

## DETERMINANTS OF CORRUPTION-RELATED CRIMES AND THEIR PREVENTION

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**Abstract:** This article is devoted to the determinants of corruption-related crimes and their prevention. Reducing the level of corruption and limiting it, first of all, solving the existing conditions and problems for its emergence.

The most correct and effective way to fight against corruption is to identify the conditions and factors that create an opportunity for corruption in society and to eliminate them.

Reasons and conditions that play an important role in the origin of crime are closely related to each other. That is why this condition is recognized as "criminogenic-determinant".

**Key words:** Corruption, corrupt offenses and crimes, determinants of crime, compliance control system.

### INTRODUCTION

To reduce the level of corruption and limit it, first of all, to simultaneously solve the existing conditions and problems for its emergence secondly, comprehensive anti-corruption measures in all areas and determination will help to overcome corruption. Criminologists believe that the emergence of crime depends not only on a number of reasons, but also on favorable conditions. These causes and conditions that cause crime are combined with the general concept of "criminogenic factor (determinant)". Determinants of crime are the causes and conditions that determine crime and contribute to its occurrence.

The most correct and effective way to fight against corruption is to identify the conditions and factors that create an opportunity for corruption in society and to eliminate them. The analysis of criminological literature and mass media data shows that there are several main, interconnected and influencing factors in the emergence and development of corruption today.



## DISCUSSION AND RESULTS

On April 5, 2022, at the next session of the National Council for Combating Corruption, which was held in the Senate of the Oliy Majlis, it was noted that in 2021, 3,769 corruption criminal cases against 5,483 persons were brought to the courts in the country. That is, the number of criminal cases sent to court and the number of persons brought to justice has increased by three times.

One out of every three criminal cases sent to the courts was committed by employees of the health, education and banking systems. As a result of the drastic measures taken to fight against corruption, the number of criminal cases sent to court has increased by 300% in the banking sector, by 120% in the education system and by 100% in the health sector compared to last year.

According to the opinions of criminologists, the causes of crime are a set of phenomena, events and processes that require the commission of crimes, feed them, and ensure their increase. In addition, cases such as selfishness, greed, living at the expense of others, nationalism, non-observance of the laws and customs existing in the society also have an effect on the origin of crime.

The circumstances of crime are a set of events, events and processes that do not directly cause crimes, but contribute to their commission.

Reasons and conditions that play an important role in the origin of crime are closely related. That is why this condition is recognized as "criminogenic-determinant".

After all, any circumstances alone do not create criminality and crime. Given the conditions, any crime does not happen without a reason. If the reason is a socio-psychological situation according to its content, the condition is considered to be an economic, political, legal, and organizational situation.

The analysis of criminological literature and mass media data shows that there are several main, interconnected and influencing factors in the emergence and development of corruption today.

Uzbekistan ranked 43rd out of 141 countries in the anti-money laundering ranking compiled by the Basel Institute of Public Administration.

Uzbekistan managed to score 5.71 points, surpassing neighboring Tajikistan and Kyrgyzstan. However, Uzbekistan has not yet been assessed by FATF - the fourth period of the methodology of the group developing financial measures to fight against money laundering, and it is noted as a country with limited comparability. Kazakhstan ranks 71st among the Central Asian countries.

The rating is based on 5 criteria: the quality of the anti-money laundering system, the level of bribery and corruption, financial transparency and standards, public transparency and accountability, legal and political risks.

I. Ismailov and others tentatively divided the determinants of crimes related to corruption into three groups: economic and social factors; spiritual and spiritual



factors; divided into organizational management and legal factors. Also, R.R. Gazimzyanov included the following in the main determinants of crimes related to corruption: 1) legal, 2) organizational-management; 3) educational; 4) ideological; 5) socio-economic; 6) moral-psychological; 7) socio-political and others.

According to other authors, among the factors that lead to corruption, one can include such situations as the complexity of the system of authorities, a large number of orders, and the lack of external and internal control over the activities of the apparatus of state authorities.

It is sometimes very difficult to distinguish organizational misunderstandings from encouraging corrupt behavior of citizens. The excessive number of prohibitions, authorization criteria, the lack of mechanisms and legal bases to protect the interests of citizens involved in the activities of state authorities also lead to corruption.

A.A. Zvyagin said that the existence of excessive control of state management bodies over the actions of independent economic entities in the country creates conditions for public servants to abuse their positions for their own benefit. However, this opinion is correct, because "liberalization of the economy" and "reduction of state control in the private sector" are one of the main laws of the market economy. In our opinion, the psychology of the individual is gaining importance as the conditions and factors that allow the emergence and development of corruption today. In particular, according to psychologists, the presence of a psychological environment favorable to corruption in society creates an opportunity for the spread of this phenomenon and its level to increase.

V.V. Merkurishin said that today the main conditions that create an opportunity for corruption are the weakening of public control over state administration bodies; the preservation of negative vices typical of the bureaucratic system in state administration bodies; political, social and economic problems faced during the transition period remain unresolved.

In addition to these points, it is possible to mention the imperfection of the current legislation, the underdevelopment of democratic principles and institutions. Another scientist, O.A. Kuznetsova, concluded the following as the causes and conditions of corruption: lack of improvement of the organizational and management system in state bodies and local self-government bodies, greed among employees based on their authority, the presence of a psychological trait such as self-interest. Agreeing with this opinion, it can be said that the majority of civil servants sooner or later face the situation of choosing to accept or reject a decision related to corruption.

Y.S.Pulatov and G.A.Alimov acknowledged the following regarding the causes and conditions of the emergence of corruption in our country:

- unification of power and economy; disregard of laws by responsible officials;
- failure of the state to adequately provide for the work of employees;





- lobbying by ministries and agencies to acquire various rights to control economic activity;
- the fact that leaders at all levels are subject to their superiors directly, not to laws and regulatory documents, remains a tradition;
- lack of development of legal consciousness and culture of the population.

Today, there are a number of supervisory bodies, organizations and officials in the fight against corruption in our country. However, as fate would have it, it is precisely in these bodies and organizations that there are many occurrences of corruption: instead of fighting corruption and ensuring the rule of law, these bodies, on the contrary, deviate from the scope of their powers for their own personal interests. there are cases of exiting and abusing them.

The analysis of special criminological literature on crime, including the problem of corruption, makes it possible to note certain groups of reasons and conditions (factors) that define corruption as its natural product. According to the content or spheres of social life, such factors include legal, organizational-administrative, educational, ideological, socio-economic and other reasons and conditions.

According to the Decree of the President of the Republic of Uzbekistan dated June 29, 2020 "On additional measures to improve the system of combating corruption in the Republic of Uzbekistan", to provide a systematic analysis of the state of corruption in the country, as well as One of the main tasks of the Agency is to determine the areas with high risks of corruption and the reasons and conditions for the commission of corruption offenses.

Some corruption risks in the activities of the State Customs Committee of the Republic of Uzbekistan were studied by the agency's department for prevention of corruption and implementation of the "compliance-control" system.

It was found that due to the legal loophole in the Customs Code, there is a risk of corruption in the re-export of goods (returning goods previously brought to the customs territory from the customs territory of the Republic of Uzbekistan without collecting import customs duties and taxes or taking them out without applying economic policy measures).

Also, according to the analysis carried out by the Anti-Corruption Agency, the courts prosecuted 5,565 persons in 2019 for corruption (related to Article 167, Article 168, Part 3, Articles 205-214 of the Criminal Code) 3576, in 2020, 2834 criminal cases against 4159 persons, and 3722 criminal cases against 6197 persons in 9 months of 2021.

However, in 2019, out of 4,741 persons (or 54 percent), out of 4,741 persons were convicted, in 2020, out of 3,394 persons, to 1,740 persons (or 51 percent), in 9 months of 2021, to 2,131 persons out of 4,572 persons. (or 47 percent) were sentenced to deprivation of certain rights.



That is, the practice of applying the penalty of deprivation of certain rights to persons convicted of corruption crimes has been decreasing year by year. In 2019, there were 386 persons, 362 persons in 2020, and 492 persons in 9 months of 2021, who committed corruption crimes and were released from punishment under Articles 70 and 71 of the Criminal Code.

As a result of the analysis, it became clear that the practice of applying the penalty of deprivation of certain rights is decreasing, which is one of the reasons for the increase in the number of corruption crimes.

In addition, the results of a comprehensive survey conducted among the population show that 26.9% of the survey participants indicated the following factors as the causes of corruption:

- irresponsibility of the executive power before the legislative and judicial authorities;
- the presence of many bureaucratic procedures;
- prohibitions for the implementation of certain types of activities;
- lack of appropriate control over the activities of officials by civil society institutions<sup>1</sup>.

Based on the above, it can be said that the conditions and factors that create corruption and affect its development act in a mutual relationship, ensure each other's existence, and show their negative impact on various spheres of society's life is coming

This, in turn, determines the place of corruption in the system of threats to the national security of Uzbekistan.

In every country, the fight against corruption is carried out with the help of the state and society's forces and means, and a lot of money is being spent for this. In order to determine the mechanisms of corruption by studying the causes of corruption and to implement the anti-corruption policy, the following is proposed:

- in order to maintain the integrity of state officials and institutions and to create an opportunity for this, it clearly defines various forms of corruption actions that show prohibited behavior of employees not only within the enterprise, institution, organization, but also outside it.

It is necessary to introduce a Code of Conduct. Establishing a strict procedure for the types of behavioral sanctions that allow employees to be held accountable in case of violations of the Code of Conduct, guaranteeing the whistleblower-employee protection, which helps to collect information about the existence of a situation that contradicts the Code of Conduct. It is planned to introduce such mechanisms as defining the internal anonymous system of the investigation, drawing up maps of corruption in the cross-section of sectors based on the identification of areas prone to corruption in the organization or enterprise.

<sup>1</sup> <https://anticorruption.uz/uzc/item/monitoring-and-statistics>



- It is advisable to introduce the practice of not appointing persons who have been held responsible for corruption-related offenses and their close relatives to official positions. It requires the development of a system of rights and obligations of officials, assuming responsibility for violations of professional ethics.

- Regular mandatory training that prepares specialists responsible for preventing and fighting corruption at the republican level, regions and individual departments, ensures the development of their special knowledge and skills, and explains the harmful consequences of corruption to officials it is necessary to create an educational system for;

- to improve the legal consciousness and legal culture of the population, to form an intolerant attitude towards corruption in the society, as well as to identify the factors of corruption, to take measures to manage and minimize the risks of corruption, to the educational process of higher education institutions. The introduction of the science of "standards of behavior against corruption" serves to raise the legal consciousness and legal culture of the population, to form an intolerant attitude towards corruption in society;

- in order to determine the level of corruption in all sectors of the country, to conduct surveys among the population and publish them annually, it is advisable to establish an analogue of the international non-profit organization "Transparency International" under the name "Transparency International Uzbekistan";

- by ensuring the openness and transparency of administrative economic bodies, it is advisable to introduce the "OREN" program in order to monitor how the issues of permission or prohibition are resolved by officials and to prevent injustices.

This allows citizens to openly follow the processes of their appeals sent to officials, when their applications were registered, by whom, who is responsible for their execution, and the process of resolving the appeal, as well as the response to the appeal. it serves to express their concerns, to get an answer in real time as to why their application is not satisfied.

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