

PECULIARITIES OF THE INVESTIGATION OF CORRUPTION CRIMES AND THE DETERMINATION OF THE STATUS OF CIVIL SERVANTS

Written by Tulaganova Gulchexra Zaxitovna,

*Professor, Doctor Of Jurisprudence, Department of Criminal Law and Criminology,
Tashkent State Law University*

Abstract

The article analyzes the specifics of the investigation of corruption crimes, law enforcement agencies in the investigation, the detection of corruption crimes, its causes; the classification of corruption and the typology of the identity of the offender, the determination of the origin of corruption crimes, the knowledge of its causes. The concluding part of the article contains recommendations for the investigation of corruption crimes.

Introduction

Today, our country is firmly on the path of further deepening democratic reforms. As in all spheres, the issues of reforming crime and criminal procedure law have always been in the focus of the President's attention. In accordance with the requirements of the times, the head of our state Shavkat Mirziyoyev has set an urgent task to create an effective system for the selection and training of innovative, responsible, enterprising, well-educated, patriotic and honest personnel.

The strategy sets out the following tasks for Uzbekistan: "Improving the system of combating crime and crime prevention" in Uzbekistan:

-increasing the effectiveness of coordination of activities in the fight against crime and crime prevention;

-strengthening organizational and practical measures to combat religious extremism and terrorism, other forms of organized crime;

-improvement of organizational and legal mechanisms to combat corruption and increase the effectiveness of anti-corruption measures;

- Raising the legal culture and awareness of the population, the organization of effective cooperation between government agencies and civil society institutions, the media.

Today, in order to raise the development of our country, Uzbekistan, to a new level, active work is underway to implement the Action Strategy for the further development of the Republic of Uzbekistan in 2017-2021.

Main part

Corruption is a terrible plague that causes great harm to society. It undermines the foundations of democracy and the rule of law, leads to human rights violations, impedes economic development, impairs quality of life, and promotes organized crime, terrorism, and other negative phenomena that threaten human security.

A number of reforms are being carried out in the Republic of Uzbekistan to build a democratic state and civil society. But it is no secret that corruption is a serious obstacle to the effective implementation of these reforms. The words of President Sh. Mirziyoyev in his speech at the ceremony dedicated to the 24th anniversary of the adoption of the Constitution of the Republic of Uzbekistan show how dangerous this flaw is - another scourge that hinders the development of society.

These days, Uzbekistan pays special attention to the fight against corruption. This is especially evidenced by the high attention paid by President Mirziyoyev to the fight against and prevention of corruption. This opinion is confirmed by the Decree of the President of the Republic of Uzbekistan dated October 5, 2016 "On additional measures to ensure the rapid development of entrepreneurial activity, comprehensive protection of private property and improving the quality of the business environment." It envisages the development of a draft law of the Republic of Uzbekistan "On Combating Corruption", aimed at strengthening the confidence of citizens and entrepreneurs, first of all, in government agencies, increasing the

investment attractiveness of the country, as well as prevention and prevention of corruption offenses. This law was signed by the President of our country on January 3, 2017.

We all know that the layer of civil servants involved in the organization and implementation of the civil service, although in our country their legal status is strengthened by a single law.

Although not civil servants. It should be noted that taking into account the specific activities of civil servants, ie the most important activities in the life of the state and society - the performance of public service, as well as their legal status, certain restrictions are imposed in order to achieve full performance of their duties. Such restrictions consist of a set of different factors in the performance of a civil servant and in the form of a prohibition. In particular, civil servants are entitled to receive various forms of remuneration from citizens and legal entities within the scope of their official powers.

It is prohibited to commit actions that may damage the reputation of the state body, as well as to use its right of service for personal gain.

The fight against corruption in the Republic of Uzbekistan is one of the priorities of state policy. The fight against corruption involves the creation of an effective system of anti-corruption legislation, improved education, as well as the promotion of anti-corruption actions of citizens.

In the fight against corruption, too, is to increase the general level of legal awareness and legal culture, to prevent corruption.

To this end, on January 9, 2019, the adoption of the Decree of the President of the Republic of Uzbekistan PF-5618 "On radical improvement of the system of raising legal awareness and legal culture in society" is an example of our opinion.

For example, on March 2, 2016, the Cabinet of Ministers of the Republic of Uzbekistan adopted the "Standard Code of Conduct for employees of public administration and local executive authorities." It sets out the basic rules of conduct for civil servants, in particular, paragraph 6, which defines the duties of a civil servant. According to him, strict adherence to the principles and requirements of the state in the performance of official duties; perform their duties conscientiously, at a high professional level; timely and quality execution of decisions (assignments) adopted (issued) by higher state bodies and officials within their competence; to carry out the activity within the powers of the position established by the legislation and

internal documents; not to favor or give preference to any person, group or organization in the performance of their official duties, to be independent from their influence, to take into account the rights, obligations and legitimate interests of citizens, not to discriminate; to eliminate any actions related to the influence of any personal, property or other interests that prevent the performance of their official duties; to comply with the restrictions and prohibitions established by normative legal acts and departmental documents, to perform their official duties without deviation; eliminate the possibility of any influence on their service activities; Respect for the customs and traditions of the peoples of the Republic of Uzbekistan and other countries, taking into account the cultural and other characteristics of different ethnic, social groups and religions, promoting social stability, interethnic and interfaith harmony; to refrain from conduct that may cast doubt on the conscientious performance of their official duties, as well as to avoid situations that could damage their reputation or the authority of a public body; not to use his official position to illegally influence the activities of state bodies, other organizations, their officials, as well as citizens; compliance with the established rules for the provision of messages and service information in a public body.

Also, the Law of the Republic of Uzbekistan "On appeals of individuals and legal entities", adopted on September 11, 2017, stipulates that appeals must be received and considered by government agencies, organizations and their officials, except as provided in Articles 29-30 of this Law marked.¹

Another important component of the legal status of the civil service, defined by our national legislation, is the restrictions on this position. Career restrictions consist of a set of political, economic, and organizational management factors in the form of prohibitions that determine the scope of actions permitted in a civil servant's official activities and day-to-day behavior.

Restrictions related to the civil service are understood as conditions and rules established by the Constitution and other normative legal acts within the framework of a clearly defined right prohibiting the exit of a civil servant. They are related to the specific legal procedures of a civil servant and are aimed at ensuring his effective professional activity, preventing the possibility

of abuse of power, respect for the rights and freedoms of citizens by employees, creating conditions for independent service².

Restrictions are usually of an absolute nature, are valid for the entire period of service of the civil servant, and cancellation cannot be replaced by other rules. It would be appropriate to divide all of these restrictions into four groups.

The first group may include restrictions related to the political sphere:

- a) a civil servant is prohibited from acquiring foreign citizenship;
- b) a civil servant may not be a deputy of a legislative (representative) body;
- c) a civil servant may not use his official position to promote his attitude towards political parties, public organizations, including religious associations, as well as political parties, religious associations, public associations may not be established in state bodies (trade unions). except);
- d) a civil servant may not take part in strikes, he must refrain from publicly expressing or evaluating the activities of public bodies and their leaders.

The second group may include restrictions aimed primarily at saving the employee's time for service purposes, as well as preventing the employee from being distracted from other work or using his official authority to illegally strengthen his material well-being:

- a) a civil servant may not engage in any other paid activity other than pedagogical, scientific or other creative activity;
- b) he may not be a member of the governing body of a commercial organization (except for forms of membership specifically provided by law or permitted in the manner prescribed by law);
- c) a civil servant may not establish farms;
- d) a civil servant is prohibited from receiving payments from individuals and legal entities (money, gifts, loans, services, vacation pay, transportation expenses and other payments);

- e) he may not receive a fee for his speeches as a civil servant and for his published works.

The third group of restrictions that a civil servant may use for non-property benefits is:

- a) a civil servant may not be a representative of third parties in the public body in which he serves or is directly subordinated to him;
- b) a civil servant may not receive honorary and special titles from foreign states, international and foreign organizations without the permission of the head of state;
- c) a civil servant may not travel abroad at the expense of individuals and legal entities in accordance with international agreements of a particular country or in accordance with the agreement of public authorities with representatives of foreign authorities, international and foreign organizations.

Prohibitions on the use of material and technical means of information, other state property and information on services for non-service purposes are included in the fourth group of restrictions³.

Many legal restrictions are absolute in nature, sometimes they do not take into account the position of the civil servant, the level and level of power in which he is engaged, and do not provide for specific penalties for violating the legal restrictions established by law.

The main purpose of state guarantees for civil servants is to ensure their legal and social protection.

Depending on the type of illegal acts committed by a civil servant, administrative, criminal, disciplinary, material and civil liability may be imposed.

Analysis of normative and legal acts of the Republic of Uzbekistan regulating administrative-legal relations allows to classify civil servants to a certain extent. The specific classification of civil servants has the following theoretical point of view.

That is, the representatives of the administrative authorities are a separate group of civil servants. Representatives of the administrative authorities are a group of civil servants who, within the scope of their authority, may give instructions to other persons, regardless of their

subordination, which must be complied with. Representatives of the administrative authorities may include judges, prosecutors, deputies, members of the Armed Forces, law enforcement agencies, heads of state security services, and others.

The legal basis is the Decree of the President of the Republic of Uzbekistan dated May 27, 2019 PF-5729 "On measures to further improve the system of combating corruption in the Republic of Uzbekistan."

On the basis of these normative legal acts, the task is to improve the skills of law enforcement officers of the Republic of Uzbekistan, law enforcement officers are constantly improving their skills in accordance with the requirements, and regularly form general cultural and professional knowledge in the fight against corruption. The state bodies directly involved in the fight against corruption are: the Prosecutor General's Office; State Security Service; Ministry of Internal Affairs; Ministry of Justice; Department for Combating Economic Crimes under the Prosecutor General's Office.

The Prosecutor General's Office, within its competence, monitors the accurate and uniform implementation of anti-corruption legislation and coordinates the activities of law enforcement agencies in the field of anti-corruption investigations, inquiries, preliminary investigations, as well as crime prevention.

The State Security Service conducts operational search activities, inquiries and preliminary investigations into corruption-related crimes.

The Ministry of Internal Affairs considers appeals of individuals and legal entities on the facts of corruption and takes measures to restore their violated rights and protect their legitimate interests.

The Department for Combating Economic Crimes under the Prosecutor General's Office conducts operational-investigative activities, pre-investigation investigations and inquiries into crimes related to money laundering, economic and other corruption-related crimes.

Law enforcement agencies in the investigation of corruption crimes, detection of corruption crimes, its causes; classification of corruption and typology of the perpetrator, to determine the origin of corruption crimes, to know its causes. Also pay attention to the classification and typology of the identity of the offender. In the fight against corruption, a sharp fight against

corruption is carried out through a thorough study of the psychology of offenders, as well as the constant suggestions and recommendations of each law enforcement agency on the dangers of corruption and ways to eliminate them.

In short, the issue of combating corruption is given special attention in any country, and it has risen to the level of public policy. Consequently, corruption becomes a socially dangerous feature, which leads to mistrust between citizens and the state. In turn, the fight against corruption is a multifaceted and complex process, which requires not only the work of law enforcement agencies, but also the participation of society as a whole. "The rapid development of society on the path to democracy and the success of reforms in this area largely depends on the level of legal awareness and legal culture of the people. High legal culture is the foundation of a democratic society and an indicator of legal maturity. Raising the level of political, legal consciousness, culture and knowledge of the population of the reforms carried out without further raising the political and legal consciousness of our citizens cannot be achieved without providing legal education and upbringing, and putting it into practice in a correct and systematic way.

Conclusion

It is also important to further improve the mechanisms of public and parliamentary oversight, as well as to address the strategic objectives of reforming the legal framework of law enforcement and the judiciary, further growth of the economy, improving the investment climate in the country to ensure effective implementation of public policy in the fight against corruption. new systemic measures to address the causes and conditions of their appearance, anti-corruption among young people We need to introduce an active worldview and a strong civic vision, introduce special anti-corruption courses in the curricula of educational institutions, compulsory short-term training courses on conflict prevention and other areas of anti-corruption, and increase legal literacy. Most importantly, the adoption of the Law "On Civil Service"; Adoption of the Law "On the status of a civil servant"; Development of the Code of Conduct for Civil Servants; the appropriateness of criminal law, including criminal and procedural norms, should be revised to eliminate all forms of corruption; Consistent improvement of the judicial system, which guarantees the rule of law, the rights and freedoms

of citizens, the activities of law enforcement agencies in the fight against corruption; establishment of special procedures for identification, investigation and conviction of officials involved in corruption; improving the work of institutions that protect the confidentiality of information sources and information about witnesses and individuals who report corruption, violations of the law; creation of a system of verification and disclosure of declarations of property and income of civil servants through the study of successful experience of foreign countries;

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