility for corruption in the current interpretation was not provided for in feudal societies in Uzbekistan. Nevertheless, until the period when Uzbekistan was conquered by Russia, corruption was manifested in legalized institutional forms, in particular, paying the representatives of the ruling circles in one way or another became a feudal obligation. For example, ordinary peasants were regularly charged with the "ushur" tax - a tenth of the harvest - in favor of khans, sultans, beys and other representatives of the nobility. Cattle breeders paid the zakat tax - the amount of this tax was equal to a specific head of one or another type of livestock. In addition, it was necessary to give various gifts to representatives of the nobility and elders.

At the time when democratic values are being established in our country and the processes of globalization are gaining momentum, it is alarming that the so-called corruption is threatening the development of not only one country, but the entire region or the world. It should be noted that corruption undermines the foundations of democracy and the rule of law, leads to gross violations of human rights, disrupts the economy, and creates conditions for the widespread spread of organized crime and terrorism, which are extremely dangerous for society and the state.

Today, the world community is convinced that corruption is directly related to international crimes such as human trafficking, terrorism, drug trafficking, and arms trafficking. In general, corruption seriously undermines the activity of law enforcement agencies, if it supports them financially, on the other hand.

The fight against corruption and its elimination in many cases consists of identifying the factors, situations and conditions that cause it and eliminating them, as well as a comprehensive fight against it.

Factors that lead to corruption include the complexity of the system of authorities, the abundance of orders, and the lack of external and internal control over the activities of state authorities. It is sometimes very difficult to distinguish organizational misunderstandings from encouraging corrupt behavior of citizens. An excessive number of prohibitions, permitting procedures, and the lack of a mechanism to protect the interests of citizens involved in the activities of state authorities also open the way to corruption.

Since the first days of independence, the Republic of Uzbekistan has been fighting against corruption, an evil inherited from the former totalitarian regime. A strong legal framework has been created in the field of



fighting corruption in our country. In particular, in the National Security Concept of the Republic of Uzbekistan adopted in 1997, it was recognized that corruption is one of the threats to the country's national security. Issues of combating corruption are also defined in the "National Program for Improving Legal Culture in Society". On July 7, 2008, our country joined the UN Convention "Against Corruption" (New York, October 31, 2003). In March 2010, our country joined the Istanbul plan to combat corruption (September 10, 2003), adopted within the framework of the Organization for Economic Cooperation and Development. Also, on December 13, 2011, the Oliy Majlis ratified the Agreement on the Eurasian Group to Combat Money Laundering and Terrorist Financing (Moscow, June 16, 2011). Uzbekistan was one of the first in our region to adopt the Law "On Combating Legalization of Criminal Proceeds and Financing of Terrorism".

As a logical continuation of these activities, the Law "On Combating Corruption" signed by the President of the Republic of Uzbekistan Shavkat Mirziyoyev on January 3, 2017 is of great importance. Legality as the main principles of fighting corruption in the document; the priority of rights, freedoms and legal interests of citizens; openness, transparency and systematization; mutual cooperation of the state and civil society; the priority of measures on the prevention of corruption and the inevitability of responsibility is mentioned. At the same time, state bodies that directly carry out anti-corruption activities have been determined, and these bodies include the General Prosecutor's Office of the Republic of Uzbekistan; National Security Service of the Republic of Uzbekistan; Ministry of Internal Affairs of the Republic of Uzbekistan; Ministry of Justice of the Republic of Uzbekistan; It includes state bodies such as the Department of Combating Tax, Currency Crimes

and Money Laundering under the General Prosecutor's Office of the Republic of Uzbekistan.

In the years of independence, the law enforcement agencies of the Republic of Uzbekistan carried out great work in the fight against crime. In the first years of independence, the number of crimes increased sharply. This is a natural situation, because when transitioning from a certain system to a new form of statehood, such negative situations increase. However, as a result of the drastic measures taken to reduce the number of crimes, a reduction in criminal acts has now been achieved. One such crime is direct corruption. The problem of combating this crime poses a huge threat not only to a particular country, but also to the international and international community. The reason is that most of the countries of the world are currently supporting the policy of market economy.

In the system of the state apparatus, within the framework of official powers, in the areas of its management system, abuses of official powers, bribery, crimes in the economy and tax system, the social danger of their forms of organized crime can create extremely dangerous manifestations. . Especially, their appearance in the form of an organized group or a criminal association can be even more dangerous as they can bring the state administration to a very sad state, and cause consequences such as its destruction and destruction. The fact that such crimes are committed at the level of corruption is a sign of the most dangerous nature. "Corruption, ... first of all, uses the opportunities of the public service to assist or directly help organized criminal organizations," says I.A. Karimov, the first President of the Republic of Uzbekistan.

The fight against corruption was further strengthened by the decree of the President of the Republic of Uzbekistan Shavkat Mirziyoyev dated 07.06.2021 No.





6257. According to the decree "On measures to create an atmosphere of intolerant attitude against corruption, to drastically reduce corrupt factors in state and community management, and to expand public participation in this" Consistent measures are being taken to introduce a system based on international standards.

In particular, by ensuring openness, transparency and transparency in the activities of state bodies and organizations, as well as by establishing the accountability of officials to the population, the necessary conditions were created for the implementation of effective and effective public control in public administration.

For the first time, a separate body responsible for identifying and systematically analyzing corruption risks and eliminating the factors that cause them

- Anti-corruption agency was established. Internal anti-corruption control structures are being established in state authorities and large economic entities.

Effective mechanisms aimed at preventing corruption and abuses in many areas, such as issuing state number plates to vehicles, providing notary and other state services, allocating land plots, monitoring compliance with traffic rules, making extensive use of digital technologies is being introduced.

At the same time, despite the systematic measures being taken, cases of corruption in areas such as the use of budget funds, state procurement, capital construction, obtaining licenses and permits, allocating bank loans, and hiring remain.

In order to increase the efficiency of the system of fighting against corruption and early prevention of corrupt situations, to involve the public in this process and to create an atmosphere of intolerant attitude

towards corruption, implementation of large-scale works on this decree was promoted.

The Law of the Republic of Uzbekistan, Law No. ORQ-419 dated 03.01.2017 and Law No. 683 of the Republic of Uzbekistan dated April 21, 2021, we are in line with the requirements of the time in the fight against corruption and international standards recognized by Uzbekistan. norms and instructions corresponding to the documents were highlighted.

In the encyclopedic dictionary of legal terms, the concept of corruption is defined as "the use of their status and related opportunities to obtain material and other wealth and privileges illegally by persons who have the authority to perform state functions (or are equal to them), as well as this It is defined as allowing individuals or legal entities to acquire wealth and benefits illegally.

The information of the UN on the fight against corruption at the international level says: "Corruption is the abuse of public power for personal gain."

A similar definition of corruption can be found in the World Bank's report on the role of the state in today's world: corruption is "abuse of state power for personal gain."

UN anti-corruption documents:

- 1) "Code of Conduct of Law Enforcement Officials" (adopted by the Resolution of the UN General Assembly on December 17, 1979);
- 2) Guiding principles for the effective implementation of the Code of Conduct of Law Enforcement Officials (adopted by the resolution of the UN Economic and Social Council on May 24, 1989);
- 3) International Code of Conduct of State Officials (adopted by the Resolution of the UN General Assembly on December 12, 1996);



4) UN Declaration on Combating Corruption and Bribery in International Commercial Transactions (approved by the Resolution of the UN General Assembly on December 16, 1996);

5) International Convention on Combating the Financing of Terrorism (adopted by the Resolution of the UN General Assembly on December 9, 1999);

6) UN Convention on Combating Transnational Organized Crime (adopted by the Resolution of the UN General Assembly on November 15, 2000);

7) Communiqué of the UN Forum on Offshores (Cayman Islands, March 30-31, 2000);

8) Report of the UN Secretary General on corruption (Vienna, May 8-17, 2001);

9) Anti-corruption measures. Anti-money laundering measures. Crime and Justice: A Plan of Action for the Implementation of the Vienna Declaration on Responses to the Challenges of the 21st Century (adopted by UN General Assembly Resolution 15 April 2002)

10) UN Convention on Combating Corruption (adopted by the Resolution of the UN General Assembly on October 31, 2003).

Documents adopted within the framework of the Commonwealth of Independent States regarding the fight against corruption:

Agreement on the cooperation of the participating states of the Commonwealth of Independent States in the fight against crime (Moscow, November 25, 1998);

Model law "On the legislative basis of anti-corruption policy" (adopted at the XXII plenary session of the Inter-Parliamentary Assembly of the CIS on November 15, 2003);

Model Law "On Combating Corruption" (adopted at the XIII plenary session of the Inter-Parliamentary Assembly of the CIS on April 3, 1999);

Model law "On combating money laundering" (adopted at the XII plenary meeting of the Inter-Parliamentary Assembly of the CIS on December 8, 1998);

The advisory legislative act "On the fight against organized crime" (adopted by the decision of the Inter-Parliamentary Assembly of the CIS on November 2, 1996).

Agreement on the Eurasian Group to Combat Money Laundering and Terrorist Financing (Moscow, June 16, 2011)

The main international document on the fight against corruption is undoubtedly the UN Convention against Corruption.

The Republic of Uzbekistan has ratified this international document: The Law "On the accession of the Republic of Uzbekistan to the UN Convention against Corruption" was adopted by the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on June 24, 2008, and It was approved by the Senate of the Supreme Assembly of the Republic of Uzbekistan on June 27 and entered into force on August 28, 2008.

The UN Convention against Corruption consists of a preamble and 8 chapters, 71 articles, in Chapter 1 (1-4) general provisions, in Chapter 2 (5-14) measures to prevent corruption, in Chapter 3 (15-42) crime and law enforcement activities, international cooperation in Chapter 4 (43-50), asset recovery measures in Chapter 5 (51-59), technical assistance and information exchange in Chapter 6 (60-62), 7 -chapter (63-64) shows implementation mechanisms, chapter 8 shows the final rules.



The Republic of Uzbekistan joined this convention with several notifications, declarations and conditions.

In particular, according to paragraph 1 of the Law, according to paragraph 3 of Article 6 of the Convention of the Republic of Uzbekistan, the General Prosecutor's Office of the Republic of Uzbekistan, the Ministry of Internal Affairs, the National Security Service and the Ministry of Justice have taken specific measures to prevent corruption. It is stated that they are designated as bodies that can provide assistance to other Participating States in the development of activities and their implementation.

Article 6(3) of the Convention states that each State Party shall notify the Secretary-General of the United Nations of the name and address of the body or bodies that may assist other States Parties in developing and implementing concrete measures to prevent corruption. fully meets the requirements.

According to Clause 2 of the Law, the acts provided for in Clauses 1 and 3 of Article 42 of the Convention in Articles 15-19, 21, 22, Clause 1 of Article 23, Articles 24, 25, 27 are in accordance with national legislation it is stated that it is a criminal act and that the jurisdiction of the Republic of Uzbekistan is applied to them.

These actions are considered a criminal offense under the criminal law of Uzbekistan, and criminal liability for such actions is defined in the current criminal law.

According to the theoretical analysis of the UN Development Program, the following factors play a major role in the emergence of corruption. Including authority and power, arbitrariness and self-interest, lack of accountability and lack of transparency. Therefore, corruption in the broadest sense is the misuse of the authority assigned to him by the state or society by a public servant or official and using it for personal purposes. Robert Klitgard, a leading theorist

of corruption, describes this situation in the form of a formula:

$$\text{Corruption} = (\text{Authority} + \text{Arbitrariness}) - (\text{Accountability} + \text{Transparency}).$$

Any crime occurs under the influence of certain reasons and conditions. There is a two-way relationship between corruption and the causes that create it. The conclusion is that, firstly, corruption can be reduced and limited only by solving the causes and conditions that give rise to it; secondly, it helps to solve these problems by carrying out a strict and uncompromising fight against corruption in all directions.

In the scientific literature, the following reasons are among the common causes of corruption.

1. Lack of deep understanding of democratic traditions.
2. Civil society institutions are not sufficiently involved in the fight against corruption.
3. Existence of defects in the system of power institutions.
4. The fact that the legislative technique is not sufficiently methodically provided and its main cases are not correctly applied to life.

Among the special factors that determine corruption, most experts include the fact that some areas of activity are not properly regulated by law and the existing shortcomings in the current legal documents.

But among them, the defects of the legal framework are one of the most important factors that cause corruption. It has the following views:

Conflicts of law;

Refunds;

Uncertainty and ineffectiveness of procedural mechanisms;



Development of anti-corruption system: foreign and national experience. The head of our state, Shavkat Mirziyoyev, pays special attention to the fact that it is a first-class task to find a more widespread solution in our lives for the sense of justice, which our people value highly and put above all else. The President has taken strict measures to fight corruption, various crimes and other violations in our society, to prevent them, and to ensure that the law on the fact that punishment for crime is inevitable. "We need to reach out," he emphasized.

The Law of the Republic of Uzbekistan "Combating Corruption", which was adopted by the Legislative Chamber on November 24, 2016, approved by the Senate on December 13, 2016, signed by the President on January 3, 2017 and entered into force on January 4, 2017 "On" law was an important step in this regard.

This law, adopted at the initiative of the head of our state, created an important legal basis for regulating legal relations in the field of fighting corruption. It serves to increase the effectiveness of anti-corruption measures implemented by state bodies, organizations and institutions of civil society. By preventing the manifestation of corruption in all spheres of public life, raising the legal consciousness and legal culture of citizens, an intolerant attitude towards all forms of corruption will be established in the society. The law, which consists of 34 articles, first of all defines concepts related to corruption. Corruption is illegal use of a person's position or official position for personal interests or the interests of other persons in order to obtain material or non-material benefits, illegal presentation of such benefits.

The main principles and directions of the state policy on fighting corruption are strengthened in the law. According to him, legitimacy, the priority of citizens' rights, freedoms and legal interests, openness and

transparency, systematicity, cooperation of state and civil society institutions, the priority of measures to prevent corruption, and the inevitability of responsibility are the main principles of fighting corruption.

Among the main directions of the state policy in the field of combating corruption is the raising of the legal consciousness and legal culture of the population, and the formation of an intolerant attitude towards corruption in the society. Measures are taken to prevent corruption in all spheres of state and community life. Among these are the timely detection of corruption-related offenses, putting an end to them, eliminating their consequences, the causes and conditions that enable them, and ensuring the principle of inevitability of responsibility for committing corruption-related offenses. The law provides a system of competent bodies fighting corruption. The General Prosecutor's Office of the Republic of Uzbekistan, the National Security Service, the Ministry of Internal Affairs, the Ministry of Justice, the Department of Taxes, Currency Crimes and Anti-Money Laundering under the General Prosecutor's Office are state bodies that directly carry out anti-corruption activities. In accordance with the law, other state bodies also carry out anti-corruption activities based on legal documents.

Anti-corruption activities in state bodies and their systems, which are responsible for fighting corruption according to the law, will be further improved. In order to increase the effectiveness of work in this direction, the law provides for the establishment of interdepartmental commissions to fight against corruption. The republican inter-departmental commission for combating corruption coordinates the activities of bodies and organizations that implement and participate in anti-corruption activities. The formation of such a commission and the order of its





activity shall be determined by the President of the Republic of Uzbekistan. In the Republic of Karakalpakstan, in the regions and in the city of Tashkent, regional interdepartmental commissions to fight against corruption are established in accordance with the procedure established by law.

The interdepartmental commission organizes the development of state programs in the field of combating corruption, as well as the development and implementation of measures to improve the legal consciousness and legal culture of the population, along with the coordination of activities related to the field. Another important aspect of the law is the establishment of mechanisms for citizens' self-government, civil society institutions, mass media and citizens' participation in the fight against corruption. After all, these institutions have been playing a special role in the determination of public control and ensuring the balance of justice in society. Their participation in the fight against the evil of corruption, which has a negative impact on the development of society, serves to increase the effectiveness of activities in this direction.

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