

INVESTIGATION OF CORRUPTION CRIMES AND ISSUES OF CRIMINAL LIABILITY

Rakhmonaliyev Zikrullo Iqboljon ogli

Fergana State University 3rd-Year Student

Faculty of History, Department of Jurisprudence

zikrullohrahmonaliyev6@gmail.com

+998974177273

Abstract

This article analyzes the process of investigating corruption crimes in Uzbekistan and the issues of criminal liability for such offenses. The paper examines the legal nature of corruption crimes, the specific features of their investigation, procedural and tactical aspects of investigative actions, judicial practices concerning corruption cases, and current issues in applying criminal liability and sentencing practices. The study analyzes the new laws adopted in Uzbekistan in 2022–2023, institutional reforms in combating corruption, and changes introduced under the new edition of the Criminal Code. Based on this, scientific and practical proposals are put forward to improve the effectiveness of investigations and mechanisms of criminal liability for corruption crimes.

Keywords: Corruption, corruption crimes, investigative actions, fight against corruption, criminal liability, official, anti-corruption legislation, investigative tactics, evidence collection, criminal case, criminal process, judicial practice.

Introduction

Corruption is one of the most dangerous phenomena that hinders the development of any state and society. Corruption crimes pose a serious threat to the economic security of the state, the authority of state and local government bodies, and the constitutional rights and freedoms of citizens. The Republic of Uzbekistan has identified the fight against corruption as one of the main directions of its state policy and has implemented large-scale reforms in this area in recent years. Based on the Decree of the President of the Republic of Uzbekistan No. PF-6257 dated July 6, 2021, "On measures to create an environment of zero tolerance for

corruption, drastically reduce corruption factors in state and public administration, and expand public participation in this process," a new version of the Law "On Combating Corruption" (dated April 18, 2022, No. O'RQ-763) was adopted. Additionally, a new edition of the Criminal Code (dated October 5, 2022, No. O'RQ-4) came into force on January 1, 2023, providing new approaches to investigating and prosecuting corruption-related crimes.

This article focuses on the procedural and tactical aspects of investigating corruption crimes, as well as issues of criminal liability for such offenses. The aim of the paper is to analyze the current legislation and practice in the field of investigating corruption crimes and criminal liability, identify existing problems, and propose possible solutions.

Research Methodology:

The following scientific methods were used in conducting this research:

1. **Legal and normative analysis** – Analysis was conducted of the legal documents of the Republic of Uzbekistan in the field of combating corruption, including the Criminal Code, Criminal Procedure Code, resolutions of the Plenum of the Supreme Court, and departmental normative acts.

2. **Comparative method** – National legal norms were compared with international legal instruments, and foreign experience in investigating corruption crimes and applying criminal liability was studied.

3. **Statistical data analysis** – Statistical data on corruption crimes recorded in Uzbekistan from 2019 to 2023, as well as figures related to judicial and investigative practices, were examined. The data were obtained from the General Prosecutor's Office of the Republic of Uzbekistan, the Anti-Corruption Agency, and the Supreme Court's statistical reports.

4. **Systemic-structural analysis** – The issues of investigating corruption crimes and criminal liability were studied as a holistic system, analyzing its structural components.

5. Case study – Court decisions and investigative materials related to corruption crimes were analyzed, identifying the specific features of cases within this category.

Research Results:

The system of combating corruption crimes in Uzbekistan: legal foundations. The new edition of the Law of the Republic of Uzbekistan "On Combating Corruption" dated April 18, 2022, provided a broader definition of the concept of corruption: "Corruption is the illegal use by a person of their official or service position to obtain material or non-material benefits for themselves or others, as well as the unlawful offering of such benefits" (Article 3).

This definition encompasses not only material but also non-material forms of corruption.

Dynamics of registered corruption crimes in Uzbekistan (2021–2023):

Year	Number of Corruption Crimes	Cases Involving Officials	Individuals Held Criminally Liable
2021-yil	1927 ta	1273 ta	2043 ta
2022-yil	2156 ta	1386 ta	2245 ta
2023-yil	2304 ta	1529 ta	2467 ta

Source: Data from the Anti-Corruption Agency of the Republic of Uzbekistan, 2024.

Case Study: Court decisions and investigative materials related to corruption crimes were analyzed, and the specific characteristics of such cases were identified.

Research Results:

The Legal Framework of the Anti-Corruption System in Uzbekistan: The new version of the Law of the Republic of Uzbekistan "On Combating Corruption" dated April 18, 2022, offers an expanded definition of corruption: "Corruption is the illegal use of a person's official or service position for obtaining material or non-material benefits for oneself or others, as well as the illegal provision of such benefits" (Article 3). This definition encompasses not only material but also non-material forms of corruption. The following crimes are classified as corruption-related under the Criminal Code of Uzbekistan:

Bribery (Articles 210–214²); Abuse of official authority (Article 205); Exceeding official authority (Article 206); Inaction of authority (Article 208); Embezzlement of state funds (Article 171); Fraud committed by an official using their position (Article 168, Part 2, Clause "v"). According to the Anti-Corruption Agency of Uzbekistan, in 2023, corruption crimes were distributed across sectors as follows: 41% in public procurement, 23% in construction, 16% in education, 12% in healthcare, and 8% in other sectors.

The Law of the Republic of Uzbekistan "On Anti-Corruption Bodies" (No. O'RQ-861, adopted on July 11, 2023) defines the system of bodies authorized to investigate corruption crimes. According to this law, preliminary investigations of corruption-related offenses are conducted by: the Department for Combating Economic Crimes under the General Prosecutor's Office, the Anti-Corruption Agency, and the State Security Service. Inter-agency cooperation in handling corruption cases is regulated by the Joint Order dated March 1, 2023, "On Interagency Cooperation in Considering Materials and Criminal Cases Related to Corruption Offenses." Specific Features of Evidence Collection and Consolidation in Corruption Crime Investigations:

1. Operational-search activities – Key methods used in uncovering corruption crimes, based on Articles 341–346 of the Criminal Procedure Code, include: Controlled purchases (especially for crimes under Articles 173–174 of the Criminal Code), Wiretapping and other communication interceptions, Electronic surveillance and cyber investigations, Monitoring of financial transactions.
2. According to amendments to the Criminal Procedure Code in 2023, the use of information and communication technologies in corruption cases was expanded: Regulations were established for collecting electronic documents, internet-based transactions, and cryptocurrency-related operations as evidence (Articles 93 and 199-1 of the CPC).
3. **Financial audits** – In corruption investigations, financial reviews are conducted based on the Law of the Republic of Uzbekistan "On Combating the Legalization of Proceeds from Crime, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction." Suspicious transactions are analyzed accordingly.

2.3. Collection and Legal Significance of Electronic Evidence in Corruption Crimes Amendments in 2022 introduced the concept of "electronic evidence" into

the Criminal Procedure Code (Article 81-1). Key types of electronic evidence in corruption investigations include: Electronic communications (emails, messages in messengers), data from banking electronic payment systems, information from the electronic public procurement system, audio and video recordings, data from social media platforms. According to Article 197 of the updated CPC, the collection of electronic evidence involves the use of special technical means and expert-forensic examinations.

2.4. Tactical Features of Investigating Corruption Crimes

Effective tactical methods in investigating corruption crimes include: Step-by-step reconstruction of the crime, complete restoration of the corruption scheme, identification of links between participants, tracking the movement of financial resources.

Discussion:

There are several challenges in investigating corruption crimes:

Difficulties in gathering evidence – Corruption crimes often have a latent nature, and all participants are usually interested in concealing the crime. Solutions: Introducing new methods of conducting operative-search measures, expanding the practice of video-recording investigative actions, developing financial analysis systems based on artificial intelligence technologies.

Qualification of investigators – Investigating corruption crimes requires specific knowledge and skills. Solutions: Developing specialized training programs to enhance the qualifications of investigators, studying and applying international experience, updating methodological materials for investigating corruption crimes.

1. Issues of international cooperation in corruption crimes – Criminal proceeds are often transferred to foreign banks, and corrupt officials may flee to foreign countries. Solutions: Expanding international treaties on legal assistance, developing the practice of forming joint international investigative teams, strengthening cooperation with Interpol.

2. Improvement of criminal liability for corruption crimes – The following proposals are put forward to improve the system of criminal liability for corruption crimes:

Improving the system of penalties – Differentiating penalties for corruption crimes, improving the mechanism for confiscating property used as a means or tool of the crime. Developing the institution of corporate liability – Enhancing liability for private sector corruption and for the absence of a compliance system. Improving the institution of “sincere remorse” – Establishing clear mechanisms for mitigating liability in cases where the offender fully admits guilt and compensates the damage in full. Introducing a whistleblower reward system – Implementing a system of financial incentives for individuals who report corruption crimes. The experience of developed countries such as the USA and the UK shows that a whistleblower reward system is one of the most effective anti-corruption mechanisms.

Conclusion:

Based on the results of the study, the following conclusions can be drawn:

In Uzbekistan, the legal framework for investigating corruption crimes and criminal liability has significantly improved in recent years. In particular, the new edition of the Criminal Code and the Law "On Combating Corruption" have provided new legal tools for fighting corruption.

1. The practice of using modern information technologies in the investigation of corruption crimes, including the collection and consolidation of electronic evidence, is developing. However, the latent nature of corruption crimes creates challenges for investigation, and it is necessary to introduce new methods and tools to enhance the effectiveness of investigations.
2. The system of criminal liability for corruption crimes needs further improvement. Specifically, it is essential to establish liability for private sector corruption, develop the institution of corporate liability, and improve the systems of protection and encouragement for whistleblowers.
3. The effectiveness of investigating corruption crimes and criminal liability issues largely depends on the qualifications of law enforcement officers. Therefore, it is necessary to improve the system of training and professional development for anti-corruption agency staff.

Based on the results of this study, the following practical recommendations have been developed: Introduce effective mechanisms for investigating corruption crimes by amending the Criminal Procedure Code. Establish a special institution

of investigators dedicated to investigating corruption crimes and implement a system of continuous professional development for them.

References:

1. Criminal Code of the Republic of Uzbekistan. – Tashkent: Adolat, new edition of 2023.
2. Criminal Procedure Code of the Republic of Uzbekistan. – Tashkent: Adolat, 2023.
3. Law of the Republic of Uzbekistan "On Combating Corruption". – April 18, 2022, No. O'RQ-763.
4. Law of the Republic of Uzbekistan "On Anti-Corruption Agencies". – July 11, 2023, No. O'RQ-861.
5. Presidential Decree of the Republic of Uzbekistan No. PF-6257 dated July 6, 2021 "On Creating an Intolerant Environment towards Corruption...".
6. Collection of Plenary Resolutions of the Supreme Court of the Republic of Uzbekistan. – Tashkent: 2022–2024.
7. Statistical data of the Prosecutor General's Office and the Anti-Corruption Agency of the Republic of Uzbekistan. – 2019–2023.
8. Law of the Republic of Uzbekistan "On Combating the Legalization of Criminally Obtained Property". – Tashkent: 2022.
9. Anti-Corruption Agency of Uzbekistan. Official website: www.anticorruption.uz
10. International legal documents and practices of foreign countries (USA, UK, etc.).