



Mechanisms for effective anti-corruption in Central Asia

Bakhtiyor ARABOV¹

Oriental University

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ABSTRACT

The article puts forward views on the development of effective mechanisms to combat corruption in Central Asia, in particular, ensuring transparency in the adoption of laws and decisions in civil society, increasing the role of e-government in providing public services, and declaring property to prevent conflicts of interest. Issues such as strengthening system control are analyzed.

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Markaziy Osiyoda korupsiyaga qarshi kurashishning samarali mexanizmlari

Kalit so'zlar:

korruptsiya,
xavfsizlik,
milliy qadriyat,
fuqarolik jamiyati,
manfaatlar to'qnashuvi.

ANNOTATSIYA

Maqolada Markaziy Osiyoda korrupsiyaga qarshi kurashishning samarali mexanizmlarini ishlab chiqish, xususan, fuqarolik jamiyatida qonunlar va qarorlar qabul qilishda shaffoflikni ta'minlash, davlat xizmatlarini ko'rsatishda elektron hukumat rolini oshirish va manfaatlar to'qnashuvining oldini olish uchun mol-mulkni deklaratsiyalash nazoratini kuchaytirish bo'yicha masalalar tahlil qilingan.

¹ First Vice-Rector for Youth Affairs and Spiritual Educational Work, Oriental University.

Эффективные механизмы борьбы с коррупцией в Центральной Азии

АННОТАЦИЯ

Ключевые слова:

коррупция,
безопасность,
национальная ценность,
гражданское общество,
конфликт интересов.

В статье выдвигаются взгляды на развитие эффективных механизмов борьбы с коррупцией в Центральной Азии, в частности, обеспечение прозрачности принятия законов и решений в гражданском обществе, повышение роли электронного правительства в предоставлении государственных услуг и декларирование собственности для предотвращения конфликта интересов. Анализируются такие вопросы, как усиление системного контроля.

The lack of development of legal and political culture in the society, the inefficient functioning of state bodies, the weakness of civil society institutions, and the lack of strong democratic traditions create a basis for the development of corruption.

Western researcher D.Sharp noted, “The intolerance of corruption in developed countries is much higher, therefore the absence of conflict between the interests of the state and civil society institutions is an indicator of the effectiveness of public administration”.

Today, corruption occurs in the construction, housing, communal economy, health care, and education systems. Therefore, it is necessary to consider it an effective mechanism to prevent corruption by strengthening public control of civil society institutions.

The German financial analysis company Noerr Consulting AG studied the anti-corruption legislation of Central Asian countries in 2019. According to him, among the countries of Central Asia, only Kyrgyzstan punishes firms (legal entities) for bribing officials or other private companies. In Kazakhstan, only bribery of civil servants is punishable. The laws of Turkmenistan and Uzbekistan do not provide for punishments for legal entities.

Foreign citizens are also punished for corruption in all countries. Foreigners accused of corruption in third countries can be sentenced in all MO countries except Kyrgyzstan. In Turkmenistan, a foreign citizen can be prosecuted if the offense is committed outside the country, but is directed against the interests of Turkmenistan or against international agreements that are part of Turkmenistan. In Turkmenistan, executive directors of companies are punished with 50 to 100 times the minimum wage or imprisonment for up to 3 years for bribery, for bribery – up to 5 years with confiscation of property, and for bribing an official – from 5 to 10 years.

Kazakhstan, Kyrgyzstan, and Uzbekistan have developed several measures to protect the identity of whistleblowers who report corruption. In Kazakhstan and Kyrgyzstan, monetary rewards are even given to persons who report bribery. Only in Turkmenistan, there are no protections for whistleblowers who are not representatives of the authorities.

Emphasizing the special role of non-governmental non-profit organizations in the fight against corruption, it can be noted that the recognition of the “third sector” as an effective social force that can resist this helplessness is reflected in the UN Convention against Corruption. In particular: Each state shall take appropriate measures in the fight against corruption and, within the scope of its capabilities and by the basic principles of its domestic legislation, the active participation of individuals and groups outside the state sector, such as

civil society, non-governmental organizations and public organizations, in the prevention and fight against corruption, will help.

The strengthening of the legal framework for the fight against corruption created an opportunity for the active participation of the public, non-governmental non-commercial organizations, and citizens in the prevention of this evil.

Public control is also an effective mechanism in the fight against corruption. Researcher Y. Isomiddinov notes that there are the following problems in this regard: “State authorities refrain from informing the public about the negative attitude towards public control; the lack of sufficient motivation of citizens to participate in measures to prevent and fight against corruption, the reasons for this are the mutual isolation of society and the authorities, legal nihilism, complete distrust of the authorities; inertia based on a paternalistic type of political culture”. Lack of responsibility for the stable future of their country; insufficient formation of mechanisms for the participation of civil society institutions, primarily non-governmental and non-profit organizations, in the prevention and fight against corruption. The permanent status of civil society institutions hurts the country’s anti-corruption policy.

In our opinion, the following 4 influence mechanisms are important for the fight against corruption.

First, the influence mechanism that encourages honest work. In this case, the following principles are applied: decent salary, incentives for those who report corruption, and appointment of honest people to high positions. It is precisely this aspect that is given priority in Singapore’s experience.

Secondly, the mechanism of influence blocks the factors that create conditions for corruption. In this case, it is desirable to reduce the human factor by providing public services through information and communication technologies, using an electronic system for recording violations, optimizing state control, conducting the appointment of public servants on a competitive basis, and using the established transparent system of public procurement. In our opinion, it is necessary to make the system established through the ARGOS system more transparent and to think about the mechanism of “internal conversation” conducted by enterprises and organizations. It is important to make it more transparent, to clarify the evaluation criteria. In addition, it is advisable to limit the human factor in the process as much as possible. Also, compliance with the rules of the public-private partnership established by law, elimination of corrupt norms in normative legal documents, abolition of bureaucratic obstacles for business activities, prevention of conflict of interests, and ensuring the independence of courts play an important role.

Thirdly, the mechanism of educational influence against corruption is important. In this case, it is appropriate to form an intolerant attitude towards corruption in the individual, to raise the legal consciousness and culture of the population, and to carry out a religious and educational call against corruption by our religious scholars. Only then can today’s politics, the vaccine of honesty, cure the disease.

Fourth, the mechanism of the anti-corruption control system. In this case, strong public control over state bodies and officials, the openness of the activities of state bodies, accountability of officials to the people, non-governmental non-profit organizations that can conduct professional research on corruption and “journalistic investigations”, corruption cases remain “latent” prevention, ensuring the certainty of responsibility for corruption, annulment of corrupt decisions, effective functioning of the “anti-corruption internal audit” system, which is constantly conducted in state bodies. In this regard, specific norms are being developed in the legislation of the Republic of Uzbekistan. In particular, in Article 3 of the Law

of the Republic of Uzbekistan “On Combating Corruption” (Conflict of interest – personal (direct or indirect) interest affecting the proper performance of official or service obligations of a person or “a situation in which a conflict between personal interest and the rights and legal interests of citizens, organizations, society or the state is occurring or may occur) is a conflict of interest” In June 2024, the Law of the Republic of Uzbekistan “On Conflict of Interest” № ORQ-931 was signed. It is necessary to scientifically and analytically study the working mechanism of this Law.

Article 79 of the Labor Code of the Republic of Uzbekistan states that “persons who are close relatives or godparents (parents, brothers, sisters, sons and daughters, spouses, as well as husbands) – parents, brothers, sisters and children of wives”, provided that one of them is directly subordinate to the other or serves under his control, it is forbidden to work together in the same state enterprise. Conflict of interest can be avoided in the recruitment of civil servants through this article.

The analysis shows that at present, strong legal foundations have been created for the fight against corruption in the region. Governments rely on the capacity of various civil society institutions, primarily civil society institutions, to eradicate this evil. As R. Abramov rightly pointed out, to successfully fight against the dangers of corruption, it is necessary to combine the efforts of the states and the “third sector” and to use the political-legal, socio-economic and it is necessary potential of promotion and propaganda.

One of the anti-corruption mechanisms is the formation of a strong civil society that stands up to this negative situation. In particular, the process of eliminating the causes of corruption consists of building a modern, democratic legal state, and forming an effective market economy and a strong civil society.

“Civil inquiry” can be cited as an innovative mechanism of civil society institutions in the fight against corruption. “Citizen inquiry” is essentially similar to “Journalistic inquiry”. Its content and principles are very close to each other.

In our opinion, “Citizenship Inquiry” has many positive social features.

First of all, today it is very important to determine the role of civil society in the fight against corruption, which primarily depends on the organization of civil society institutions, public organizations and the activities of active citizens who fight against corruption.

Secondly, it serves to obtain information about the existing corruption cases and their level in the region, regions, state administration bodies, and other organizations, and to form a broad public opinion in this regard.

Thirdly, through the innovative mechanism of “Civil Inquiry”, an opportunity will be created to evaluate, analyze, and develop suggestions for further increasing the effectiveness of the participation of civil society representatives in the process of citizen activism and public control. All of them create a basis for the development of proposals and recommendations for further improvement of the current legislation regulating the fight against corruption crimes.

One of the most urgent issues is to carry out the process of fighting corruption within the framework of all layers of the population. In a word, it is equally important to prevent the officials of the highest level of society from committing corruption crimes and to ensure that the officials of the constitutional state bodies and institutions are held accountable for their crimes. has been one of the Sikhs.

The 83rd goal of the development strategy envisaged the introduction of honesty standards in the public service. In this regard, it was envisaged to create effective mechanisms for the prevention of conflicts of interest in the public service, to ensure transparency in the fight against corruption, and to expand public participation. In the 2022 State Program, the

tasks of introducing a system for reporting and resolving conflicts of interest in the public service are defined.

The 84th goal of the development strategy, was determined to identify sectors and industries prone to corruption, to increase the effectiveness of the system for eliminating corrupt factors, and to form an intolerant attitude towards corruption in society.

Another effective mechanism for fighting corruption is the development of a national strategy for fighting corruption. Right now, the countries have adopted anti-corruption laws. It is on this basis that programs or institutions are formed. However, this strategy is usually short-term and long-term, five-year plans, if possible every two years, and the directions of anti-corruption state policy and the stages of its implementation should be reflected in the future. It is important that it clearly defines the coordination of the activities of various institutions and organizations with the task of fighting corruption, carries out sociological research related to determining the level of corruption, and includes monitoring the effectiveness of anti-corruption measures. The national anti-corruption plan is updated every two years.

If we observe the trend of the fight against corruption in the region as a whole, it seems that seasonality is observed. If the head of state signs certain decrees or measures are taken, then the issue of corruption becomes urgent. For example, after the establishment of an anti-corruption political institute in Uzbekistan in 2020, efforts in this regard were revived at the institute level. Over time, the activity of the agency is losing significant influence. Or, on the initiative of the head of state of Kyrgyzstan, S. Japarov, an anti-corruption working council was established in 2021. To date, his activities have not been demonstrated.

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