

ПОЛИТИЧЕСКИЕ НАУКИ

Rasulov B.B.

Independent researcher at
Samarkand State University/Uzbekistan

MODERN TENDENCIES OF FIGHT AGAINST CORRUPTION

Annotation. Today, corruption and the fight against corruption have become one of the most important issues facing countries and the international community. Its origin and causes are linked to many social, economic, political and legal factors, and its prevention remains a complex process. This article analyzes current trends in the fight against corruption and develops proposals and recommendations in political science.

Keywords: corruption, fight against corruption, develops proposals, political science, private sector, political corruption, crime, civil society.

Corruption is a threat to society and social shocks in the country, causing economic downturns and adversely affecting the spiritual well-being of the population. That is why Uzbekistan has been active in the fight against corruption since the early days of its independence and has taken appropriate measures. According to the Presidential Decree, anti-corruption units were established within the system of internal affairs and prosecutor's office.

Corruption (lat. nausea, sale of bribes) is a crime committed by officials directly abusing their right for the purpose of personal gain.

Buying officials, their sale of bribes is also called corruption. [1]

According to the ideas of researchers B.Dong, E.Dallek and B.Torgler, corruption - it is such a form of state power that officials abuse their powers, for additional fee, at the expense of their own interests, even in the business environment. [2]

One of the most important ways of fighting against corruption is to increase the responsibility of senior government officials, to educate them in the spirit of patriotism and responsibility. It is also necessary to work together with the international community to fight corruption. That is why in July 2008 Uzbekistan joined the UN Anti-Corruption Concept.

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From a political point of view, corruption is an act that causes paralysis, weakening of public and public administration, and discrediting the public and the international community. This undermines the foundations of democracy, freedom of speech and the rule of law, violates human rights, weakens the effectiveness of public administration and public trust in public servants, impedes free market relations, and worsens the quality of life of the population.

It should be noted that corruption is common in all countries.

Although the world community has made a number of effective efforts to eradicate this harmful vice, it is still not eliminated.

According to foreign literature analysis, corruption is divided into several types:

1) according to the status of the subjects:

- a) corruption in public authorities;
- b) corruption in the private sector;
- c) corruption in politics or political corruption;
- d) corruption in the social sphere (Higher education, secondary education, health care, etc.).

2) by degree:

- a) low level of corruption;
- b) high level of corruption;
- c) vertical corruption;

3) by the level of social danger:

- a) act of corruption;
- b) corruption-crime.[3]

Corruption in the authorities (executive, representative and judicial) is currently one of the major problems in almost all countries of the world, including Uzbekistan. The peculiarity of these types of corruption crimes is that they are committed by people who must comply with the law and protect it. In many countries, the widespread of these crimes, corruption of government officials forces the country's legislators to take drastic measures against bribery, abuse of power, and other dangerous official crimes, and, on the contrary, to neglect unknown and most common crimes committed by officials (for example, donation of less expensive items is not a crime).

Some researchers classify political corruption as a particular type of corruption crime.

The most common form of political corruption are taking and giving a bribe. The next is to bribe political subjects in the implementation of electoral rights. This form of political corruption is manifested in one way or another in almost all countries. [4]

Levels of activity are low, high, and vertical corruption. Shavkat Mirziyoyev has criticized the high level of corruption in Uzbekistan in the past 2017-2018. The fact that in the last two years a number of officials in the Republic of Uzbekistan have been charged with corruption and a criminal case is a clear evidence of our opinion.

In addition to the usual forms of corruption, such as bribery and abuse of power, the following forms of corruption may be distinguished:

- officials, civil servants, deputies directly participate in commercial activities for personal or corporate benefit;
- to use their official position to transfer state-owned funds to commercial structures;

- to provide benefits to its corporate (political, religious, national, etc.) groups at the expense of state resources;

- to use their position to put pressure on the media for personal or corporate gain;

- to use of fake persons and relatives in commercial structures for personal gain by officials and civil servants;

- to use of service position for manipulation (distortion, non-transfer, transfer, deferral, etc.) for personal or corporate benefit;

- to promote decisions on the adoption of statutory acts in narrow group interests;

- to provide state financial and material resources to individual candidates' electoral funds. [5]

According to American researcher K. Dardena, the integrity of a corrupt state is that corruption becomes a non-formal institution of governance. [6] In this corrupt state there are many non-profit institutions and the state becomes part of the "executive machine".

As a result, he begins to follow the official orders of the state. A number of major experts investigating corruption point to the followings as the factors that cause corruption.

Two different laws - this situation allows different law enforcement officials to apply the law. Some experts have also suggested that "vilka" sanctions in criminal and administrative law may also create conditions for corruption. In other words, the lack of a specific sanction allows the judge to apply it at his own discretion.

Low legal literacy of the population - ignorance or misunderstanding of laws by the population creates an enabling environment for officials to use the law for their own benefit.

Political instability in the country - instability in the country leads to the formation of a completely unethical view that the main way to achieve a high standard of living in the minds of the population is linked to illegal activities. This creates favorable conditions for corruption.

Violation of the principle of unity of executive power - regulation of the same activity by different authorities:

- Poor public participation in state control;
- Income from public sector employees is lower than that in the private sector;
- State regulation of the economy;
- High degree of inflation;
- separation of supreme governing bodies from the population;
- Religious and ethical rules in the country.

Internal control - this method requires the creation of control structures (through the establishment of various internal inspections and other oversight bodies) within the state apparatus. The main function of this structure is to oversee staff compliance with internal ethics. Today, in our country, a number of law enforcement agencies have their own internal structures.

External control - this method envisages increasing the independence of structures of the independent executive apparatus, through these

structures an effective fight against corruption is achieved. This means achieving maximum independence of the judiciary, granting more freedom to the media, and so on.

The study of countries such as Sweden, Singapore, Hong Kong and Portugal, which have achieved high results in the fight against corruption, shows that eliminating factors that cause corruption is an important part of the fight against corruption. In China, the practice of mass executions is applied to those caught up in corruption and to the guilty.

The results of the political and comparative analysis of the experience of the international community in the fight against corruption show that, despite the fact that almost all countries in the world are exposed to corruption, its level varies considerably in different countries. A number of countries, including the US, UK, Japan, Singapore, the People's Republic of China, and others have been able to significantly reduce the level of corruption and its impact on political processes. This is the result of an effective anti-corruption policy that includes both targeted and legislative measures.

In our opinion, it is necessary to apply systemic measures, which provide for the system of combating corruption, political, economic, social, legal, organizational, ideological influence.

Any form or form of corruption strengthens economic and political inequality of the population, increases poverty, strengthens social tensions, reduces the efficiency of the market economy, and destroys existing democratic institutions.

Lawmaking is one of the most important areas in the fight against corruption. Consistent improvement of the legislative process and the legislation as a whole, improving the legal frameworks for corruption collisions, filling in the legal gaps and combating corruption are essential for the implementation of the anti-corruption legislation.

There is a dialectic of interaction between the quality of democratic institutions and the quality of fighting against corruption. Further strengthening of democratic institutions is an effective component of the anti-corruption strategy. Introduction of special anti-corruption tools is a serious step towards strengthening democratic institutions.

In turn, it should be noted that corruption also has a number of social functions: reducing administrative barriers, accelerating and streamlining management decisions, combining social class and group relationships, optimizing the economy in the face of resource scarcity and so on.

There are clear rules and norms that are known only to the subjects involved in corruption. Corruption is associated with clear and "street language" (slang) forms of verbal and nonverbal communication, and is expressed in various and symbolic terms.

Changes in government personnel policies in the area of corruption undermine the meritocratic principle of administrative personnel selection, as a result of personal contacts, promotes individual careers.

"Corruption is a systemic problem that needs systemic action to combat it, and it will consist of

effective action by three sectors of society: government, business and civil society.” [7]

According to some researchers, Finland is one of the countries with the lowest level of corruption. There are currently 3-4 bribery cases per year in Finland. In 1980-1989, 81 individuals were punished for taking bribes, and 49 were paid for bribery. It is noteworthy that the Criminal Code of Finland does not include the concept of corruption.

It establishes criminal liability for bribery of officials and imposes a fine of up to four years or a prison sentence for officials who commit such a crime, depending on the social danger of the act. One of the key factors that prevent corruption of civil servants in Finland is their material and social welfare. [8]

In France, in order to prevent and eliminate corruption in the public service, it was decided to impose an obligation on independent property authorities on all property and incomes to all civil servants elected in the 1990s and to public service personnel who may be influenced by corruption. In addition, a legal and organizational framework has been created to ensure broad disclosure of income and property declarations of senior government employees. [9]

Experience of the Federal Republic of Germany shows that the most effective organizational and legal measures for the prevention of corruption can be the identification of the most sensitive areas of corruption, the establishment of databases of individuals and legal entities exposed to bribery of public servants in the central bank of the country. It does not allow them to obtain state orders under a new name or other mask, to rotate administrative staff, to establish external subdivisions with internal control over the activities of management personnel. [11]

There are many hypotheses that corruption is widespread and high. However, when creating specific mechanisms to deal with it, they are often ignored or formulated as amorphous and non-practical recommendations. (For example, based on the national and religious values of the Uzbek people). In a word, corruption in public administration is a political pathology.

In addition, corruption is a vicious enemy of civil society. For citizens, it is “too costly” for them to carry out their functions in the state. That is why civil society institutions do their best to prevent corruption in public administration.

On December 9, 2003, a three-day conference was held in Merida, Mexico to strengthen ties between countries in the fight against corruption. More than 100 countries have signed an antitrust convention during this conference. The first working day of the conference (December 9) was declared by the UN as the World Anti-Corruption Day. Adoption and entry into force of this Convention (October 31, 2003) has taken the cooperation of the world countries in the fight against corruption to a new level. The Convention emphasizes that the development of corruption can be an enormous obstacle to combating organized crime, terrorism and other negative factors that are dangerous to society.

According to researcher E. Lazarev, the term corruption is a political institution that is a set of collective actions that develop specific "rules of the game" for the ruling elites. [13]

To establish a constructive dialogue between government and civil society institutions, in the area of combating corruption, we propose:

- provision of necessary information on programs, projects, events and other initiatives implemented by non-governmental sector organizations;
- systematic coverage of the activities of civil society institutions in the fight against corruption by the state in the television, radio channels, print media and the Internet;
- coverage of the main results of the activities of non-governmental organizations, journalists, and public activists actively involved in the fight against corruption;
- development of mechanisms to support civil society institutions, which are actively involved in the fight against corruption, including in providing tax benefits and economic incentives;
- Introduction of a system of legal education of citizens against corruption;
- to conduct regular sociological surveys and on their basis to develop indicators of corruption, allowing to compare regions and state bodies;
- development of a network of free anticorruption legal aid centers;
- to intensify the work of public and expert councils at federal and regional executive bodies by discussing ways to reduce corruption in the provision of public and public services through enhancing the competence of civil society institutions.

The most important condition for fighting corruption is the formation of anti-corruption coalitions of civil society organizations, they need to understand the voluntary, unofficial association of non-government organizations and the business sector, their efforts and resources, as well as coordination of the fight against corruption.

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Дурман Микола Олександрович

доцент кафедри державного управління і місцевого самоврядування

*Херсонського національного технічного університету, м. Херсон
Україна*

МІЖНАРОДНИЙ ДОСВІД РОЗВ'ЯЗАННЯ РЕГУЛЯТОРНИХ ПРОБЛЕМ НА НАЦІОНАЛЬНОМУ РІВНІ

INTERNATIONAL EXPERIENCE ON REGULATORY ISSUES AT NATIONAL LEVEL

Анотація. В статті розглядаються підходи до модернізації державної регуляторної політики у країнах з демократичними принципами управління. Особлива увага звертається на досвід таких країн, як Сполучені Штати Америки, Канада та Великобританія. Вказується, що регуляторна політика країн розвиненої економіки не є догмою, вона постійно змінюється та вдосконалюється. Проте власне регуляторна реформа – складний і тривалий процес, що відрізняється за масштабами, напрямками, глибиною, до того ж результати реформ багаті в чому залежать від історичних умов, економічних і соціальних факторів, стратегії і методів дії урядів. Але досвід цих країн щодо: плановірності всіх регуляторних дій по галузям чи секторам, підвищення ефективності роботи суспільного сектору та запровадження в діяльність органів державної влади та місцевого самоврядування процедур систематичного аналізу може стати нагальним для нашої країни.

Summary. The article discusses approaches to the modernization of state regulatory policy in countries with democratic governance principles. Particular attention is drawn to the experience of countries such as the United States of America, Canada and the United Kingdom. It is stated that the regulatory policy of the advanced economies is not a dogma; it is constantly changing and improving. Regulatory reform is, in fact, a complex and lengthy process, varying in scale, direction, depth, and, moreover, the results of the reforms largely depend on historical conditions, economic and social factors, strategies and methods of action of governments. However, the experience of these countries in: the systematic nature of all regulatory actions by industry or sector, enhancing the efficiency of the public sector, and the introduction of systematic analysis procedures into public authorities and local self-government may be crucial for our country.

Ключові слова: *регуляторна реформа, державна регуляторна політика, принципи державної регуляторної політики, регуляторні структури, регуляторна діяльність, планування регуляторної діяльності, оцінка регуляторного впливу.*

Keywords: *regulatory reform, state regulatory policy, principles of state regulatory policy, regulatory structures, regulatory activity, planning of regulatory activity, regulatory impact assessment.*

Постановка проблеми. У світовій практиці вже набуто достатньо інформації стосовно дієвості тих чи інших регуляторних змін, направлених на взаємодію між органами державної влади, місцевого самоврядування та підприємницькими структурами, в тому числі й самоврядними. Існує такий досвід і в Україні [1]. Хоча ми йдемо дещо позаду розвинених країн Заходу в частині

ефективності регуляторного втручання в діяльність підприємницьких структур, однак знаходимося далеко попереду від більшості країн СНД. Якщо в більшості капіталістичних країн відбувається перехід до обмеження втручання держави в економічні процеси та зменшення регуляторного впливу, то в країнах з перехідною економікою (до яких відноситься і Україна) держава постійно

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