

IMPROVING NATIONAL LEGISLATION ON COMBATING CORRUPTION IN THE CONSTRUCTION SECTOR: PROBLEMS AND SOLUTIONS

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Abstract: The article examines corruption factors and risks in the construction sector, their specific characteristics and the organizational and legal foundations of combating corruption. Particular attention is paid to the issues and challenges in the national legislation and possible legal solutions to resolving them.

Key words: inevitability of punishment, legality, corruption factors in construction, corruption risks, legal instruments, national legislation, problems and solutions

The increasing number of powerful and devastating earthquakes occurring in the world in recent years has been having a serious impact on people's lives and countries' socio-economic infrastructure. Therefore, continuously improving the field of seismic safety, increasing the seismic resistance of existing and under-construction buildings and structures, forecasting and monitoring earthquakes, as well as ensuring effective cooperation between government bodies and relevant organizations in preparing for them, is of great importance.

In this context, there is a need to introduce modern scientific and technical approaches in the field of ensuring seismic safety, further strengthen the earthquake resistance of buildings and structures, develop advanced methods for predicting strong earthquakes, and establish an effective and modern system for preparation against them.

In today's global political arena, unlike traditional pressure, states are observed exerting political and strategic pressure on each other, and we are directly witnessing this. Examples include the use of energy sources and water flows as strategic weapons, as well as threats of **seismic disasters** and **natural calamities**. In our country today, along with the positive developments being carried out in the field of geology, it is important to take into account the risks of earthquakes and take measures to strengthen newly constructed and designed structures accordingly.¹

Consequently, **construction** and related **state policies** in our country **have gained urgent importance** today. As an example, changes have been made to the structure of construction supervisory organizations, specifically **the assignment of control over the construction sector to law enforcement agencies**. This also indicates that many shortcomings have occurred in this area, and construction work has been superficially organized within the framework of requirements.

On December 10, 2021, the **Presidential Decree No. PQ-43²** was adopted "On additional measures to strengthen control over the implementation of the program for the development of social and production infrastructure of the Republic of Uzbekistan and other state programs."

¹ <https://total-rating.ru/1105-reyting-gorodov-mira-po-kolichestvu-bezdomnyh.html>.

² Resolution of the President of the Republic of Uzbekistan No. PQ-43 dated 10.12.2021 "On additional measures to strengthen control over the implementation of the program for the development of social and industrial infrastructure of the Republic of Uzbekistan and other state programs"

This decree established republican, regional, and district headquarters to oversee and coordinate the implementation of state programs, and **appointed a Deputy Prosecutor General as the head of the Republican Headquarters**. It would not be an exaggeration to consider this reform as **a turning point** in the field of construction.

Comprehensive measures to accelerate construction in the country have been implemented, and **effective state management mechanisms have been introduced** in the construction sector.

However, **analysis results have revealed several shortcomings** in ensuring transparency in the construction sector.

For instance, **working groups organized to improve the seismic resistance of multi-story buildings and structures and ensure the seismic safety of the population**, consisting of seismologists, builders, designers, architects, and engineers, conducted documentary and visual studies of **10,980** multi-apartment residential buildings constructed and commissioned between 2017 and 2024. During these studies, the working groups identified **1,434** residential buildings not registered with the Inspectorate for Control in the Sphere of Construction and Housing and Communal Services, and **185** buildings with illegally added floors.

Based on the inspection results, the seismic resistance of **364** residential buildings was assessed, **with 107** requiring additional reinforcement (*strengthening*) and **1** slated for demolition due to seismic vulnerability.

The working group identified illegal construction work on 128 multi-story buildings and structures without proper urban planning documentation. Legal claims were filed to demolish 70 of them, while 58 have already been demolished.³

Despite regular enforcement measures and ensured punishments, cases of unauthorized construction of multi-apartment buildings without permits from the Construction and Housing and Communal Services Inspectorates, as well as illegal addition of floors, are on the rise. This is causing people to fall victim to fraud and leading to their justified complaints.

In our view, instead of combating the consequences of these violations, it is necessary to analyze their root causes and take preventive measures. The issue in our national legislation regarding this matter is that the responsibility for **constructing multi-apartment buildings** without permission from the Construction and Housing and Communal Services Inspectorates is treated the same as for other common facilities.

Based on the above, our national legislation should establish stricter liability for the construction of multi-apartment buildings without permission from the Construction and Housing and Communal Services Inspectorates compared to other types of structures.

In particular, it is necessary to adopt the Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of State Control and Management in Monitoring the Seismic Resistance and Seismic Safety of Buildings and Structures."

According to it, it is necessary to supplement **the Code of the Republic of Uzbekistan on Administrative Responsibility's Article 99** with the following part and align other norms accordingly:

"Construction of apartment buildings without a permit from the inspectorates for control in the field of construction and housing and communal services -

³ Thesis on the work carried out in the current year to ensure seismic safety of multi-story buildings, presented by the Ministry of Construction and Housing and Communal Services on 15.10.2025.

shall result in a fine imposed on citizens in the amount of one thousand five hundred times the basic calculation amount, and on officials - in the amount of two thousand times the basic calculation amount";

Furthermore, **Article 2293** of the Criminal Code of the Republic of Uzbekistan should be supplemented with the following part and other norms should be brought into compliance with it:

"Construction of apartment buildings without the permission of inspectorates for control in the field of construction and housing and communal services, committed after the application of administrative penalties for the same actions, - is punishable by imprisonment from three to five years";

In addition, it is necessary to revise the powers of the Inspection for Control in the Sphere of Construction and Housing and Communal Services in the field of ensuring seismic safety by introducing amendments and additions to **the Law of the Republic of Uzbekistan "On Ensuring Seismic Safety of the Population and Territory of the Republic of Uzbekistan"**.

In particular, the following should be noted as the powers of the Inspection for Control in the Sphere of Construction and Housing and Communal Services in the field of ensuring seismic safety:

- Control over the compliance of seismic safety measures for buildings and structures under construction in the territory of the Republic of Uzbekistan with the requirements of regulatory documents in the field of technical regulation;
- Participation in the classification of buildings and structures by seismic vulnerability based on electronic technical passports, as well as in the instrumental and technical inspection of buildings and structures and increasing their seismic resistance;
- Formation of electronic technical passports containing information necessary for assessing the seismic vulnerability of buildings and structures planned for construction in seismically active zones, as well as multi-story residential buildings;
- Taking the necessary measures to ensure the seismic resistance of buildings and structures under construction in the Republic of Uzbekistan, as well as to increase the seismic resistance of existing buildings and structures.
- The Inspectorate for Control in the Sphere of Construction and Housing and Communal Services shall exercise other powers in the field of ensuring seismic safety in accordance with the legislation.

In addition, working groups consisting of seismologists, builders, designers, architects, and engineers were organized **to increase the seismic resistance of multi-story buildings and structures and ensure the seismic safety of the population**. These groups studied the potential and qualifications of **more than 3,000** design organizations, resulting in the revocation of licenses for **85** uneducated, unqualified designers.⁴

This also necessitates regular assessment of the potential and qualifications of design and expert organizations, as well as maintaining their ratings.

In this regard, it is advisable to introduce the following changes to our national legislation:

⁴ Thesis on the work carried out in the current year to ensure seismic safety of multi-story buildings, presented by the Ministry of Construction and Housing and Communal Services on 15.10.2025.

- For all multi-apartment buildings with two or more floors, it is necessary to form a list of design organizations specializing in conducting instrumental and technical inspections of residential buildings and maintain their ratings in the national information system "Transparent Construction." The main criterion for this rating is the availability of certificates for engineers conducting instrumental and technical inspections of buildings and structures.
- Conduct monitoring of the technical condition of buildings and structures based on the results of instrumental and technical inspections in the "Transparent Construction" NIS;
- Terminate the practice of issuing recommendatory conclusions from instrumental and technical inspections and grant permission for the further use of apartment buildings only if these conclusions are positive:
- The examination of project documentation developed based on special technical conditions for ensuring compensatory measures for parts inconsistent with national regulatory documents is carried out exclusively by the state institution "Republican Center for Expertise of Urban Planning Documentation";
- The Ministry of Construction and Housing and Communal Services, in collaboration with interested ministries and departments, maintains a rating of expert organizations in the "Transparent Construction" IAS. Private expert organizations engaged in the examination of urban planning documentation take into account these rating indicators when conducting examinations of design and estimate documentation for facilities in accordance with legislative acts;
- The practice of issuing advisory expert opinions on urban planning documentation, excluding the estimated part of scientific and design documentation on the seismic resistance of facilities, is terminated;
- Negative conclusions regarding the seismic resistance of facilities serve as grounds for reducing the rating points of the design organization in the "Transparent Construction" IAS;
- A monitoring system is established to track the quality of two main materials (concrete and rolled steel) affecting the seismic resistance of objects, from production to their incorporation into load-bearing structures.
- It is prohibited to add additional floors to multi-apartment residential buildings under construction, develop urban planning documentation for increasing their height, review, conduct expert examination, and re-register them by the relevant architectural and urban planning councils;
- It is prohibited to connect facilities under construction to external engineering networks without obtaining permission from territorial inspections for control in the field of construction and housing and communal services in the prescribed manner. In this case, the information systems of energy supply enterprises will be integrated with the "Transparent Construction" NIS through the interdepartmental integration platform of the "Digital Government" system;
- Design and estimate documentation prepared for the construction of multi-apartment residential buildings shall be subject to expert examination exclusively by state expert organizations;
- It is advisable to introduce a Register reflecting information on the qualifications, work experience, and potential of certified key specialists listed in Appendix No. 1 to this Decree, who participate in the design, survey, construction, installation, and control processes of facilities, and to establish its maintenance in the "Transparent Construction" NIS.