

COMBATING CORRUPTION AND PREVENTING CONFLICTS OF INTEREST

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Abstract:

This article discusses the work being done in the Republic of Uzbekistan to combat corruption and prevent conflicts of interest. It states that corruption is a path leading to the destruction of society, that it is necessary to fight it without compromise in all its manifestations, and that conflicts of interest should not be allowed.

Keywords: Corruption, crime, corruption-related offenses, conflict of interest, international cooperation in the fight against corruption, personal interest, close relatives, abuse of office.

Introduction

After gaining independence, the Republic of Uzbekistan set itself the goal of building a democratic state based on the rule of law. Today, a number of reforms are being implemented in Uzbekistan to combat corruption.

The Law "On Combating Corruption", adopted in 2017, demonstrates the state's desire to take tough measures against this problem. This Law consists of 6 chapters and 34 articles, and the main purpose of this law is to regulate relations in the field of combating corruption.

If we look for an answer to the question "What is corruption?", the Law of the Republic of Uzbekistan "On Combating Corruption" defines this term as follows:

Corruption is the unlawful use of a person's position or office to obtain material or non-material benefits for personal gain or the benefit of others, as well as the unlawful presentation of such benefits.

Simply put, corruption is the abuse of power by officials to obtain legal or illegal benefits.

There are several types of corruption:

1. Domestic corruption;
2. Corruption in business;
3. Corruption in government.

Domestic corruption: This is a form of corruption that occurs in everyday life, usually between ordinary citizens and government officials or organizations. It often involves giving and receiving small bribes, or breaking the law to obtain certain benefits in order to expedite services. We often encounter this type of corruption in everyday life. For example: we can encounter this type of corruption in the education sector, demanding additional bribes when using public services, medicine, and many other areas.

Business corruption: This is illegal actions carried out in the business sector in violation of laws and regulations for economic gain. The subjects of these corrupt actions are entrepreneurs, companies, and government agencies, and occur between them.

The main reason for this type of corruption is the desire of enterprises and organizations to avoid



pure competition and achieve their goals and earn more through crooked means. This causes serious damage to the state economy and undermines fair competition.

Public corruption: This is the misuse of public office by public officials for personal or group gain. This type of corruption is considered very dangerous and causes great harm to public administration and economic development. Forms such as nepotism and favoritism can hinder the effective functioning of government.

Looking at global experience, there are a number of countries that have achieved success in the fight against corruption. Countries such as Singapore, Japan, the United States, Canada, Denmark, and Finland have made great strides in overcoming this problem.

This If we look at the experience of countries, they have used several anti-corruption measures. One of the main measures is the introduction of an electronic procurement system.

In the Republic of Uzbekistan, the anti-corruption practices of the above-mentioned countries are being widely implemented, which is clearly reflected in the electronicization of services provided.

The Law on Combating Corruption contains a norm on conflict of interest, according to which a conflict of interest is a situation in which a person's personal (direct or indirect) interest affects or may affect the proper performance of his or her position or official duties, and a conflict arises (existing conflict of interest) or may arise (potential conflict of interest) between personal interest and the rights and legitimate interests of citizens, organizations, society or the state.

Based on the above, on June 5, 2024, the Law of the Republic of Uzbekistan No. O'RQ-931 on Conflict of Interest was adopted. The purpose of this Law is to regulate relations related to conflicts of interest. The Law consists of 5 chapters and 33 articles.

The following basic concepts are used in this Law:

employee of a state body or other organization - a management employee performing labor (service) activities in state bodies or other organizations on the basis of an employment contract or in elected or appointed positions;

Conflict of interest - a situation in which a person's personal (direct or indirect) interest affects or may affect the proper performance of his or her position or official duties, and a conflict arises (existing conflict of interest) or may arise (potential conflict of interest) between personal interest and the rights and legitimate interests of citizens, organizations, society or the state;

special unit for regulating conflicts of interest (hereinafter referred to as the special unit) - internal anti-corruption control units (and) or personnel units of state bodies or other organizations;

personal interest - any benefit or advantage that an employee of a state body or other organization or persons associated with him or her may receive as a result of a decision made by this employee, directly or indirectly, or as a result of the employee's other participation in this process;

close relatives - parents, brothers, sisters, sons, daughters, spouses, as well as parents, brothers, sisters and children of spouses.

Article 23 of the Law specifies the procedure for considering appeals and reports from individuals and legal entities on cases of conflict of interest, in accordance with which each appeal or report from individuals and legal entities to state bodies and other organizations on an existing or potential conflict of interest in an employee is considered and verified in accordance



with the procedure and within the time limits established by law.

Information on cases of conflict of interest identified during the inspection shall be considered by the Ethics Commission within ten working days after submission by the special unit.

The ethics commission makes a proposal to the head of a state body or other organization to take measures to eliminate the conflict of interest or to hold the employee accountable.

Also, Article 26 of the Law sets out the consequences of making decisions or concluding transactions in the presence of a conflict of interest, according to which decisions made or transactions concluded in the presence of a conflict of interest are declared invalid in court.

If a decision made or a transaction concluded in the event of a conflict of interest is declared invalid, the profits received as a result of the decision or transaction shall be transferred to the state revenue in a judicial procedure, without any claim for the return of everything received under the transaction. In this case, the costs associated with the implementation of such a transaction declared invalid shall be reimbursed at the expense of the person who committed the conflict of interest.

Damage caused to individuals or legal entities, including state bodies or other organizations, as a result of a decision made or a transaction concluded in the event of a conflict of interest being declared invalid may be recovered from the guilty employees of the state body or other organization through recourse.

In conclusion, it is worth noting that a lot of positive work is being done in the Republic of Uzbekistan to combat corruption and prevent conflicts of interest, the results of which are being recognized by the international community.

In particular, it is worth noting that Uzbekistan ranked 121st in the 2023 Transparency International Corruption Perceptions Index, up five places from the previous year. This demonstrates the positive results of our country in the fight against corruption and indicates that consistent reforms in this area have been effective.

Practical work on combating corruption and preventing conflicts of interest in the Republic of Uzbekistan is constantly being improved. The most important thing is that each of us in our society must unite and support the practical work carried out by our state on combating corruption and preventing conflicts of interest, and we must not forget that we must be intolerant of any form of corruption.

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