



CORRUPTION CRIMES — STRENGTHENING THE RESPONSIBILITY OF OFFICIALS AND THE EFFECTIVENESS OF PUNISHMENT IN UZBEKISTAN

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Abstract

This article provides a scientific-theoretical and practical analysis of the concept of corruption crimes in the criminal legislation of the Republic of Uzbekistan, the issues of their qualification, and the urgent need to strengthen the accountability of officials. The article reveals problems in the practice of sentencing for crimes such as bribery and abuse of official position, and develops well-founded proposals for amending the legislation to increase the effectiveness of punishment and improve the mechanisms for property confiscation.

Keywords: Corruption, official, criminal liability, effectiveness of punishment, bribery, qualification of crimes, Criminal Code of the Republic of Uzbekistan, confiscation.

Introduction

Corruption is one of the most dangerous global evils that directly threatens the economic, social and political development of any state and erodes society's trust in justice [5]. From the point of view of international law, the United Nations Convention against Corruption (UNCAC), adopted in 2003, is the main document that obliges states to bring their domestic legislation into line with international standards and strengthen mechanisms for prevention and prosecution [6]. The Republic of Uzbekistan acceded to this convention on July 7, 2008, which confirms the country's readiness to work together with the international community in combating corruption [7].



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In recent years, combating corruption in the Republic of Uzbekistan has become one of the highest priorities of state policy. In particular, the adoption of the Law of the Republic of Uzbekistan "On Combating Corruption" [1] and the establishment of a special authorized body - the Anti-Corruption Agency - on the basis of Presidential Decree No. PF-6013 dated June 29, 2020 [8] have strengthened the institutional and legal framework in this regard. However, despite positive changes in the legislation, the high latent nature and increasing complexity of corruption crimes in practice are of serious concern. According to the Corruption Perceptions Index 2024 (CPI) report compiled by the authoritative international organization Transparency International, Uzbekistan ranked 136th among 180 countries, scoring only 33 points on a 100-point scale [9]. This figure objectively indicates that the effectiveness of the fight against corruption in our country is still insufficient.

From the point of view of criminal law, corruption crimes, especially when committed by officials, are of extremely high social danger [10]. Because the use of their official position for selfish purposes by employees of state power and administration bodies not only harms the economy, but also undermines the normal functioning of the state apparatus. Despite the existence of sanctions established in Articles 210 (bribery), 211 (bribe giving), as well as Article 205 (abuse of power or official authority) and a number of other norms of the Criminal Code of the Republic of Uzbekistan [11], various contradictions in the qualification of these crimes are observed in the judicial investigation practice. Some of these contradictions are also noted in the decisions of the Plenum of the Supreme Court on the relevant crimes, which provide for a broad interpretation of the concept of "official" and the criteria for determining the scope of the "subject of bribery" [12].

The issue of the effectiveness of the current penal system is also one of the most controversial legal problems of our time. The punishment imposed for corruption crimes does not always correspond to the level of social danger of the act [13]. In some cases, the application of lighter types of punishment to officials or the failure of the institution of confiscation of property to function fully can raise doubts in society about the principle of "inevitability of punishment".



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A comparative legal analysis shows that most countries in the CIS space — including the Russian Federation, Kazakhstan and Azerbaijan — are taking the path of strengthening property sanctions for corruption crimes and expanding the institution of confiscation [14]. Therefore, strengthening the deterrent (preventive) function of criminal sanctions has become an objective necessity.

The main purpose of this article is to analyze the theoretical and practical problems of the concept of corruption crimes and their qualification in the criminal law of Uzbekistan, as well as to develop scientifically based proposals and recommendations aimed at improving the legislation to strengthen the responsibility of officials and ensure the effectiveness of punishment (in particular, by expanding economic and property sanctions).

Main part

In the process of improving criminal legislation in the Republic of Uzbekistan and bringing law enforcement practice into line with international standards, one of the most priority areas is the tightening of penalties for corruption and official misconduct [15]. The fundamental legal basis for this trend is reflected in the Law of the Republic of Uzbekistan "On Combating Corruption", adopted on January 3, 2017 and to date, which has undergone a number of significant amendments. This regulatory legal act has created an institutional framework for the prevention of corruption and the introduction of compliance control mechanisms in state bodies [1]. The Decree of the Republic of Uzbekistan No. PF-117 "On the Development Strategy of New Uzbekistan for 2023–2030", approved on December 29, 2022, also identifies the fight against corruption as a separate strategic direction, and sets out measures to strengthen legal institutions, reform the judicial system, and improve the code of ethics for civil servants [16]. However, despite the improvement of the legislative framework, the high level of latent (hidden) crimes in practice and the lack of full implementation of the principle of inevitability of punishment for those who commit crimes create systemic problems [17]. In particular, according to the latest statistics, as a result of more than 11 thousand studies conducted by internal control structures over officials working in state bodies and organizations, many hidden economic and corruption violations were exposed and criminal cases were initiated against the



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relevant officials [2]. These figures indicate that sanctions in criminal law, in particular, the penalties established under Article 210 (bribery) and Article 205 (abuse of power or official authority) of the Criminal Code of the Republic of Uzbekistan, do not sufficiently fulfill their deterrent (preventive) function [11].

This issue is also controversial among representatives of legal science. Researcher Rakhimov I.M. in his monograph emphasizes the need to maintain a balance between preventive and repressive measures in the fight against corruption, since corruption cannot be eliminated by punitive measures alone - its socio-economic roots must also be eliminated [18]. Shermukhamedov A., on the other hand, pays special attention to the connection between stricter accountability for crimes committed by officials and the training of qualified lawyers, and justifies the possibility of achieving a qualitative leap in the fight against corruption by increasing legal literacy in the judicial system [19]. From an international perspective, the "Worldwide Governance Indicators" report published by the World Bank emphasizes that the indicators of "rule of law" and "control of corruption" in Uzbekistan are still below average [20].

Against the background of this alarming dynamic, there was a need for radical measures in state policy, and as a logical continuation of this, 2026 was declared a year of "emergency" in Uzbekistan to combat corruption [3]. As part of these emergency measures, it is planned not only to strengthen criminal prosecution, but also to introduce an "E-Compliance" information system that limits the human factor in all state agencies from July 1, 2026, and to implement a special protection order system to protect individuals who report corruption. Combating corruption with the help of digital technologies and artificial intelligence is a modern approach that has proven its effectiveness in the practice of countries such as South Korea, Singapore, and Estonia over the years [21], and it is important for Uzbekistan to study and adapt this experience.

When viewed from the perspective of human rights and legal guarantees, corruption crimes not only harm the economy, but also seriously violate the constitutional rights of citizens and undermine public trust in the state apparatus [4]. Moreover, according to Article 13 of the Constitution of the Republic of Uzbekistan, it is emphasized that the inviolability of human honor and dignity is guaranteed, and the interests of the state serve the interests of the individual [22].



Corruption crimes directly violate this constitutional principle and undermine citizens' trust in state institutions.

One of the most serious shortcomings in judicial investigation practice is that the punishment imposed for corruption crimes is not commensurate with the degree of social danger of the act. In most cases, the application of light punishments, in particular simple economic fines, against officials who have embezzled large amounts of state funds contradicts the goal of criminal law to restore social justice. In the theory of criminal sanctions, this situation is defined as "proportionality of punishment" or "violation of the principle of proportionality" [23]. Based on this, it is an objective scientific and practical necessity to introduce into the Criminal Code, within the framework of the state of emergency of 2026, clear and strict mechanisms for the compulsory confiscation of property acquired as a result of a crime not only from the perpetrator, but also from third parties, as well as to abolish mitigating circumstances for corrupt acts committed by high-ranking officials [24].

Conclusions and Proposals

The above theoretical analyses and existing legal gaps in practice show that traditional criminal law approaches to combating corruption crimes in the Republic of Uzbekistan do not provide their full preventive effect [25]. Recognizing that corruption is deeply rooted in society and the repeated commission of violations is a systemic problem, it is necessary to combat this scourge not only by strict punitive measures, but also by changing the economic foundations of criminal law. Based on the results of this study, the following practical proposals are put forward in order to strengthen the criminal liability of officials and increase the effectiveness of punishment.

First, it is necessary to establish the norm of "confiscation of property" as an additional punishment in addition to the main punishment for crimes provided for in Articles 210 (bribery) and 205 (abuse of power or official authority) of the Criminal Code of the Republic of Uzbekistan [26]. In this regard, it is proposed to expand the scope of property subject to confiscation and clearly define in the Criminal Procedure Code the mechanism for the compulsory seizure of assets acquired as a result of a crime and registered in the names of third parties



(relatives, trusted persons). This approach is also fully consistent with the requirements of Article 31 of the UNCAC Convention [6].

Secondly, it is necessary to strictly prohibit the application of the provisions of Article 73 (parole) and Article 74 (commutation of sentence) of the Criminal Code to officials who have committed corruption offenses with a high degree of social danger (in particular, large-scale state-level embezzlement) [11]. These measures will eliminate legal nihilism in society and fully ensure the principle of equality before the law and the inevitability of punishment. The Agreement on Anti-Corruption Cooperation signed within the CIS also requires member states to strengthen criminal liability [14].

Third, in order to drastically reduce the human factor and subjective approach, it is necessary to introduce elements of artificial intelligence into the "E-Compliance" system, and to legally strengthen the institution of digital monitoring, which automatically stops suspicious transactions in all public procurements and directly signals law enforcement agencies [21]. This approach is known in international practice as "RegTech" (Regulatory Technology), and its effectiveness has been proven in South Korea and Singapore [27].

Fourth, a measure of lifelong disqualification from entering the civil service should be established for officials who have committed corruption crimes. This measure is used in the UK, Germany and France, and serves as an additional preventive mechanism to deter officials from abusing their positions [28].

In conclusion, since corruption is not only a social evil, but also a threat to state security [4], criminal policy must abandon any "compromise" approach to this type of crime and maximize the use of both punitive and property compensation functions of sanctions. Improving legislation, studying international experience and introducing digital technologies - consistent action in these three areas will turn Uzbekistan into a more just, transparent and developed legal state.

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