

## **Topical Issues of Improving the Legal Definition of Corruption in Legislation**

**Nurmukhammedova Guzalkhon Bahodirovna**

*Associate Professor, Department of Criminal Law Disciplines, University of Public Security of  
the Republic of Uzbekistan, PhD in Law, Associate Professor*

**Abstract:** This article explores the critical need to establish a scientifically grounded and precise legal definition of corruption. The author argues that the ambiguity of the concept of “corruption” in both international and national legal frameworks hampers effective anti-corruption measures. The article examines the socio-legal essence of corruption, its key features, subjects and objects, its latent nature, and its legal implications. It emphasizes the necessity to classify and legally demarcate corruption-related crimes accurately. A modular classification is proposed, based on criteria such as subject, object, form, and legal consequence. Additionally, the author suggests an evolutionary legal approach whereby normative classifications are periodically updated every 2–3 years based on expert monitoring and scientific analysis. This comprehensive legal and theoretical approach aims to enhance the efficacy of corruption prevention and law enforcement practices.

**Keywords:** Corruption, legal definition, official authority, personal gain, abuse of power, international conventions, latency, bribery, modular classification, public governance, legal clarity, law enforcement, crime, legal violation, political influence, protectionism, transparency, civil service, ethics, legislation.

In the current era of globalization, in a complex environment of accelerating regional and interstate integration, corruption poses a number of problems in all countries, threatening to undermine and disintegrate society.

In the fight against this scourge, all states and governments, international and regional organizations, scientific institutions, in short, the entire civil society, must work together to eliminate the systemic problems that cause corruption and work to promote transparency and honesty. This scourge requires, first of all, national, but also regional and international cooperation.

The fight against corruption is a complex systemic issue that is closely related not only to legal, but also to political, economic and social problems. Although a number of institutional and legislative reforms have been implemented in the Republic of Uzbekistan in the field of combating corruption, the lack of legal clarity, the lack of systematic measures being taken, and the lack of a unified approach to law enforcement still remain obstacles to eliminating this problem. In this regard, one of the urgent tasks is to provide a clear, scientifically based and legally acceptable definition of corruption and corruption crimes, as well as classify them based on criminal law features and consolidate this classification in legislation. According to the Transparency International Corruption Perceptions Index (CPI) published in 2016, Uzbekistan ranked 156th out of 185 countries in the list of corrupt countries, but in the last two years it has been declining in this ranking, i.e. in 2017, Uzbekistan was recognized as 157th, and in 2018, it

was recognized as 158th[1]. Thanks to the active initiatives of our esteemed President, as a result of the reforms carried out in all spheres in the country, according to the 2024 results, Uzbekistan ranked 121st in the corruption rating covering 180 countries. It scored only 32 points out of a total of 100 points. A score of less than 50 points indicates a high level of corruption in the country.

President of the Republic of Uzbekistan Shavkat Mirziyoyev, in his speech at the meeting of the National Anti-Corruption Council on March 5, 2025, emphasized that “The biggest obstacle and obstacle to reforms is corruption. This is fully confirmed by world experience. The fact that the world economy loses \$3 trillion a year due to corruption is evidence that this is a global threat. Corruption is such an evil that it undermines people's trust in the state, the Constitution and laws, and becomes a serious threat to sustainable development and security”[2].

Corruption is considered a social phenomenon, and to date, a definition that includes its social, legal, psychological and other aspects has not been developed. Unfortunately, in international legal practice, the regulation of legal concepts related to corruption in a single and clear form has not yet been fully implemented. In particular, the 2003 UN Convention against Corruption[3] and other generally recognized international legal instruments do not provide a clear definition of the concepts of "corruption" or "corruption offense (crime)". This creates serious problems in legal practice in qualifying corruption, determining its clear boundaries and harmonizing legal relations with respect to its various forms. The distinction between corruption and corruption crimes is not clearly defined - in practice, the lack of clarity in considering corruption as a general socio-legal phenomenon and its legal qualification complicates its prevention and the establishment of punitive measures.

In the legal literature, there are discussions and disputes related to the definition of criminal acts that make up the structure of corruption-related offenses, their characteristics and classification, as well as the definition of such concepts as "corruption", "corruption-related offenses" and "corruption-related crimes", as well as the analysis of the criminological characteristics of corruption-related crimes.

Therefore, the scientific substantiation of the current legal definition of corruption and its further improvement requires the need for additional research. That is, the concept of corruption should not be vague, its clear criminal-legal boundaries should be established. This is important for increasing the effectiveness of law enforcement practice in combating corruption, clearly defining its legal nature and punishment mechanisms. In this regard, it is important to work in the following areas, namely:

First, expanding the definition of corruption: covering a wide range of aspects of corruption offenses. Current legal definitions often focus only on specific corrupt practices, which limits the ability to analyze unique forms of corruption and take effective measures against it.

Secondly, taking into account the impact of corruption on all spheres of society: the impact of corruption is not limited to state institutions, but also covers the economy, civil society, education, healthcare and other sectors. Therefore, it is necessary to define corruption based on a comprehensive and systemic approach.

Third, a scientifically based approach: it is necessary to conduct scientific research in order to deeply study the essence of corruption and its socio-legal consequences, as well as to identify its legal nature and mechanisms of influence. These studies will allow developing effective and targeted measures to combat corruption.

Some researchers, taking into account the complex nature of this phenomenon and concept, and taking into account the socio-political, demographic, national-psychological and ethnic characteristics of the state, link it with all social processes of this society. Some researchers, when talking about corruption, approach it as an independent legal discipline - corruptionology. Here, by corruptionology, they understand "the policy of criminal legislation and ways to improve legislation aimed at influencing organized crime and corruption." In the "Dictionary of

Legal Terms", the concept of corruption is defined as "the use of their status and the opportunities associated with it by persons authorized to perform state functions (or equated to them) to illegally obtain material and other wealth and privileges, as well as the provision of opportunities for the illegal acquisition of these wealth and privileges by individuals or legal entities"[4]. Other encyclopedic sources also recognize that the term corruption is defined as "criminal activity in the field of politics or public administration, consisting in the use of the rights and opportunities of power granted to them by officials for personal enrichment"[5].

From the etymological definition of the concept of "corruption", we can distinguish two main features, and these features will later serve as an answer to the question of which types of crimes should be designated as corruption-related crimes, namely: bribery and collusion.

Based on the definitions given to the concept of corruption in dictionaries, its main features can be distinguished as follows:

Participation of officials - carried out by officials who have the authority of state power and management as subjects.

The use of rights and powers for personal gain - personal interest is prioritized over the interests of the state and society.

Obtaining material or other benefits - corruption has the goal of increasing personal wealth through tangible assets (money, property) or intangible assets (privileges, promotion).

Illegality and illegality - corrupt actions are carried out in violation of applicable laws.

Agreement and secrecy between the parties, latency - corruption, as a rule, is carried out on the basis of a secret agreement between interested parties, which makes it difficult to expose it.

In international legal instruments, the concept of corruption is interpreted through narrow or broad approaches to understanding this socio-legal phenomenon. A systematic analysis of legal definitions of corruption, a list of corruption acts and the norms of international anti-corruption instruments shows that the content and scope of the concept of corruption can be determined by its main characteristics.

In particular, within the framework of the CIS, the Inter-Parliamentary Assembly of its member states adopted the Model Law No. 22-15 of November 15, 2003 entitled "Legislative Fundamentals on Anti-Corruption Policy". This law defines the concept of "corruption". According to it, "corruption is a set of socially dangerous and unlawful actions consisting in the illegal use by an official of his social and legal status, official powers and official position for personal or close relatives' benefit, in order to obtain material and/or non-material benefits, property or other benefits against the interests of society and the state without legal grounds. Corruption also means the direct or indirect provision of such illegal benefits to officials"[6].

The main international instruments adopted in the field of combating corruption, namely the Convention against Corruption adopted by the UN General Assembly on October 31, 2003 by resolution 58/4[3], and the 1999 Council of Europe Convention on Criminal Law for Corruption[7], also refrain from defining the concept of "corruption".

However, in the Council of Europe Convention on Civil Liability for Corruption of 4 November 1999[8], the Declaration on Combating Corruption and Bribery in International Business Transactions adopted by resolution 51/191 of 16 December 1996[9], the Convention against Transnational Organized Crime adopted by resolution 55/25 of 15 November 2000[10], the CIS Model Law on Combating Corruption of 3 April 1999[11], the CIS Model Law on the Legislative Framework for Anti-Corruption Policy of 15 November 2003[6], and the Inter-American Convention against Corruption adopted by the Organization of American States on 29 March 1996[12], we can distinguish the following characteristics of corruption: subject – public officials;

obtaining illegal benefits – material (property, services or privileges) or non-material (administrative, political or other advantage);

abuse of official authority;

prioritizing personal interests over the interests of the state and society – a threat to national security, an obstacle to economic development, damage to democracy and the rule of law, a violation of equality and social justice;

harm to the interests of third parties – (violation of the principle of equal rights of citizens - from the author);

collusion.

When analyzing the definitions given in the laws of the Russian Federation (2008)[13], the Republic of Belarus (2015)[14] and the Republic of Kazakhstan (2015)[15] “On Combating Corruption”, corruption is characterized by the following general features:

*Corruption subjects: state officials - persons working in state bodies (executive, legislative, judicial) and administrative systems, as well as persons equated to civil servants - employees of local government bodies, state institutions and state organizations.*

*Abuse of state authority: use of official position for personal or third-party benefit.*

*Obtaining illegal benefits: receiving material advantages such as money, property, services, patronage, privileges, permits, property rights, or accepting non-property advantages (political protection, promotion, administrative assistance).*

*According to the Law of the Republic of Uzbekistan “On Combating Corruption” of January 3, 2017, “corruption is defined as the unlawful use of a person’s official or official position for the purpose of obtaining material or non-material benefit for his or her personal interests or the interests of other persons, as well as the unlawful provision of such benefit”[16]. In our opinion, the definitions of corruption existing in the current legislation are insufficient, since they do not cover all aspects of this social phenomenon.*

*In particular, firstly, the current definition reflects only such criminal offenses as abuse of official authority for selfish purposes and bribery. However, it should be noted that other socially dangerous acts are also included in this type of crime, based on the requirements of international norms and analysis of the legislative norms of foreign countries.*

*Secondly, lobbying, protectionism, nepotism, granting privileges based on family relationships, turning a blind eye, guidance, and other similar actions are not covered. Such corruption cases are often committed for personal or narrow interests, without receiving material reward or wealth. Ignoring such cases reduces the effectiveness of the fight against corruption and creates conditions for it to take deep roots in society.*

*Views on abuse of office: V.S. Komissarov “use of official authority for personal gain”[17]; P.A. Kabanov “A social phenomenon based on the selfish use of official authority by an official of state power and administrative bodies for personal gain”[18]; G.N. Borzenkov “The decline of the administrative apparatus based on the use of official authority by officials for selfish purposes”[19]; G.K. Mishin “Abuse of authority by subjects of administration for personal (individual or group) purposes”; A.I. Dolgova “a social phenomenon leading to the malicious use of official powers, authority and opportunities of state or other officials for personal or corporate interests”[20]; according to B.V. Volzhenkin, “plundering and plundering property by taking advantage of one’s official position and abusing power or official authority”[21]. H.Kh. Meliev “Corruption is a socially dangerous phenomenon, a criminological concept consisting in the illegal gain or use of one’s official position and the authority associated with it for malicious purposes, as well as the illegal presentation of such gain by individuals or legal entities”[22]; Abuse of official powers by state apparatus, civil servants and employees of non-governmental organizations for personal or narrow interests (N.F. Kuznetsova, A.I. Dolgova, A.K.*

*Irkakhodzhaev, B.D. Akhrarov, Waldemar Walczak [23]); Use of state power for personal or corporate interests (K. Tozhiboev[26]); Illegal abuse of power and official authority (K.R. Abdurasulova, B.D. Akhrarov[25]); V.V. Astanin says that "it is a socio-legal phenomenon characterized by a violation of relations in various spheres of governance and is manifested in the betrayal and bribery of individuals using their official powers and the opportunities associated with them" [24]. This approach is supported by researchers such as N.A. Lopashenko, S.V. Maksimov, G.N. Borzenkov[19].*

*Views on personal gain: O.V. Barabash and K.B. Filippov "corruption includes the acquisition of both property and non-property interests. This implies the acquisition of material or non-material benefits not only for personal gain, but also for the benefit of third parties. Such interests can be expressed in the form of money, valuables, services or other property rights"[19]; T.Ya. Khabrieva "the main motive of corrupt actions is the achievement of personal gain, which can be manifested in the form of material wealth, services or privileges"[25]; K. Tojibaev, on the other hand, stated that "Corruption is a crime that occurs as a result of the use of state power, its organization in a way that is subordinated to one's own interests"[26], while A. K. Irkakhodjaev wrote that "Corruption is a social phenomenon characterized by the use of official authority by state and other officials, the influence and opportunities associated with them, for personal or specific group or corporate interests, and for selfish purposes"[27].*

*As a result of analyzing the definitions given by scientists, its main features and characteristics can be summarized as follows:*

*Subject - state officials, employees, officials or persons with state authority;*

*Object - the interests of the state and society, the legal order and the system of state governance;*

*Illegality - corruption is an illegal activity prohibited by criminal law;*

*Personal interest - the illegal use of official authority in order to obtain material and non-material benefits;*

*Danger to society and the state - corruption negatively affects the efficiency of the state administration system and social justice.*

*We, agreeing with the above scholars, consider it appropriate to distinguish the signs of corruption based on the definition given to it, that is, these signs include:*

- *commission by special entities;*
- *possession of official authority;*
- *commission contrary to the legitimate interests of society and the state;*
- *use of official authority for personal needs;*
- *violation of the equal rights of citizens;*
- *latency;*
- *commission with the aim of achieving a certain benefit (material or intangible).*

*In our opinion, the presence of the above signs makes it possible to distinguish corruption-related crimes from other official crimes not related to corruption, as well as crimes against justice.*

*Taking into account the above, we would like to give the following definition of corruption, namely: "corruption is the intentional unlawful use of official authority by an official in exchange for his or her actions or inaction related to the exercise of his or her official authority, in order to obtain material (property, services or privileges) or non-material (administrative, political or other advantage, patronage, acquaintance) benefits for his or her own personal interests or the interests of other persons, contrary to the legitimate interests of society and the state, as well as the unlawful presentation of such benefits." In conclusion, it should be noted*

*that corruption, as a socio-legal phenomenon, manifests itself in various forms and manifestations, depending on the level of economic, political and cultural development of a particular state or society. The development of information and communication technologies, globalization and the digitalization of public administration are giving rise to new forms of corruption, including: digital corruption-cybercorruption (for example, falsification of electronic tenders, use of state information systems for personal purposes); lobbying and protectionism, which do not always have a criminal legal character, but pose a risk of corruption in society; political influence (patronage) and conflicts of interest of political elites, which threaten the transparency of public administration.*

The following are proposed to solve this problem:

First, the introduction of a modular and flexible classification, that is, the proposed classification should be based on different modules, each module being compiled separately based on certain criteria:

subject-based module: civil servants, private sector and civil society representatives;

object-based module: state interests, transparency of public trust, economic interests;

form-based module: active (bribery), passive (bribery), mediation, concealment of interest, virtual (digital) or hybrid corruption;

legal result-based module: criminal liability, administrative liability, disciplinary measures.

These modules are mutually coordinated, but independent and interchangeable, and can be updated and expanded over time. This solution ensures the universality and flexibility of the system.

Secondly, innovative and "evolutionary" analysis can be included in the legislation, that is, every 2-3 years, it is possible to make additions to the normative classification on the basis of reports and scientific analyzes of state bodies devoted to changes in the forms of corruption. In this process, it is necessary to establish regular expertise and monitoring based on the opinion of law enforcement bodies, recommendations of international organizations and the opinion of society.

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