

IMPROVING THE PRACTICE OF FIGHTING AGAINST CORRUPTION OF THE REPUBLIC OF UZBEKISTAN

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Abstract:

In the article, the state of fight against corruption in the Republic of Uzbekistan was analyzed from a scientific point of view, the practice and legislation of foreign countries in this direction were studied, and recommendations were made to further increase the effectiveness of the fight against corruption by making additions and changes to some legal documents of the Republic of Uzbekistan.

Keywords: corruption, corruptor, organized crime, bribery, corruption index.

INTRODUCTION

As the countries of the world develop in all aspects, their crime rates also develop in parallel and even one step ahead. Today, some crimes have changed the mechanism of their commission due to the change of space and time. Although the mechanism of the crime has changed, the same crimes lie in the essence of the crime. Such crimes include theft, fraud, corruption crimes, etc. The increase in the dynamics of committing these crimes will have a negative impact on the country's economic and political development.

DISCUSSION AND RESULTS

In such a difficult time, the Republic of Uzbekistan has determined its development path and is moving towards its strategic goals. We can cite this as a proof of our opinion that in recent years the countries of the world have recognized the achievements of the Republic of Uzbekistan in the economic, social and political directions. For example, according to the "Index of Economic Freedom - 2021" report by the "Heritage Foundation" research center in cooperation with the Wall Street Journal, it ranked 108th among 178 countries (up 44 places in 4 years). , the



Republic of Uzbekistan ranked 140th in the 2021 Corruption Perceptions Index out of 180 countries¹ (up 16 places in 5 years)

The Global Initiative against Transnational Organized Crime² ranked 90th out of 193 countries in the ranking of countries³ on the level of organized crime. indicates. However, if we pay attention to the calls of international organizations, the urgency of measures to fight against corruption and prevent it is high.

Corruption is the corrosion of the government mechanism. Another factor that increases the level of danger and relevance of corruption is the inextricable link between corruption and organized crime. Bribe - small money, chaka; charity: rishwa, bribe] a thing or money given or given to an official for illegally completing a job⁴. According to the famous Italian philosopher Niccolò Machiavelli, Corruption is the use of society's opportunities for one's own needs⁵.

In the Preamble of the Constitution of the Republic of Uzbekistan, the main idea of "establishing a humane democratic legal state" is directly applied to life, the development of social, economic and political spheres in our country, ensuring the rule of law is the reason. It is no exaggeration to say that it is in the market. In the economic life of our country, pluralism, legitimacy, investment, giving wide opportunities to entrepreneurs, superiority of economy over politics, priority of laws in social life, based on principles of justice and equality for all, fundamental reform of education, increase of diplomatic relations in political life, internationally recognized law as a result of the emergence and implementation of norms corresponding to the documents, the Republic of Uzbekistan was ranked among the countries of the Commonwealth of Independent States in the happiness index of the population of the countries by the center for studying the level of well-being of world countries (The World Happiness Report) of the United Nations Organization took first place and Uzbekistan was recognized as one of the happiest countries in the

¹<https://www.transparensy.org/en/spi/2020/index/nzl>

²<https://globalinitiative.net/>

³<https://osindex.net/sountry/uzbekistan>

⁴ Begmatov E., Madvaliyev A., Mahkamov N., Mirzayev T., To'xliyev N., Umarov E., Xudoyberganova D., Xojiyev A. 2006-2008. O'zbek tilining izohli lug'ati. «O'zbekiston milliy ensiklopediyasi» Davlat ilmiy nashriyoti.

⁵ Makiavelli Nikollo. Hukmdor Matn / N. Makiavelli. – Toshkent: «DAVR PRESS» NMU, – 2019. – 144 b.



world. But our country does not give up on these achievements and continues to develop.

"People's carelessness is the best condition for the development of corruption. Only by acting in solidarity can we hope to put an end to corruption and the impunity of corrupt people," says D.F. Rubio. In order to combat corruption in our country in accordance with the United Nations Convention against Corruption of October 31, 2003, Law No. 419 of the Republic of Uzbekistan dated January 3, 2017 "On Combating Corruption", Republic of Uzbekistan President Sh.M. Mirziyoyev's Decree "On the strategy of actions for the further development of the Republic of Uzbekistan" adopted on February 7, 2017 and on the priority direction of the development of the Republic of Uzbekistan in 2017-2021 approved on its basis We can also see based on the strategy of actions. Direction II of this Strategy of Actions is called "Priority directions for ensuring the rule of law and further reforming the judicial system" and improving the system of combating crime and preventing offenses, including coordination of activities related to combating crime and preventing offenses. to increase the efficiency, to strengthen the organizational and practical measures to fight against religious extremism and terrorism, and other forms of organized crime, to improve the organizational and legal mechanisms of fighting against corruption and to increase the effectiveness of measures to fight against corruption, to raise the legal culture and consciousness of the population, in this regard, the state structures organization of effective cooperation with civil society institutions, mass media.

On January 28, 2022, the head of the country issued Decree No. PF-60 "On the new development strategy of Uzbekistan for 2022-2026", in which "transition from action strategy to development strategy" was tasked. According to the decree, the development strategy has a hundred goals, and its 83rd and 84th goals are aimed at fighting corruption. In particular, the following tasks are defined in the 83rd goal: "Step-by-step introduction of the system of declaration of income and property of civil servants. Creating effective mechanisms for preventing conflicts of interest in the public service, ensuring transparency in the fight against corruption and expanding public participation"⁶ The 84th goal of the decree states: "Introduction of modern information, including artificial intelligence technologies, to combat corruption." To establish cooperation with civil society institutions in the fight against corruption, to support the conduct of public control. Strengthening

⁶ Qonunchilik ma'lumotlari milliy bazasi, 18.03.2022-y., 06/22/89/0227-son



systematic preventive measures in the practice of combating corruption. Implementation of the system of continuous improvement of the knowledge of the population and civil servants in the field of combating corruption.

A number of tasks have been defined, such as ensuring the development of regulatory legal documents based on the principle of "Corruption-free legislation". In the fight against corruption, the following comments of the head of state Sh.M. Mirziyoyev are very relevant: "We will never achieve our goals with corruption."⁷ There is definitely soul in this idea. As a result of our study of countries that are leaders in the fight against corruption, such as Denmark⁸, Sweden⁹, Finland¹⁰, Japan¹¹, Singapur¹², and the theoretical-legal and practical features of partial criminal-legal and criminological aspects of crimes related to corruption, 14 of the Decree of the President of the Republic of Uzbekistan No. 60 - to eliminate the causes and conditions that allowed for the commission of corruption crimes through the following function, i.e. "consistently continuing the policy of improving criminal, criminal procedural and criminal executive legislation, widely introducing the principle of humanitarianism into the system of criminal punishments and their execution" We have developed our proposals, recommendations and conclusions on improving the Criminal and Criminal-Procedural Codes in connection with the issues of reducing the corruption index at the level of our country:

Changing the term of the incentive norm provided for in articles 211, 212 of the Criminal Code of the Republic of Uzbekistan. Article 211 of the Criminal Code of the Republic of Uzbekistan provides for bribery and Article 212 of the crime of mediation in receiving and giving bribes. if extortion has been committed and this person voluntarily reports about it within thirty days after the commission of

⁷ Qobilov Sh.R. Korrupsiya: sabablari, shart-sharoitlari, oqibatlar va oldini olish yo'llari. Monografiya / – T.: O'zbekiston IIV akademiyasi.

⁸ Edgardo Bussag liaand Janvan Dijk. Sontrolling organized srome and sorruption in the publis sessor. Forum on Srome and Sosity, vol. 3, Nos. 1 and 2, December 2003

⁹ Corruption in Sweden Exploring Danger Zones and Shange. Staffan Andersson, Department of Politisal Ssiense, Umeå University, SE-901 87 Umeå, Sweden. 277-p

¹⁰ Deryabin Y.S. Mojno li odolet korrupsiya? (opit Finlyandii) // Sovremennaya Evropa. 2005. № 1 (21). // https://www.legislationline.org/download/id/6375/file/Finland_SS_1889_am2015_en.pdf

¹¹ Deryabin Y.S. Mojno li odolet korrupsiya? (opit Finlyandii) // Sovremennaya Evropa. 2005. № 1 (21). // https://www.legislationline.org/download/id/6375/file/Finland_SS_1889_am2015_en.pdf

¹² <http://svpressa.ru/society/article/53869/>.



criminal acts, sincerely repents and actively helps in solving the crime, he will be released from responsibility ". "Provided that the person who acted as an intermediary in accepting and giving bribes voluntarily reports about it within thirty days after committing criminal acts, sincerely repents and actively helps in solving the crime, he is released from liability. will be done."

We think that the term "thirty days" in Article 211 should be changed to "three months". Because of this, thirty days is too short for an extortionist, a corrupt criminal, he can threaten the briber with various pressures for thirty days. After achieving this, the person who gave the bribe does not turn to the law enforcement agencies, thinking that he may also be held responsible. Not only does he not apply, but he actively works to prevent the deed from being exposed. The hypothesis stated in Article 212 should be changed as follows: "Provided that if a person who acted as an intermediary in receiving and giving bribes on behalf of interested parties voluntarily reports about it within three months after committing criminal acts, active assistance in solving the crime if he gave it, he will be released from responsibility."

If we pay attention, it is said that it is due to the assignment of interested persons. This means that when we qualify the crime in order for the intermediary to comply with the incentive norm, the intermediary must be committed directly or indirectly by the order of the superior or by extortion and similar coercion of the interested parties. That is, the above behavior is the motive of the necessary sign of the subjective side of the crime.

Expanding the rights and powers of the Anti-Corruption Agency of the Republic of Uzbekistan. First of all, the law "On Anti-Corruption Agency" should be developed as the legal basis of the agency. It is in this law that the following should be defined. First, the agency must be recognized as a body with the authority to conduct a preliminary investigation. Accordingly, a number of legal documents should be amended accordingly. In particular, amendments should be made to Articles 35, 344, 345 of the Criminal Procedure Code.

In Article 35 of the Criminal Code of the Republic of Uzbekistan, we should add the following: "The preliminary investigation of the criminal case is conducted by the prosecutor's office, internal affairs bodies, the state security service and the investigators of the anti-corruption agency." Article 344 should be amended as follows: "Initial investigation is conducted by the prosecutor's office, internal affairs bodies, state security service and investigators of the anti-corruption agency."



Article 345 should also include the addition of an anti-corruption agency and increase its powers of preliminary investigation when corruption crimes are committed. We should change the norms related to other preliminary investigations in this manner, and in terms of the agency's investigator's rights, they should be equal to the rights of other bodies that carry out the preliminary investigation. Secondly, the anti-corruption agency should be recognized as a body that carries out rapid investigation activities.

II. In particular, to Article 10 of the Law of the Republic of Uzbekistan "On Quick Search Activities", it is necessary to add the norm of the "Anti-corruption Agency". Thirdly, the anti-corruption agency should have its own special investigative forces. This ensures its administrative independence from other law enforcement agencies. In our opinion, the presence of all the means of force will allow us to achieve the principle of conspiracy in the period before the initiation of the crime, that is, the level of latency of corruption crimes will not increase, and it will prevent cases such as hiding the accounting of crimes. we cry In conclusion, we can say that most of our suggestions and recommendations given above exist in the legislation of countries that are successfully fighting against corruption. We should be ruthless and cold-hearted in the fight against corruption. It is undoubtedly corruption that brings the country to a crisis, lowers the legal consciousness and legal culture of the society, creates a nihilistic mood, and frustrates the constitutional ideas. Its establishment will de facto destroy everyone, including civil institutions.

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