

**CRIMINAL-LAW AND CRIMINOLOGICAL ASPECTS OF THE CRIME OF
INDUCEMENT THROUGH BRIBERY IN COMMERCIAL ACTIVITIES**

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Abstract

Inducement through bribery in commercial activities represents a serious form of private-sector corruption that undermines fair competition, market integrity, and public trust in economic institutions. This article examines the criminal-law and criminological aspects of commercial bribery, focusing on its legal characteristics, causes, patterns, and preventive mechanisms. Using a doctrinal and criminological approach, the study analyzes how inducement by bribery is criminalized in different legal systems, identifies its latent nature and socio-economic determinants, and evaluates contemporary prevention strategies, including corporate compliance and international anti-corruption standards. The findings show that effective criminalization combined with criminological prevention is essential to reducing commercial bribery.

Keywords

Commercial bribery; inducement; private-sector corruption; criminal law; criminology; corporate compliance

1. Introduction

Corruption in commercial activities has increasingly shifted from the public sector to private economic relations, where inducement through bribery is often used to secure unlawful competitive advantages. Unlike public bribery, commercial bribery typically occurs between private actors and is characterized by high latency and consensual participation. Many legal systems have historically treated such conduct leniently, despite its significant economic and social harm. Recent legal reforms and international standards have emphasized the need to criminalize and prevent inducement through bribery in commercial relations as a distinct corruption offense (Boles, 2014).

Forms of abuse of authority may be diverse, including:

- concluding contracts that are knowingly unfavorable for the organization;
- entering into commercial relations with bankrupt companies or fictitious companies established for fraudulent purposes;
- granting loans to persons who are known in advance to be insolvent;
- granting preferential loans to persons who are not legally entitled to receive them;
- concealing shortages of inventory and material assets;
- gross violations of accounting and financial reporting rules, etc.

Abuse of official authority through inaction does not constitute the corpus delicti provided for in Article 192¹ of the Criminal Code.

2. The crime stipulated in Article 192¹ of the Criminal Code of the Republic of Uzbekistan is a material offense and is considered completed from the moment criminal consequences occur. As a result of such an act, significant damage or serious harm is caused to the rights or legally protected interests of citizens or organizations, or to the interests of society or the state.

When assessing property damage in a large amount, pursuant to Chapter 8 of the Special Part of the Criminal Code, it is necessary to take into account the amount of material damage caused and lost profit. Accordingly, a “large amount” is understood as damage ranging from three hundred to five hundred times the minimum monthly wage.

The concept of “serious harm” is evaluative in nature and is determined with regard to the specific circumstances of the crime. Serious harm may be expressed in the form of direct material damage, lost profit, or other forms. (M.H.Rustambayev, 2016)

2. Methods

This article employs a **normative legal analysis** combined with a **criminological approach**. Legal norms regulating commercial bribery are examined through comparative and doctrinal methods, while criminological aspects are analyzed using findings from empirical and theoretical studies on corruption in the private sector. International conventions, national legislation, and academic literature form the primary sources of analysis.

3. Results

3.1 Criminal-Law Characteristics of Inducement through Bribery

From a criminal-law perspective, inducement through bribery in commercial activities consists of unlawfully offering, promising, giving, or receiving an undue advantage to influence decision-making within a commercial organization. Studies emphasize that many jurisdictions still lack clear and comprehensive criminal norms addressing private-to-private bribery, resulting in enforcement gaps and legal uncertainty (Resmen et al., 2022a; Resmen et al., 2022b).

Comparative research shows that countries such as Germany, Russia, and the United Kingdom have adopted specific criminal provisions targeting commercial bribery, althoughisonized with international standards like the UN Convention against Corruption (Markuntsov & Wassmer, 2020). However, sanctions for commercial bribery often remain lower than those for public-sector corruption, reducing their deterrent effect (Boles, 2014).

3.2 Criminological Features and Causes

Criminologically, inducement through bribery in commerce is marked by high latency, mutual benefit, and organizational concealment. It frequently arises from intense market competition, weak corporate governance, and ineffective internal controls (Maslova, 2022). Research indicates that economic incentives and low perceived risk of detection are key drivers of such offenses, especially in transitional and developing economies (Nguyen & Thanh, 2023).

Corporate culture also plays a critical role: environments that tolerate unethical practices increase the likelihood of bribery-based inducement. Criminological studies highlight that commercial bribery often forms part of broader corruption networks, including intermediaries and facilitators (Klimenko, 2016).

3.3 Prevention and Control Mechanisms

Effective prevention requires a combination of criminal-law sanctions and criminological measures. General social prevention, such as improving economic transparency and business ethics, forms the foundation for combating commercial bribery (Chehunov, 2025). At the organizational level, anti-corruption compliance programs, internal audits, and integrity policies significantly reduce the risk of inducement through bribery (Markuntsov & Wassmer, 2021).

International standards, including UNCAC and OECD guidelines, encourage states to criminalize private-sector bribery and promote corporate liability as a preventive tool (Syroid, 2024). Empirical evidence suggests that jurisdictions aligning criminal law with these standards experience lower levels of commercial corruption over time (Salam & Prakasa, 2021).

4. Discussion

The analysis demonstrates that inducement through bribery in commercial activities cannot be effectively addressed by criminal law alone. While clear criminalization establishes legal boundaries, criminological prevention addresses the underlying causes and conditions of the offense. The persistent underestimation of private-sector bribery contributes to its spread and economic harm. Therefore, harmonizing criminal legislation, strengthening enforcement, and promoting ethical business practices are crucial for reducing this form of corruption.

Conclusion

Inducement through bribery in commercial activities is a latent but highly damaging corruption offense that requires an integrated criminal-law and criminological response. Strong legal norms, effective sanctions, and comprehensive prevention strategies—particularly corporate compliance—are essential to safeguarding fair competition and economic integrity.

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