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SOME ISSUES OF INTERNATIONAL LEGAL COOPERATION IN COMBAT AGAINST CORRUPTION

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Abstract. The article focuses on the issues of international cooperation of the Prosecutors' Office on the provision of legal assistance in criminal matters, such as corruption. Besides that, the article is dedicated to the matters concerning the cooperation Prosecutors' Office in terms of fighting against crime within the regional scope of international organizations. The author of this scientific article revealed the essence and main directions of international cooperation of the Prosecutors' Office of the Republic of Uzbekistan to combat transnational crime and corruption in the context of digital globalization and the integration of the world community. Moreover, the relevance of the research topic is because the commission of such crimes is characterized by the use of modern technical means and high-tech facilities of air and land transport, a high transcontinental level of organization and real support of many, including illegal, financial sources. The predicted result of such activities was a significant increase in the number of serious crimes of a transnational nature.

Keywords: international cooperation, legal assistance, criminal prosecution, extradition, regional organizations, digital globalization, digital integration, convention, corruption.

KORRUPSIYAGA QARSHI KURASHISHDA XALQARO-HUQUQIY HAMKORLIKNING AYRIM MASALALARI

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Korrupsiyaga qarshi kurashish ichki tuzilmasining rahbari,

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Annotatsiya. Ushbu maqolada prokuratura organlarining jinoyat ishlari, shu jumladan korrupsiyaga qarshi kurashish masalalarida o'zaro huquqiy yordam ko'rsatish bo'yicha xalqaro hamkorlik masalalari ko'rib chiqiladi. Shuningdek, maqola prokuratura organlarining xalqaro tashkilot mintaqaviy tarmog'i doirasida jinoyatchilikka qarshi kurashish sohasidagi hamkorligiga bag'ishlangan. Muallif raqamli globallashuv va jahon hamjamiyatining integratsiyasi sharoitida transmilliy jinoyatchilik va korrupsiyaga qarshi kurashish bo'yicha O'zbekiston Respublikasi prokuraturasi organlari xalqaro hamkorligining mohiyati va asosiy yo'nalishlarini ochib bergan. Shu bilan birga, tadqiqot mavzusining dolzarbligi xalqaro jinoyatlarining sodir etilishi zamonaviy texnik vositalar va yuqori texnologiyali kommunikatsiyalardan foydalanish, turli jinoiy guruhlarining yuqori darajadagi qit'alararo darajasi, shu jumladan, noqonuniy moliyaviy manbalar va resurslar orqali qo'llab-quvvatlanishi bilan tavsiflanadi. Ilmiy tadqiqot natijalari transmilliy jinoyatlar sonining sezilarli o'sishi bilan izohlanadi.

Kalit so'zlar: xalqaro hamkorlik, huquqiy yordam, jinoiy ta'qib, ekstraditsiya, mintaqaviy tashkilotlar, raqamli globallashuv, raqamli integratsiya, konvensiya, korrupsiya.

НЕКОТОРЫЕ ВОПРОСЫ МЕЖДУНАРОДНОГО ПРАВОВОГО СОТРУДНИЧЕСТВА В БОРЬБЕ С КОРРУПЦИЕЙ

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Аннотация. В данной статье рассматриваются вопросы международного сотрудничества органов прокуратуры по оказанию правовой помощи по уголовным делам, в том числе о коррупции. Кроме того, статья посвящена вопросам сотрудничества органов прокуратуры в сфере борьбы с преступностью в рамках региональной сети международных организаций. Автор данной научной статьи раскрыл сущность и основные направления международного сотрудничества органов прокуратуры Республики Узбекистан по борьбе с транснациональной преступностью и коррупцией в условиях цифровой глобализации и интеграции мирового сообщества. Наряду с этим актуальность темы исследования обусловлена тем, что совершение преступлений международного характера характеризуется использованием современных технических средств и высокотехнологичных коммуникаций, высоким трансконтинентальным уровнем организации и реальной поддержкой преступных группировок, в том числе незаконными финансовыми источниками и ресурсами. Прогнозируемый результат научного исследования характеризуется значительным ростом числа тяжких преступлений транснационального характера.

Ключевые слова: международное сотрудничество, право в ая помощь, уголовное преследование, экстрадиция, региональные организации, цифровая глобализация, цифровая интеграция, конвенция, коррупция.

Introduction

It should be noted that the prosecutor's office is one of the leading law enforcement agencies in the country in the fight against economic crimes. This is because the prosecutor's office has a great deal of power and responsibility in the fight against economic crimes through a number of normative and legal acts, in particular, criminal procedure legislation. The structure of the Prosecutor General's Office, such as the Department for Combating Economic Crimes, the Office for Combating Organized Crime and Corruption, and the Office for Coordination of Anti-Corruption Measures, is also important [1].

The Law of the Republic of Uzbekistan «On the Prosecutor's Office» (new edition) for the first time endowed the prosecutor's office, represented by the General Prosecutor's Office of the Republic of Uzbekistan, with significant powers to implement international legal cooperation.

The General Prosecutor's Office of the Republic of Uzbekistan, within its powers, carries out direct communications with the relevant competent authorities foreign states and international organizations in the field of criminal proceedings, concludes agreements on legal assistance and the fight against crime, participates in the development and approval of draft international treaties.

Before talking about the international legal cooperation of the Prosecutor General's Office of the Republic of Uzbekistan in the fight against corruption, I want to make it clear that we are investigating economic crimes such as, human trafficking, drug trafficking, terrorism or extremism, etc.

In this regard, it can be said that in the fight against international crime and cooperation in the fight against economic crime, money laundering, the prosecutor's office plays a significant role in combating such crimes, coordinates the activities of other law enforce-

ment agencies. This, in turn, requires a special focus on economic crime in an increasingly digital world, and the fight against it through new means and methods.

It is known that the term «corruption» is derived from the latin word «corruptio», which means «to break, to buy», and its grammatical root meaning is again the word «corrosion», «decay» or «rust» [2]. There is no clear legal definition of this term in our national legislation, but in some sources of international law, in particular, at the 1st session of the Council of Europe Groups on Corruption (February 22-24, 1995, Strasbourg), such a definition of «corruption» is given.

Materials and methodology

Corruption is bribery (embezzlement), arising from the position or similar relationship of a person with certain powers in the public or private sector, an official or a person working in the private sector or an independent agent an act that violates its obligations, as well as expressed in order to gain any form of advantage for the benefit of himself or others.

The above mentioned actions by officials or non-officials cause significant damage or serious damage to the rights or legally protected interests of citizens or to the interests of the state or the public [3].

“Corruption is the acquisition of property or material gain in various forms by an official in exchange for the performance (failure to act) of an official for the benefit of the person concerned, without violating his or her official duties” (UN Code of Ethics 17.12.1979).

“Corruption is the abuse of public office for personal gain” (UN International Anti-Corruption Information Document).

“Corruption is the abuse of public office for personal gain” (World Bank Report, 1997).

Research findings

The fight against corruption, in many cases, consists of identifying and eliminating the factors, conditions and conditions that cause it, as well as a comprehensive fight against it.

Of particular note are the following international anti-corruption instruments worldwide:

- 1) UN Convention against Corruption;
- 2) EU Convention on Criminal Liability for Corruption;
- 3) EU Convention on Civil Liability for Corruption;
- 4) Model Law on the Legislative Framework of Anti-Corruption Policy within the Commonwealth of Independent States;
- 5) “Asian Development Bank and European Bank for Reconstruction and Development Asia-Pacific Anti-Corruption Program”.

The impact of corruption on governance, the economy and other areas of the world is assessed by Transparency International, a non-profit organization [4].

Also, the accession of the Republic of Uzbekistan to the United Nations Convention against Corruption of October 31, 2003 (adopted on October 31, 2003, which includes an introduction and 8 chapters, 71 articles) Law No. 158 of July 7, 2008 was adopted. In the text of the United Nations Convention against Corruption (hereinafter referred to as the Convention), as well as in the special laws of foreign countries, there is a connection between «prevention of corruption» and «fight against corruption», which differ from each other in content. We meet their expressions.

Given the recognition of the priority of crime prevention in Uzbekistan in the fight against crime, it should be noted that the prevention of corruption is a priority in the fight against it. Nearly half of the conclusions in the preamble to the United Nations Convention against Corruption are as follows:

– convinced that corruption has now transformed from a local problem into a transnational phenomenon that affects the entire society and the economy of all countries, thereby highlighting the importance of international cooperation in preventing and combating corruption;

- convinced that a comprehensive and multifaceted disciplinary approach is needed to prevent and effectively combat corruption;
- convinced that the illegal acquisition of private property could seriously undermine democratic institutions, the national economy and law and order;
- recognizing that technical assistance can play an important role in empowering states through effective capacity building and institutional prevention and combating corruption;
- international cooperation in the prevention, detection and elimination of illicitly acquired assets in an international manner and in taking measures to recover them;
- prevention and elimination of corruption is the task of all states and to ensure the effectiveness of efforts in this area, with the support of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations; considering that they should cooperate with each other in their participation;
- recognizing the need to promote the effective management of socio-political power and state property, the principles of justice, responsibility, equality before the law, honesty and integrity, as well as the formation of a culture that denies corruption, the adoption of this Convention.

Review of research findings

It should be noted that the Prosecutor General's Office of the Republic of Uzbekistan is working effectively with foreign countries and international organizations in the fight against corruption. International organizations are also involved in the process of improving the regulatory and organizational framework in the fight against corruption [5].

On June 2-4, 2021, the United Nations General Assembly held a special session on current threats and measures taken to prevent, combat and strengthen international cooperation. Transparency International, an interna-

tional anti-corruption organization, has developed the 2020 Corruption Perceptions Index.

According to the ranking, Uzbekistan has moved up 7 places to 146th place among 180 countries (for comparison, 153rd place in 2019).

At the same time, Uzbekistan scored 26 points in the ranking, of which 0 points is the highest rate of corruption and 100 points is the lowest scale.

In the ranking of «Corruption Perceptions Index» for 2020, published by the international non-governmental organization «Transparency International» in January 2021, Uzbekistan ranked 146th out of 180 countries and rose to 7th place in 2019. Uzbekistan ranked 153rd, while in 2018 the figure was 158th. Uzbekistan has risen 12 places in two years, the most stable anti-corruption figure in Central Asia. In March 2020, Uzbekistan ranked 92nd with a score of 0.47 in the Rule of Law Index published by the World Justice Project. The report noted that the biggest change in Uzbekistan was the absence of corruption, which ranked 89th with a score of 0.40 (95th place in 2019 with a score of 0.38). Uzbekistan is also ranked 179th out of 214 countries (183rd in 2018) in the World Bank's Governance Quality Indicators Index for 2019, published in September 2020.

In addition, in the open data ranking published by the international non-profit organization Open Data Watch in December 2020, Uzbekistan ranked 44th out of 187 countries in the world with 63 points, and 1st in Central Asia took over.

According to the report, Uzbekistan is one of the two countries that has risen 125 places in 2018 compared to this indicator.

At the same time, as an integral part of the systemic measures taken in this direction, the Prosecutor General's Office in cooperation with the Supreme Court and the Anti-Corruption Agency of the Republic of Uzbekistan the results of the criminal investigation are being comprehensively analyzed. International le-

gal cooperation of the Prosecutor General's Office of the Republic of Uzbekistan in the fight against corruption provides, first of all, the Office for Economic Cooperation and Development, the United Nations Development Program and its Asia-Pacific Society for Corruption and Inclusive Societies. It is worth acknowledging its cooperation with international organizations such as the Global Project on Combating Corruption, the World Bank, the Organization for Security and Cooperation in Europe, the United Nations Office on Drugs and Crime, and the International Association of Prosecutors [6].

In particular, the main areas of international cooperation between the Prosecutor General's Office of the Republic of Uzbekistan and the European Union in the fight against corruption include the following issues:

- improving legislation, developing long-term strategic programs to combat corruption;
- further development of the institutional and organizational framework for the activities of the prosecutor's office;
- active introduction of international experience in combating corruption;
- application of modern information and communication technologies in the industry;
- creating an atmosphere of intolerance to corruption in society.

In addition, the Prosecutor General's Office maintains bilateral cooperation with the responsible agencies of developed countries in the fight against corruption. Examples include Malaysia's Anti-Corruption Commission, Transparency International, Norway's U4, and Sweden's Sida.

At the same time, we must acknowledge the significant role of the Prosecutor General's Office in the preparation of intergovernmental documents in the field of anti-corruption in international law. In particular, on August 4 this year, the Ministry of Foreign Affairs of the Republic of Uzbekistan signed an intergovernmental document on cooperation in the fight

against corruption. The fact that this international document was developed by the Prosecutor General's Office of the Republic of Uzbekistan in cooperation with the United States Department is a clear proof of our opinion [7].

Conclusions

In accordance with international agreements in the field of combating corruption, the Office for Combating Economic and Corruption Crimes of the General Prosecutor's Office of the Republic of Uzbekistan shall receive or execute requests of foreign law enforcement agencies for mutual legal assistance. In cooperation with the International Legal Department of the Prosecutor General's Office, it is tasked to organize the transfer of work to other competent authorities of the Republic of Uzbekistan, to generalize the activities of the fight against economic, official and corrupt crimes [8].

The following international acts in this area include the Resolution on Corruption in Public Administration, adopted on September 7, 1990; 1996 Resolution on Combating Corruption and Combating Corruption and Corruption in International Commercial Operations. This resolution approved the International Code of Ethics for Public Officials; The Bangalore Principles of Judicial Conduct were adopted on 19 May 2006; UN Convention against Transnational Organized Crime (15.11.2003); UN Convention against Corruption (31.10.2003); Istanbul Plan and others. Within the framework of all this, representatives of the International Law Department of the Prosecutor General's Office of the Republic of Uzbekistan are actively participating in relevant conferences, seminars and forums.

It should be noted that the Istanbul Action Plan to Combat Corruption is an anti-corruption network of the Organization for Economic Co-operation and Development (OECD) in the mutual evaluation of subregional initiatives for Eastern Europe and Central Asia. Reviews and monitors the implementation of recommendations to support the implementation of

the UN Convention, other international standards and best practices.

Law enforcement is one of the activities of the anti-corruption network, which organizes regular meetings to directly assist law enforcement practitioners, investigate corruption cases, strengthen their capacity, as well as promote the participation of foreign countries in the fight against corruption. 'or conducts a study of experiences and practices [9].

It is these societies and people who directly suffer from corruption in any case. Therefore, this problem is recognized as a global problem, and coordinated programs and other legal norms have been developed to combat it.

In particular, the UN Convention against Corruption is a globally adopted international legal instrument, the draft of which was discussed for two years with the participation of more than 130 countries and entered into force in

December 2005. It sets out guidelines for international and national anti-corruption practices and mechanisms for their implementation. Currently, 140 countries have joined the treaty and 80 have ratified it. The Republic of Uzbekistan has acceded to the United Nations Convention against Corruption [10].

The above mentioned international legal document plays an important role in the fight against corruption and provides for a coordinated fight against corruption, strengthening international cooperation and providing technical assistance to each other. As tragic as it may seem, crime has occurred in every country and in every age [11].

But by the beginning of the 21st century, it is gaining momentum under the influence of global processes. As a result, there is a change in the approach to corruption in international law.

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