



## "ISSUES OF RESPONSIBILITY FOR CORRUPTION UNDER THE LEGISLATION OF CERTAIN FOREIGN COUNTRIES"

Saydolimova Feruza Sultankhuja kizi

Tashkent State University of Law "Theory of application of criminal law  
and practice field specialty" master's student

<https://doi.org/10.5281/zenodo.8012197>

**Annotatsiya:** Maqolada korrupsiya o'zi nima ekanligi korrupsiyaga oid qilmishlarga nima kirishi, hamda ayrim mamlakatlar qonunchiligida korrupsiyaga oid qilmishlar uchun javobgarlik masalalari milliy va xorijiy qonunchilik asosida tahlil qilingan.

**Kalit so'zlari:** korrupsiya korrupsiyaga oid qilmish, intizomiy jazo ma'muriy javobgarlik, jinoiy javog'arlik.

**Аннотация:** В статье анализируется, что такое коррупция, в чем заключаются коррупционные деяния, а также вопросы ответственности за коррупционные деяния в законодательстве некоторых стран на основе национального и зарубежного законодательства.

**Ключевые слова:** коррупция, коррупционное деяние, дисциплинарное взыскание, административная ответственность, уголовная ответственность.

**Annotation:** The article analyzes what corruption is, what is involved in corruption-related acts, and the issues of responsibility for corruption-related acts in the legislation of some countries based on national and foreign legislation.

**Keywords:** corruption, act of corruption, disciplinary punishment, administrative liability, criminal liability.

Today, one of the global political and legal tasks facing states is to effectively combat corruption and other crimes. After all, as the President of the Republic of Uzbekistan SH. Mirziyoev noted, "if we do not prevent corruption, it will be impossible to create a real business and investment environment, and in general, not a single branch of society will develop"<sup>1</sup>.

In fact, corrupt crimes hinder the development of the state and weaken the people's confidence in the state bodies.

According to the analyzes carried out by the organization "Transparency International", the world economy loses 2.6 trillion dollars annually from corruption. This is about 5% of the world's gross domestic product.

Also, the results of studies carried out from 2019 to date show that currently, globally, Denmark and New Zealand are considered the least corrupt countries in the world and are consistently at the top of this ranking, the most in the world and the most corrupt countries are Somalia and South Sudan, which in 2020 scored 12 points out of 100, which was reflected in the ratings.

<sup>1</sup> Petition of the President of the Republic of Uzbekistan Shavkat Mirziyoev to the Oliy Majlis dated 25.01.2020.//[Electronic source]. <https://uza.uz/oz/politics/zbekiston-respublikasi-prezidenti-shavkatmirziyevning-oliy-25-01-2020>.

Before defining the concept of crimes related to corruption, we should dwell on the meaning of the term "corruption" and the history of its origin in detail.

The term corruption (lat. Corruptere - to break) usually means that officials use the authority and rights given to them for their own personal interests, contrary to the laws and morals.

In most cases, this term is used to refer to the bureaucratic apparatus of the political elite. Corruption is prosecuted as an illegal act under the criminal and administrative laws of many countries.

The historical roots of corruption go back to ancient times, and it is believed to have originated from the practice of giving gifts to tribal chiefs to gain a certain position in the tribe. In those times, this was considered normal. However, the complexity and centralization of the state apparatus showed that corruption is a big obstacle to the development of the state. The ancient Sumerian state is recognized as the first country that fought against corruption. It is known from the sources that have survived to us that ancient states were especially worried about bribery of law enforcement agencies.

Because this situation would severely damage the reputation of the state. Even in the world's leading religions, first of all, bribery of law enforcement agencies is strongly condemned. For example, the Bible says, "Do not accept gifts, because a gift makes the blind see and changes the truth," while the Holy Quran says, "Do not take other people's property unjustly and don't bribe your governors from your property to get things that belong to others.

Through the examples given above, we clarified the concept of corruption and corrupt crimes through theological and historical theories. In the 20th-21st centuries, we can see what theories world scientists put forward on the issue of corruption in the world community.

Today, it is difficult to find a definition that fully covers all elements of the concept of "corruption". In the theory of criminal law, we can conditionally divide the definitions of this term into two types, as broad and narrow approaches.

An example of the first type of approach is the "Code of Conduct for Law Enforcement Officials" adopted by the United Nations General Assembly on December 17, 1978. According to paragraph "b" of Article 7 of this document, corruption is defined as "the act or omission of an official for the benefit of the person providing this interest within the framework of his official powers in exchange for any form of benefit"<sup>2</sup>.

The Convention on Civil Liability for Corruption, adopted by the Council of Europe in 1999, defines corruption as "directly or indirectly giving or receiving any advantages aimed at deviating from the performance of the obligations and rules of conduct required of the bribe taker. , actions consisting of offering or asking" is defined<sup>3</sup>.

Also, although the United Nations Convention against Corruption does not directly define the concept of "corruption", it includes a list of a number of crimes as types of corruption.

---

<sup>2</sup> Кодекс поведения должностных лиц по поддержанию правопорядка (Принят резолюцией 34/169 Генеральной Ассамблеи ООН от 17 декабря 1979 года) // [Электрон манба]. URL: [https://www.un.org/ru/documents/decl\\_conv/conventions/code\\_of\\_conduct.shtml](https://www.un.org/ru/documents/decl_conv/conventions/code_of_conduct.shtml)

<sup>3</sup> Конвенция о гражданско-правовой ответственности за коррупцию (Страсбург, 4 ноября 1999 года)// [Электрон манба]. URL: <https://www.coe.int/ru/web/conventions/full-list/-/conventions/rms/090000168007f58c>

In accordance with Chapter 3 of the Convention, bribery of state officials, bribery of foreign state officials and officials of international public organizations, looting, illegal embezzlement or use of property by a state official for unintended purposes, money laundering, obstruction of justice, abuse of position for malicious purposes, abuse of official position, illegal enrichment, bribery in the private sector, transfer of property in the private sector obtained as a result of corruption Acts such as concealment of property are defined as corruption crimes<sup>4</sup>.

We have clarified the definition of the concept of corruption through international documents, so it is appropriate to clarify the question of what is the concept of a corrupt crime.

Corruption crimes are crimes that consist of the use of the entrusted powers or official position by an official or employee for malicious purposes for personal or other persons' material and non-material benefit, as well as misappropriation of them for these purposes. . To sum up, corruption crimes are not limited to the sphere of persons with relevant authority, officials, but also the actions of other persons who benefit as a result of these illegal actions. Profits from corruption crimes are tangible and intangible. If we look at the national legal system, the new stage of anti-corruption activities was initiated in 2016 by Sh. Mirziyoyev, who was acting President of the Republic of Uzbekistan at that time.

On October 14, it started with the introduction of the draft law of the Republic of Uzbekistan "On Combating Corruption". After all, this document meant that the fight against corruption was recognized as a priority of state policy. The decree of the President Sh. M. Mirziyoyev dated February 7, 2017 "On the strategy of actions for the further development of the Republic of Uzbekistan" is important in the way of achieving the goals of ending corruption in all spheres and ending corruption in all spheres It is no exaggeration to say that it was a step. 16 types of crimes are defined as corruption-related crimes:

Paragraph "d" of Article 167, part three of the Civil Code (embezzlement or embezzlement by abuse of official position);

Clause "g" of the fourth part of Article 168 (committing fraud using the official position);

Article 192<sup>9</sup> (extortion by bribery in trade);

Article 192<sup>10</sup> (abduction of an employee of an NGO or other non-governmental organization in exchange for a bribe);

Clause "v" of the second part of Article 192<sup>11</sup> (abuse of authority by officials in an NGO or other non-governmental organization with malicious intent);

Clause "v" of the second part of Article 205 (deviating from the scope of authority or official authority committed with malicious intent);

Clause "v" of the second part of Article 206 (deviating from the scope of authority or official authority committed with malicious intent);

The second part of Article 208 (inaction of the authorities committed with malicious intent);

---

<sup>4</sup> Конвенция Организации Объединенных Наций против коррупции (Принята резолюцией 58/4 Генеральной Ассамблеи от 31 октября 2003 года)/[Электрон манба].URL: [https://www.un.org/ru/documents/decl\\_conv/conventions/corruption.shtml](https://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml)



Clause "v" of the second part of Article 209 (job fraud committed with malicious intent);

Article 210 (bribery);

Article 211 (bribery);

Article 212 (intermediary in receiving and giving bribes);

Article 213 (abduction of an employee of a state body, state-participated organization or citizen self-government body in exchange for a bribe);

Article 214 (unlawful acquisition of material values or property interest by an employee of a state body, an organization with state participation, or a self-government body of citizens);

Paragraph "b" of the second part of Article 301 (abuse of power, going beyond the authority of the power or inaction of the power with serious consequences);

Article 243 (legalization of proceeds from criminal activities), if the crime was committed in relation to the proceeds obtained as a result of committing corruption crimes.

So, if we look at the concept of crime related to corruption in our national legal system, mainly crimes related to bribery are material or material crimes committed by persons with appropriate authority for their own interests or for the interests of other persons an act aimed at obtaining immaterial benefit (profit) is considered an act related to corruption.

If we look at the experience of foreign countries, we can see that bribery is the main crime of corruption. Including:

Article 129 of the Criminal Code of South Korea imposes liability for soliciting and promising bribes in addition to bribery. It is noteworthy that the criminal legislation of this country considers not only giving a bribe or promising to give a bribe, but also the fact that a person has expressed his desire to give a bribe as a punishable act (Article 133 of the Criminal Code)<sup>5</sup>.

Hong Kong's criminal law limits bribery offenses by specifying a list of acts that can be carried out in exchange for a bribe.

After all, the Law on Prevention of Bribery of 1971

According to Article 4, by any person, whether in Hong Kong or elsewhere, without lawful authority or justification, a public servant shall:

- performing or refusing to perform any act as a public servant;
- that this or another civil servant has accelerated, delayed, prohibited or prevented the action performed by any other civil servant as a civil servant;
- providing any benefit to any person for helping, supporting, hindering or delaying the implementation of any business with a government agency is the basis for his prosecution<sup>6</sup>.

In accordance with the legislation of Kazakhstan, an official's acceptance of property, property rights or other property interest in the amount not exceeding two months' calculation indicators as a gift for committing an action (omission) within his powers, without

<sup>5</sup> Republic of Korea: Criminal Code [Republic of Korea], 3 October 1953 // [Electronic resource] URL: <https://www.refworld.org/docid/3f49e3ed4.html> [accessed 7 May 2020]

<sup>6</sup> Cap.201 Prevention of Bribery Ordinance//[Electronic resource] URL: <https://oelawhk.lib.hku.hk/items/show/2838>



prior agreement, or providing him with the above interest is not considered a crime and is the basis for administrative or disciplinary action<sup>7</sup>.

Any director or employee who, under the Prevention of Bribery Act 1971 of Hong Kong, has a lifestyle disproportionate and superior to his current or former position, or owns such property, if he is unable to give a sufficient explanation to the court regarding the above situation, he is deemed to have committed a crime<sup>8</sup>.

In conclusion, we should emphasize that during the study of the legislation of foreign countries regarding the determination of criminal (in some countries) administrative responsibility for corruption crimes, we will identify the existing gaps in our national legal system in the future. It is necessary to fill in and abandon the norms that do not meet the requirements of the time, and implement the new criminal elements into the national legislation. The above-mentioned corrupt acts in foreign countries and their punishment are a special incentive for the further development of the state.

After all, through this, it will be possible to increase the effectiveness of actions aimed at fighting corruption.

---

<sup>7</sup> Уголовный кодекс Республики Казахстан (Принят 3 июля 2014 года) // [Электронный ресурс] URL: [https://online.zakon.kz/document/?doc\\_id=31575252#pos=5;-106](https://online.zakon.kz/document/?doc_id=31575252#pos=5;-106) (дата обращения: 07.05.2020).

<sup>8</sup> Cap.201 Prevention of Bribery Ordinance//[Electronic resource]URL: <https://oelawhk.lib.hku.hk/items/show/2838>



### References:

1. Petition of the President of the Republic of Uzbekistan Shavkat Mirziyoev to the Oliy Majlis dated 25.01.2020.//[Electronic source]. <https://uza.uz/oz/politics/zbekiston-respublikasi-prezidenti-shavkatmirziyeevning-oliy-25-01-2020;>
2. Кодекс поведения должностных лиц по поддержанию правопорядка (Принят резолюцией 34/169 Генеральной Ассамблеи ООН от 17 декабря 1979 года)//[Электрон манба]. URL: [https://www.un.org/ru/documents/decl\\_conv/conventions/code\\_of\\_conduct.shtml](https://www.un.org/ru/documents/decl_conv/conventions/code_of_conduct.shtml);
3. Конвенция о гражданско-правовой ответственности за коррупцию (Страсбург, 4 ноября 1999 года)// [Электрон манба]. URL: <https://www.coe.int/ru/web/conventions/fulllist//conventions/rms/090000168007f>;
4. Конвенция Организации Объединенных Наций против коррупции (Принята резолюцией 58/4 Генеральной Ассамблеи от 31 октября 2003 года)//[Электрон манба].URL: [https://www.un.org/ru/documents/decl\\_conv/conventions/corruption.shtml](https://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml);
5. Republic of Korea: Criminal Code [Republic of Korea], 3 October 1953 // [Electronic resource] URL: <https://www.refworld.org/docid/3f49e3ed4.html> [accessed 7 May 2020];
6. Cap.201 Prevention of Bribery Ordinance//[Electronic resource] URL: <https://oelawhk.lib.hku.hk/items/show/2838>;
7. Уголовный кодекс Республики Казахстан (Принят 3 июля 2014 года) // [Электронный ресурс] URL: [https://online.zakon.kz/document/?doc\\_id=31575252#pos=5;-106](https://online.zakon.kz/document/?doc_id=31575252#pos=5;-106) (дата обращения: 07.05.2020);
- 10 Cap.201 Prevention of Bribery Ordinance//[Electronic resource]URL: <https://oelawhk.lib.hku.hk/items/show/2838>.