

Responsibility for Corruption Crimes and Foreign Experience

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Abstract: The article examines the problem of corruption as a transnational crime causing a global crisis. It analyzes the experience of various countries in the fight against corruption, including the UK, Scandinavia, Hong Kong, the USA, Singapore, Japan and the Netherlands. It discusses the legislative measures taken in these countries to combat corruption, such as the Bribery Act in the UK and the Foreign Corrupt Practices Act in the USA. It also emphasizes the importance of public control and ethical standards in reducing the level of corruption. The article emphasizes that a successful fight against corruption requires a comprehensive approach, including both legislative initiatives and the active participation of civil society.

Keywords: corruption, transnational crime, fight against corruption, legislation, ethics, international experience

The problem of the expansion of corruption crimes in recent years has been the subject of wide discussion by international organizations as a transnational crime at the international level. Some politicians even characterize corruption as a factor causing a global crisis. Researchers who have studied the impact of corruption on international relations have come to the conclusion that developed countries of the "first world" can use corruption to overthrow governments they do not like, establish a benevolent regime, and provide material support to the opposition to the current government.¹

In this regard, we would like to study the experience of some developed countries in the fight against corruption in general and highlight them based on the rating of the level of non-corruption in the world.

The UK judicial system has uniquely effective mechanisms to combat corruption, and the basis for criminal legislation relating to the taking of damages (corruption) is the Bribery Act, passed in 2010².

This law is distinguished by its aggravating nature in comparison with the country's previous anti-corruption legislation, that is, the absence of the institution of the passage of time limits for bringing judges to criminal responsibility and immunity from criminal prosecution.

According to the provisions of the law, for certain crimes committed, judges and court officials are subject to punishments involving fines and imprisonment.

The UK's anti-corruption strategy includes a specific programme to strengthen the principles of honesty and integrity in all areas of society and public services (including the judiciary).

¹1. Berdiev A.T., Khaidarov M.M., Kuskarov T.R. Zhinoyatlari corruption uchun zhavobgarlik : Ўқув Kullanma . – T.: Uzbekiston Republic of IIV Academy , 2018. -152 p.

1. ²Bribery Act (UK, 2010).

These principles have had a strong influence on the fight against corruption through the media and public opinion.

Scandinavian experience shows that in the practice of all foreign countries special attention is paid to the use of effective forensic research in the prevention of corruption. In particular, the Scandinavian Council of Criminology, created in 1962 by the Ministers of Justice of the Scandinavian countries - Denmark, Finland, Iceland, Norway and Sweden, takes part in the formation of the policy of combating crime in these countries. The main goals of the Council are the coordination of forensic research in the member countries, the development of recommendations to governments on combating crime. In the criminal-legal doctrine of these countries, a special place is occupied by ethical categories and the system of social values. The Scandinavian Council of Criminology consists of 15 members - three representatives from each state, two prominent criminologists and one representative of the Ministry of Justice. The peculiarities of the legal consciousness of the population of Scandinavia are the idea of social equality, trust in the public and legal institutions, tolerance of various phenomena at the level of the individual, as well as a general sense of justice, manifested in relation to such legal categories as "crime," "criminal," "punishment" and "responsibility." In general, for Scandinavian countries, the prevailing point of view is that the main criminogenic dominants are the social roots of crime.

The experience of Scandinavian countries shows that in order to organize an effective fight against corruption, it is advisable to further develop forensic research, while higher education institutions and scientific institutions of the legal field should coordinate research in the field of forensic science. It should be noted that the rating reflecting the level of corruption in countries of the world, published by Transparency International (Transparency International), notes that in Scandinavia this indicator is at the lowest level. According to the data, the countries with the lowest indicators in this regard are New Zealand, Denmark, Singapore, Sweden, Switzerland, Finland ³.

Corruption, first of all, means the weakness of the state apparatus in fulfilling its minimum obligations to the people in any country. This also covers many developing countries in Africa, Latin America and Asia and is one of the serious problems for these countries. In all these countries, corruption becomes the cause of poverty of the people, backwardness of the country.

If we talk about Hong Kong's experience, the Independent Anti-Corruption Commission established in Hong Kong can serve as an example for institutions capable of successfully and decisively implementing measures in this area. The basis for the fight against corruption in Hong Kong is the systematic monitoring of the activities of government bodies - official institutions, individual citizens, as well as the prosecution of those guilty.

If we talk about the legislation of the United States of America, then the USA has adopted a special legislative act aimed at combating corruption. This legislative act, called the "Foreign Corrupt Practices Act," establishes liability for American companies for bribing foreign officials to obtain benefits and guarantees when concluding contracts ⁴.

In the United States, an employee who makes an unintentional mistake is not punished. Social ethics classes are taught in elementary and middle schools in America.

The U.S. Office of Ethics provides information on its website about the required ethical standards for executive officers. Almost all U.S. federal agencies conduct anti-corruption training on a regular basis (usually once a year).

Many departments have created special units to detect abuses, such as the Internal Revenue Service, where responsible employees for official compliance work on a permanent basis and are contacted for help or advice. If an official has committed an offense, but at the same time acted

³ Transparency International - Corruption Reports

⁴ Foreign Corrupt Practices Act (USA) .

in accordance with the preliminary instructions of an employee of the Internal Revenue Service, he or she is not subject to punishment. This rule is aimed at rewarding conscientious employees who may accidentally make a mistake.

As is known, before gaining independence in 1965, Singapore was in a situation reminiscent of a picture of modern corrupt countries. On the one hand, the legislation was imported from distant England by British colonialists, on the other hand, law enforcement agencies did not have the ability to fight organized crime. Most officials were mired in corruption. Most of the population was illiterate and could not protect their rights. The country's leaders realized the need to eradicate corruption and arbitrariness, without which the country has no future. This served as the basis for the adoption of a whole system of measures, distinguished by their severity and consistency.

The actions of officials were streamlined, bureaucratic barriers were eliminated, and strict control over compliance with high ethical standards was ensured. A special Bureau for the Investigation of Corruption Cases played a huge role in eradicating corruption - the body that implemented these measures and has retained its powers to this day. Citizens contacted the Bureau with complaints about the actions of civil servants and demanded compensation for damages.

At the same time, criminal penalties for corruption were increased, the independence of the judicial system was enhanced, judges' salaries were sharply increased, their high social status was ensured, and significant economic penalties were introduced for bribery or evasion of participation in anti-corruption investigations. Strict measures were taken in many state organizations, including dismissal of all employees. These measures were implemented by reducing state intervention in the economy, increasing officials' salaries, and training qualified administrative personnel. "Foiz," "taqdirlash," "baksheesh" - no matter what corruption is called in local jargon, it is one of the manifestations of the Asian way of life. Ministers and officials cannot live on a salary that meets their needs. The higher their position, the more houses they have. And this is not enough, they have many wives and mistresses. Depending on the position of their husbands, their gold jewelry is also expensive. Singaporeans doing business in such countries should not bring these bad habits home, wrote the country's Prime Minister, one of the initiators of reforms in Singapore, Lee Kuan Yew ⁵.

Singapore, a country with strong authoritarian governance, currently ranks among the world leaders in terms of low corruption, economic freedom, and development. Singapore, home to just 4 million people, has shown that political will, effective anti-corruption laws, and an incorruptible independent agency can reduce corruption to very low levels in a few years.

The use of commercial sector employees by Singaporean government officials for their personal gain, the low literacy rate of the population, and the lack of legal culture made the fight difficult. As a result, bribery became the only way to achieve the goal.

Another difficult aspect of the issue was that the staff of the Corruption Investigation Bureau, created during the English period, consisted of local policemen and were not psychologically prepared to combat this vice.

"Customs officials accepted bribes to 'speed up' inspections of vehicles carrying contraband and banned goods. Central Supply officials provided bid information to interested parties for a fee. Import-Export Department officials accepted bribes to expedite permits. Contractors offered bribes to clerks to turn a blind eye to deficiencies. Shopkeepers and homeowners paid the Department of Public Health to remove garbage. School principals and teachers received commissions from stationery suppliers. When power is used for personal gain, human ingenuity knows no bounds." (Lee Kuan Yew)

⁵Lee Kuan Yew - Works on Reforming Singapore

Realizing that the country was in a very difficult situation, the government made a firm decision to create an atmosphere of openness and purity in society, to ensure that corruption was perceived as a socially unacceptable phenomenon. It based its work on the principle of "remaining clean and incorruptible." The authors of the strategy were convinced of the importance of controlling corruption for national progress.

The Singapore government set itself the goal of turning Singapore into a financial and trade hub for Southeast Asia and attracting foreign investors to the country. Thanks to the political will of the leadership and strong anti-corruption legislation, Singapore managed to defeat bribery and become one of the world's economic leaders. First of all, the opportunity for corrupt acts was reduced. In 1960, the anti-corruption strategy was enshrined in the Act on the Granting of Special Powers to the Bureau for the Prevention of Corruption and the Investigation of Corrupt Offences ⁶.

In 1989 and 1994, the salaries of senior civil servants were revised to levels that no other civil servant in the world could dream of. However, this formula does not automatically mean an annual salary increase, since private sector incomes have been falling and rising. If private sector incomes fell in 1995, then in 1997 the salaries of all ministers and officials were correspondingly reduced.

Singapore's leadership was convinced that big campaign expenses were pointless for many Asian countries. The winners who spent big money on elections had to not only recoup the money spent, but also raise money for the next elections. This opened the door to corrupt practices. So the leaders of the People's Action Party of Singapore tried to cut their campaign expenses.

The main idea of Singapore's anti-corruption policy is to "eliminate situations that encourage people to commit corruption."

This is achieved through a number of principles:

1) equating the salaries of civil servants to the average monthly salary of individuals successfully working in the private sector; 2) monitoring annual reports on the property, assets and debts of officials of state bodies (in particular, the prosecutor has the right to check any bank accounts, shares of persons suspected of violating anti-corruption legislation); 3) ensuring high moral standards of high-ranking officials; 4) eliminating administrative barriers that arise in economic development.

An important aspect of the Japanese state's experience is that in the 1990s, Japanese researchers proposed the following to reduce corruption crime: disclose information about the activities of government agencies, introduce an independent ombudsman institution at the central and local levels to monitor officials, toughen penalties for such crimes (disqualification from being elected as a deputy, lifelong disqualification from holding high positions, punishment of persons in the electoral group associated with this), and fully finance election campaigns with public funds.

In Japan, along with the fight against corruption, a false (slandorous) report of a bribe can also be punished in the same way as the recipients of the bribes - with hard labor for three years or a fine. Thanks to reforms in the criminal law, punishments for a number of official crimes have been toughened. For example, for abuse of office by state and public figures, a punishment has been established in the form of hard labor or imprisonment for up to 2 years. Previously, a person was punished in the same way for such a crime, but for up to 6 months.

The Netherlands is among the countries with the lowest level of corruption. The anti-corruption system in the Netherlands includes:

- After the fact of corruption is revealed, the consequences of the corrupt actions are discussed and the sanctions applied to them are regularly published. The Minister of Internal Affairs

⁶³. Zufarov R.A., Akhrarov B.Zh., Mirzaev U.M. Corruption. Konun . Zhavobgarlik . Monograph // Mas'ul muharrir : ju.f.d. , prof. M.Kh.Rustambayev . – T.: TDYUI Nashriyoti , 2011. – 168 bet

reports annually to the parliament on the facts of corruption and the measures of punishment of persons involved in corruption.

A system has been developed to monitor “points” where corrupt practices may arise and to control the activities of individuals in these places.

A system of rights and responsibilities of officials responsible for violation of official rules of ethics has been created.

The main punishment for corrupt actions is deprivation of the right to work in state organizations and all social benefits. A fine and temporary suspension from the performance of one's duties are also applied.

In the most important organizations, in particular in ministries, there are internal security services whose task is to identify errors by officials, their intentional or accidental violations of rules.

A system has been created for selecting individuals for positions that may be susceptible to corruption.

All materials concerning corruption that are not related to the national security system are published to the public.

A special system has been created to train officials who understand the harm of corruption.

To combat corruption, a state security system has been created, which has extensive powers to identify corruption.

Officials at all levels are required to register cases of corruption known to them; this information is sent to the ministries of internal affairs and justice.

The media plays a big role in the fight against corruption. Because they reveal facts of corruption and conduct investigations about them.

In Germany, civil servants, regardless of their specific functions, are obliged to carry out their duties impartially and fairly in the interests of the whole society.

The first task in the fight against corruption in Germany is to maintain official secrecy. A civil servant must also keep secret information and facts that have become known to him in the course of his work. A civil servant may not give evidence or make statements, even in court, without obtaining permission.

A civil servant must obtain prior consent from a superior for any work other than official work. Permits for civil servants are not required only in scientific institutions and for activities related to teaching and research.

Civil servants do not have the right to engage in any entrepreneurial activity personally or through their authorized representatives.

The federal government establishes the procedure for civil servants to work part-time by adopting a decision having the force of law. It specifies such issues as what activities are considered civil service or are equivalent to it; whether the civil servant receives payment for additional work; which categories of civil servants are required to obtain permission. It establishes the maximum amount of wages received by various categories of employees per year and the procedure for calculating it.

If, after the termination of the service relationship, a civil servant works in a position related to his last five-year service activity, he must report this to his last place of service. His activity is prohibited if it may harm the interests of the service. This prohibition is imposed by the highest authority of the civil service and ends after 5 years from the end of the service relationship.

The consequences of failure to perform or improper performance of duties by civil servants are regulated in detail. A civil servant (in accordance with the Federal Regulation on Disciplinary

Law) is considered to have committed an offense if he violated the procedure for performing his duties.

In line with the high demands and restrictions associated with civil service in Germany, high wages and other benefits, job security and a high standard of living are guaranteed.

In Australia, corruption is combated by special courses. There is no federal structure or centralized system of anti-corruption bodies in Australia. Control over the activities of government structures is carried out through national public organizations of Australia, the parliament and the media. Any citizen has the right to file a complaint to such a commission or report corrupt actions committed by a public official.

The main anti-corruption educational program is a special course on the topic "Corruption and Methods of Combating It," which is conducted at the Faculty of Public Policy of the Australian National University (Canberra). During the training, students have the opportunity to become familiar with various approaches to the phenomenon of corruption and methods of combating its manifestations.

In addition, there are special courses for university professors and high school teachers. This educational program is offered by the Global Education Center.

The UK Foreign and Commonwealth Office organises anti-corruption seminars at its embassies (similar events have been held in recent years at diplomatic missions in the UK, China, Russia, Argentina, Thailand, Singapore, Mexico, Spain and the United Arab Emirates).

For diplomats appointed to diplomatic posts, two-day intensive courses are organized, during which anti-corruption specialists conduct personal interviews with MFA employees and review written work on anti-corruption.

As part of a joint project between the Department for International Development and the UK Trade and Investment Agency, a special textbook on identifying instances of corruption has been published and is being sent to trade missions and embassies in foreign countries.

The main anti-corruption agency in the UK is the Serious Fraud Office (SFO).

Another feature of public education in the UK anti-corruption policy is the deliberate distraction of the population from the problem of internal corruption. The state certainly supports the external focus of educational programs in the field of combating corruption.

The most active conductors of the London idea of global eradication of corruption are such non-governmental organizations as the "British Anti-Corruption Forum," "Transparency International," "Engineers Against Poverty," "Center for Combating Corruption in Infrastructure" and others. Often, British non-governmental organizations implement anti-corruption education programs for government agencies, businesses and civil society institutions of foreign countries on a gratuitous basis.

The problem of corruption in India has not lost its relevance for a long time. According to experts, one of the reasons for the low effectiveness of the fight against corruption is the insufficient legal literacy of the population. There are no anti-corruption educational programs in Indian schools. In law colleges and universities, anti-corruption laws and law enforcement practice are generally not taught as separate courses, but are studied as part of courses on socio-economic crimes or as part of courses on white-collar crimes or the criminal procedure code.

Conclusions.

Corruption is seen as a transnational crime that can cause global crises. Research shows that developed countries can use corruption to overthrow unwanted governments and support the opposition¹

UK experience: The UK has passed the Bribery Act 2010, which increases criminal liability for judges and public officials and includes programmes to strengthen public integrity¹

The Nordic approach: Scandinavian countries place emphasis on forensic science and ethical standards, which allows them to maintain low levels of corruption due to high levels of trust in public institutions¹

Hong Kong: The Hong Kong Independent Commission Against Corruption carries out systematic monitoring and prosecution, setting an example of an effective approach to combating corruption¹

Singapore: The country has made significant progress in reducing corruption thanks to strict laws and the high social status of judges. The government has introduced measures to increase the salaries of officials and strictly monitor their activities¹

Corruption in Developing Countries: In Africa, Latin America and Asia, corruption leads to poverty and underdevelopment, which requires a comprehensive approach to eradicate it¹

In some cultures, corruption is perceived as normal, making it difficult to combat. For example, in Singapore, the government has worked to change the public perception of corruption as socially unacceptable¹

Effective fight against corruption requires a comprehensive approach, including legislative measures, public initiatives and support from the media. The experience of countries with low levels of corruption shows that political will and high ethical standards are key factors in this fight.

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