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EXPANDING THE INTERNATIONAL STANDARDS OF ANTI-CORRUPTION IN NATIONAL LEGISLATION

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Annotation: Corruption is a persistent problem, especially in the developing world, posing significant obstacles to national development. This paper provides an overview of corruption, its causes, and strategies to address it. Stakeholders, including academics, development practitioners, international and UN agencies, as well as governments, must recognize the urgency of collaboration to combat corruption. This is an opinion paper based on desktop research. In this article, proposals and scientific conclusions were made based on the experience of other countries on the issues of responsibility for crimes related to corruption.

Keywords: corruption, anti-corruption, Transparency International, United Nations, anti-corruption policies, property declarations, Politics and Government, specialized anti-corruption institutions, whistleblower protection, career crimes.

РАСШИРЕНИЕ МЕЖДУНАРОДНЫХ СТАНДАРТОВ ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ В НАЦИОНАЛЬНОМ ЗАКОНОДАТЕЛЬСТВЕ

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В данной статье анализируется понятие коррупции и противодействия коррупции, коррупционные преступления, вопросы ответственности за них, опыт борьбы с коррупцией в развитых странах. В частности, из зарубежных стран были изучены, проанализированы законодательные акты Финляндии, Японии, Великобритании, США, Китая, Новой Зеландии, Германии и ряда других стран, касающиеся именно коррупции и борьбы с ней. В данной статье даны предложения и научные выводы, основанные на опыте других государств по вопросам ответственности за преступления, связанные с коррупцией.

Introduction

Corruption refers to dishonest or unethical behavior involving the misuse of power or authority for personal gain. It can occur in various forms and in different sectors, such as politics, business, government, and even social interactions. Corruption typically involves bribery, fraud, embezzlement, nepotism, or other illicit practices that undermine the integrity, fairness, and efficiency of institutions and processes. Corruption crimes not only undermine the reputation of government officials before society, but also pose a serious problem in the effective establishment of domestic and foreign political, economic and social relations. The broad interpretation of problems associated with corruption and the fact that despite the strengthening of anti-corruption measures in the activities of law enforcement agencies, the uprooting of this

crime leads to a more thorough analysis of its essence and a wider study of the reasons for its emergence. After all, in overcoming the "disease of corruption", the administrative measures introduced in our country today are not enough. Attempts to prevent bribery should be thoroughly developed in every possible way, including the level of development of civil institutions that exercise control over the national mentality, political culture, executive authorities of the population. Scientific analysis of the corruption phenomenon suggests that the crime of bribery is a very comprehensive concept, and even the etymology of the word corruption has different meanings and connotations in English literature and other peoples' literature from a historical point of view[1][1, B.129]. The Oxford English Dictionary gives 9 meanings to the concept of corruption, only one of them can be applied in a political context: corruption through bribery or other forms of interpretation, whether or not to carry out public duties in the state, using or participating in corruption practices in corporations and other agencies[2][2, B.974]. And in the Explanatory Dictionary of the Uzbek language, the use of the rights and authority of officials entrusted to them in order to gain personal wealth[3].

Corruption can be influenced by a range of factors, including systemic issues, weak governance structures, cultural norms, and socioeconomic conditions. It is crucial to consider these broader factors when discussing corruption and to avoid generalizing all individuals as being driven solely by greed or selfishness. Defining corruption requires a comprehensive understanding of the various forms it can take, and the underlying motivations and dynamics involved. It involves examining the abuse of power, the betrayal of public trust, and the misuse of resources for personal gain. By understanding corruption in its full complexity, societies can develop targeted strategies to prevent, detect, and address corrupt practices effectively.

DISCUSSION AND RESULTS

The law of the Republic of Uzbekistan "on Combating Corruption", adopted on November 24, 2016, explains that corruption is the unlawful use of a person's position of career or service in order to obtain material or intangible hatred in the interests of other persons, as well as the illegal provision of such hate. The changing definition given to the term corruption is due to the use of this concept in various meanings in social life over time.

Since the phenomenon of corruption is a comprehensive concept, today there are different approaches to the study of this problem: sociological approach, legal (criminological) approach, economic, political approach and moral cultural approach. One of these is the sociological approach, in which attempts to study corruption have caused the emergence of various methodologies in explaining the corruption case. Sources cite that, from a sociological point of view, corruption is a dysfunctional phenomenon that takes place on the basis of its rational choice of participle, which is formed in interactive relationships that encompass elementality in mutual allogeneity, such as its sub-parties, corruption sobs, the purpose and methods of its implementation from corruption, forms of corruption and its objects (E.Giddenson, Yu. Habernas, Dj, Mid, G.Blumer, N. Luman, T. Parsons, R. Merton, N. Smelzer, Dj. Khomans, P. Blau, A. Daune, G. Becker, Dj. Coleman, M. Olson). It is important in this regard to instill in the population that bribery is an illusion that pushes the progress of society and prevents the establishment of moral relations between people of a positive nature, in order to prevent

[1] Friedrich Carl J. the Pathology of Politics: Violence, Betrayal Corrruption, Secrecy and propaganda. New York: Harper&Law, 1992.

[2] Волженкин Б.В. Коррупция: серия - Современные стандарты в уголовном праве и уголовном процессе. – СПб., 1998.

[3] Мишин Г.К. О теоретической разработке проблемы коррупции / Под ред. В.В. Лунеева // Коррупция: политические, экономические, организационные и правовые проблемы. М.: Юрист, 2001. July 2021.

corruption from generating mutual distrust and satisfaction in social relations. Within the framework of political science, the emphasis on corruption began to arise in the 60s of the 20th century. The legal description of the concept of corruption uses its service powers with selfishness, which is considered a dangerous illegal phenomenon, represented by the bribery and repair of officials. In this, corruption not only has a criminal character, but it also becomes a complex phenomenon that embodies administrative legal, civil and disciplinary characteristics. In particular, an overview of the activities of the legal order in the fight against corruption, the problems related to its occurrence and development, as well as the analysis of the legal mechanisms of the fight against corruption N.G.Alexandrova, S.S.Alexeyeva, L.I.Antonovoy, B.C.Afanaseva, V.V, Borodina, G.A.Gadzhieva, Yu.I.Grevsova, D.A.Kerimova, S.F.Kechekyana, A.I.Koroleva, M.M.Kuritsina, D.I.Lukovskoy, L.A.Nikolayevoy, M.N.Marchenko, L.F.Pokrovskogo, V.P.Salnikova, L.I.Spiridonova, G. Nurmuhammedova, B.Israilov, R.We can find it in the scientific works of such scientists as Obidov. According to well-known Russian scientist G.N.Borzenkova, corruption should be understood as the fragmentation of the governing apparatus that arises on the basis that officials use their official powers for selfish purposes[4][10, B.30]. A broader interpretation of such an approach is given by definition given by Kushnirenko, we can see: "corruption is a social legal phenomenon that represents the regular use of state officials to financially stimulate them in the interests of a third person or group, as a result of which the image of the state government and public services decreases. In this, officials use their service powers directly or indirectly"[5][ll]. So, as a result of corruption, the authority of the state government is lost, and the state governing apparatus can become parochial. And the Prevention of such a situation requires the development of comprehensive measures to reduce bribery by individual organizations and state bodies. In our opinion, the issue of establishing an anti-corruption policy puts before the state governing bodies a very complex important task, such as acting on a carefully developed plan. It is impossible to root out the phenomenon of corruption from the life of society, only preventive measures can be used against this vices. In the opinion of G.Nurmuhammedova, it is important to clarify the goal of the struggle in the fight against corruption. General (general purpose) and specific situation in determining the purpose of the fight against corruption can be classified into a based (within a certain period of time) purpose[6][13]. Accordingly, measures to combat corruption based on the specific situation in the Republic of Uzbekistan were adopted by the president of the Republic of Uzbekistan Sh.M.Mirziyoyev's full-fledged reflection in the decree of February 7, 2017" on the strategy of action on the five priority areas of development of the Republic of Uzbekistan in 2017-2021" PF-4947[7][14). It should be noted that since 2010 Uzbekistan has been participating in the Istanbul action plan to combat corruption of the Organization for Economic Cooperation and development. On March 21, 2019, the fourth stage of monitoring the Istanbul action plan for combating corruption of the Organization for Economic Cooperation and development was held in Paris, according to which international experts noted that Uzbekistan has made progress on all

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[7] https://lex.uz/docs/3107036

previous recommendations of this organization. "Roadmap" was approved on 31.07.2019 in order to comply with the 47 recommendations issued on the results of this monitoring[8][19].

According to Transparency International, “We define corruption as the abuse of entrusted power for private gain. Corruption erodes trust, weakens democracy, hampers economic development, and further exacerbates inequality, poverty, social division, and the environmental crisis. Exposing corruption and holding the corrupt to account can only happen if we understand the way corruption works and the systems that enable it” (Transparency International, 2022a). Corruption is the abuse of public office for private gain. Corruption involves the misuse or abuse of public office or entrusted power for personal or private gain. It occurs when individuals in positions of authority or public service prioritize their own interests or the interests of a select few over the welfare of the general public. Corruption often occurs within the context of public service, where individuals are expected to act in the best interests of the people they serve. Instead, corrupt individuals exploit their positions for personal enrichment, whether through bribery, embezzlement, fraud, nepotism, or other illicit means. By doing so, they undermine the principles of fairness, accountability, and the proper functioning of public institutions.

CONCLUSIONS AND SUGGESTIONS

In conclusion, in order to achieve an effective result in combating corruption from today, the following are among the issues that must be addressed:

1. Uzbekistan does not have a single law that is still in legal force in the field of Public Service;
2. In the case where conflict of interest prevention regulations are included in the legislation, the correct application of their requires further regulation, including the need to expand liability measures that should not be limited to disciplinary sanctions;
3. Other anti-corruption tools need to be improved. For example, it is recommended to ensure control over the effective application of rules of conduct;
4. The law enforcement officer code of conduct, adopted by the Republic of Uzbekistan with resolution 34/169 at the 106th plenary session of the UN General Assembly on December 17, 1979, and the UN Economic and social Council resolution adopted on 24 May 1989 It is recommended to ratify the guiding principles for the effective implementation of the code of conduct of officials in maintaining legal order.

In doing so, all law enforcement officers are selected and the governments, also, effective exchange of experience at regional and interregional levels if great importance is attached to education and training, adequate wages and appropriate working conditions are provided for them, effective mechanisms for ensuring internal discipline and external control are created, specific rules are developed based on the above-mentioned mechanisms for accepting and considering complaints from members of society against them, and the presence of such rules will limit corruption to a certain extent;

5. The norms on the declaration of assets and property interests of civil servants are not complete;
6. In the judicial system, a hierarchy remains, the presidents of the courts, the judges are over-influenced by political bodies and the prosecutor's office, there is still no real urgency of the judges;
7. In Uzbekistan, it is necessary to develop administrative justice, create a system of legal assistance to the population, strengthen the institution of the Ombudsman, reduce or maximize the control powers of prosecutors. In addition, it is necessary to exclude non-specific functions

[8] https://lex.uz/docs/1449106;

from the powers of the prosecutor's office, transfer the relevant powers to the executive authorities;

8. The public procurement sector remains an area of high risk of corruption. Therefore, it is necessary to revise a new system of organization and regulation of Public Procurement;

9. Efforts to introduce and further expand electronic means, to use modern technologies in the provision of services and information to the population have a positive anti-corruption effect;

10. Anti-corruption halgaro standards should be implemented in the Criminal Code of the Republic of Uzbekistan, the code of Criminal Procedure and other legislation.

In addition to these, the regulation of legal relations in the field of combating corruption in our country today, improving the effectiveness of measures in this area, eliminating this vices at the root, further development of interagency cooperation in resolving an uncompromising attitude towards corruption in society, modern information and communication technologies, including video surveillance systems, electronic accounting and Exchange, the widespread introduction of interdepartmental data bases is important.

Corruption has been a problem in societies for centuries. It is defined as the abuse of power for private gain. This can take many forms, such as bribery, extortion, nepotism, and cronyism. Corruption can have a devastating impact on societies, leading to economic decline, social unrest, and political instability. There are a number of ways to measure corruption. One common approach is to use surveys of businesses and citizens to assess their perceptions of corruption. Another approach is to track the number of corruption convictions or investigations. There are also a number of quantitative indices that attempt to measure corruption, such as the Corruption Perceptions Index (CPI) published by Transparency International. In conclusion, corruption is a chronic disease that poses a significant challenge, especially in the developing world, hindering national development and undermining trust in institutions. Resolving and minimizing corruption requires a collective effort from all stakeholders involved. Academicians, development practitioners, international development agencies, UN agencies, and governments must recognize the gravity of the issue and work collaboratively to address it. It is essential to acknowledge that corruption cannot be eradicated overnight. It demands a long-term commitment and a comprehensive approach that encompasses legal, institutional, and societal changes. By strengthening legal frameworks, promoting transparency and accountability, enhancing integrity in public service, encouraging citizen engagement, and addressing socio-economic factors, progress can be made in combating corruption. Furthermore, international cooperation and support play a vital role in the fight against corruption. Collaboration between countries, sharing best practices, providing technical assistance, and offering financial resources can help developing nations strengthen their anti-corruption efforts. Ultimately, the minimization of corruption requires a cultural shift, promoting a collective rejection of corrupt practices and fostering a culture of integrity, transparency, and ethics. It is only through the concerted efforts of all concerned stakeholders that corruption can be minimized, allowing for sustainable development, social justice, and improved quality of life for people in the developing world.

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