

SPECIFICS OF INVESTIGATING CORRUPTION CRIMES IN THE FIELD OF EDUCATION

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Annotation. *Corruption in the education sector undermines the integrity of institutions, erodes public trust, and negatively impacts the quality of education. This study analyzes foreign experiences in combating corruption to identify effective investigative approaches applicable to Uzbekistan's educational system. Countries such as the United States, Singapore, South Korea, the Netherlands, and Japan have implemented comprehensive anti-corruption measures, including mandatory asset declarations for officials, transparent monitoring systems, online reporting platforms, and strict legal accountability for bribery.*

These practices ensure the early detection of corrupt activities, safeguard witnesses, and prevent conflicts of interest among public servants. By examining these models, the study highlights strategies to enhance Uzbekistan's capacity to investigate corruption within educational institutions, strengthen legal frameworks, and promote transparency. The adoption of such measures can improve governance, protect students' and teachers' rights, and foster a culture of accountability, thereby minimizing opportunities for corruption in the education sector.

Keywords: *corruption, education sector, investigation, anti-corruption measures, transparency, public trust, asset declaration, Uzbekistan, governance, accountability.*

When examining the concept of preventing corruption-related crimes, it is essential to first consider the general and special measures of crime prevention, as well as the broader theoretical understanding of crime prevention as a whole. In legal doctrine, crime prevention is defined as a system of socio-legal, organizational, and institutional measures implemented by state and non-state bodies, aimed at eliminating the causes and conditions that give rise to criminal activity, including both planned and potential offenses.

In the context of combating corruption, the study of foreign experience is of particular significance. Comparative legal analysis allows for the identification of effective mechanisms and best practices applied in other jurisdictions. Consequently, the adaptation and implementation of advanced foreign approaches into national legislation is considered both relevant and necessary. From a research perspective, such an approach ensures a more comprehensive understanding of anti-corruption strategies and enhances the effectiveness of preventive measures.

It should be emphasized that the practice of combating corruption in the United States demonstrates a number of distinctive features. The U.S. legal framework in this area is characterized by a well-developed system of federal legislation, including the Ethics in Government Act (1978), the Principles of Ethical Conduct for Government Officers and Employees (1990), and laws aimed at controlling organized crime and protecting certain categories of witnesses. A central role is played by the federal statute known as the Racketeer Influenced and Corrupt Organizations Act (RICO), adopted in 1970.

Empirical evidence and legal practice indicate that the effective application of RICO provisions has contributed to a significant reduction in corruption, organized crime, and drug-related offenses in the United States. The fundamental essence of this legal instrument lies in its capacity to impose severe legal consequences on members of criminal organizations and corrupt officials. In particular, it предусматривает (provides for) the application of asset forfeiture (confiscation) and establishes criminal liability not only for individuals but also for legal entities involved in illicit activities. Such mechanisms significantly enhance the deterrent effect of criminal law and strengthen institutional capacity in the fight against corruption [1].

Certain provisions of U.S. legislation clearly regulate the conditions under which gifts may be given, specifying who may give a gift, to whom (i.e., a public official), and what type of gift is permissible. In particular, even when multiple gifts are presented by the same donor, the value of each individual gift must not exceed 20 U.S. dollars, while the total value of gifts received from a single source within a calendar year must not exceed 50 U.S. dollars.

It should be emphasized that presenting gifts to a public official within their workplace is strictly prohibited. However, exceptions are permitted in specific personal circumstances, such as weddings, birthdays of the official's children, or periods of illness. In such cases, the value of the gift must not exceed 10 U.S. dollars¹.

Canada. In 1985, Canada adopted a Code of Ethics for public servants. This Code establishes the rules of conduct to be followed in situations where a public servant's official duties conflict with their personal interests.

The Code consists of four main parts. The first part outlines general provisions concerning the duties and responsibilities of public servants. According to these provisions, a public servant must avoid any actions that may give rise to a conflict of interest or create conditions for such a conflict to occur. Furthermore, public servants are required to refuse monetary gifts offered to them.

The second part sets forth specific requirements applicable to public servants. In particular, within 60 days of appointment, a public servant is required to prepare a confidential report disclosing their personal assets. The purpose of such disclosure is to assure the competent authorities that the individual holds no material interest that could compromise the impartial performance of their official duties. Similar to the United States, public servants in Canada are prohibited from accepting monetary gifts for personal gain. In cases where gifts are received, they must be promptly reported to a superior official.

The third part regulates the conduct of officials after their departure from public service, establishing post-employment restrictions and obligations.

The fourth part defines the procedures for the recruitment and dismissal of certain categories of public servants, as well as the rules governing the actions of the parties in cases where a public servant commits an offense.

Singapore. Singapore is widely recognized as one of the countries that has achieved significant success in combating corruption-related crimes. It should be noted that, historically, Singapore was once considered one of the most corruption-prone countries in Asia. However, through consistent institutional and legal reforms, it has managed to significantly reduce the level of corruption.

In 1952, the Corrupt Practices Investigation Bureau (CPIB) was established to investigate corruption-related activities. This body operates under the direct authority of the Prime Minister and exercises continuous oversight over both the public and private sectors.

Under Singaporean law, public officials are required to submit annual declarations of their assets, including information on property and any financial interests held by their family members, including shares in companies. The purpose of such disclosure is to ensure transparency and prevent illicit enrichment.

If the Bureau determines that a public official has received funds or valuable gifts from external organizations or individuals, or has concealed assets, criminal sanctions are imposed.

These may include imprisonment for a specified term and/or a fine of up to 100,000 U.S. dollars. In cases where an official provides false information, additional penalties may be applied, including imprisonment of up to one year or a fine of up to 10,000 U.S. dollars.

Furthermore, if such violations are committed by foreign nationals, they may be subject to fines and deprived of the right to conduct economic activities within the territory of Singapore[2].

Based on an analysis of foreign experience regarding the issue under study, it can be concluded that many countries have adopted specialized programs aimed at combating corruption. These programs typically encompass the further development of legal frameworks for addressing corruption-related crimes, as well as measures to strengthen the activities of competent law enforcement bodies and their specialized units.

In addition, such programs focus on enhancing the overall effectiveness of institutional operations, including the identification and prosecution of individuals involved in corrupt criminal groups or organizations, as well as those suspected of such activities. They may also provide for the use of investigative measures such as the interception of telephone and other communications, in accordance with the law.

Furthermore, particular attention is given to ensuring the safety and protection of witnesses, as well as safeguarding their legal rights throughout the investigative and judicial process[3].

United Kingdom. The experience of the United Kingdom in combating corruption and organized crime is also of considerable analytical value. At present, the UK has established a comprehensive legal and ethical framework governing public service, including the Civil Service Code, regulations on remuneration and terms of service for public officials, and general principles of ethical conduct applicable to civil servants.

UK legislation also contains specific ethical provisions regulating the relationship between public officials and the private sector. These provisions establish strict rules governing interactions between public authorities and private companies, with the aim of preventing conflicts of interest and undue influence.

Under UK law, individuals who have served as public officials are subject to certain post-employment restrictions. In general, after retirement or resignation, they are prohibited from taking up senior positions in private companies for a period of two years. This restriction also applies to individuals intending to establish their own private businesses after leaving public service. However, certain exceptions exist. For instance, if it is established that the official, during their tenure, did not engage in any questionable conduct—such as granting preferential treatment or undue advantages to companies with the expectation of future benefits—they may be permitted to join such organizations.

As a general rule, former public servants are prohibited from accepting employment in organizations with which they had direct official dealings during their period of service. These measures serve as important instruments for the prevention of corruption-related offenses.

Furthermore, ethical regulations emphasize that a public servant must not only act with integrity but also avoid any behavior that could undermine public trust. Civil servants are required to maintain honesty and propriety in all official interactions and must not create any misleading impressions about their conduct.

In cases involving any form of bribery or attempted bribery, public officials are obliged to immediately report such incidents to the relevant personnel department or administrative authority. Any gifts offered to public servants must be promptly declined. If material valuables are received by post as gifts, they must be sealed and returned to the sender through the appropriate official channels. As an exception, modest items of nominal value—such as calendars, notebooks, or pens presented on occasions like birthdays—may be accepted.

The Netherlands. The level of corruption in the Netherlands is considered to be very low.

The Dutch system for combating and preventing corruption includes the following key components:

Ensuring continuous accountability and transparency to prevent corruption, with regular review of the consequences of corrupt actions and the establishment of legal responsibility for the perpetrators.

The development of a monitoring system to identify potential points where corruption may occur, with strict oversight of the activities of individuals operating in these areas.

The establishment of a legal framework defining the rights and obligations of public officials and ensuring accountability for breaches of official ethics.

Measures to prohibit individuals involved in corrupt activities from holding positions in public institutions or accessing social benefits, as well as the imposition of fines and temporary suspension from official duties.

The establishment of internal security services in most organizations, particularly in government ministries.

The existence of a selective recruitment system for public officials to ensure integrity in appointments.

A regulated system for the disclosure of all materials related to corrupt activities, provided these do not concern matters of national security.

The creation of a specialized educational system aimed at raising awareness among public officials regarding the harmful consequences of corruption.

The establishment of a state security system specifically dedicated to anti-corruption efforts.

A requirement for all public officials to document any corruption-related actions they identify and report them through the appropriate channels to the Ministry of Internal Affairs and the Ministry of Justice.

The active role of mass media in combating corruption, with provisions enabling criminal investigations and the initiation of investigative procedures based on information provided by media sources [4].

Japan. According to Japanese law, individuals who have served as public officials are prohibited from entering private business both during their tenure and after leaving office. This restriction is enforced at the level of national policy.

Japanese legislation strictly regulates actions related to the financing of electoral campaigns, political parties, and other political organizations. All funds received and expended for such purposes must be reported regularly to the competent authorities. The legal accountability of violators does not depend on whether they win or lose an election, nor on whether they act as intermediaries; all such individuals are subject to criminal liability.

In the 1990s, Japanese researchers proposed several measures to reduce corruption-related crimes. These included: ensuring transparency of the activities of governmental structures, establishing independent ombudsman institutions at both central and local levels to monitor public officials, imposing strict sanctions on corruption-related offenses (such as disqualification from election, lifetime ineligibility for high office, or penalties for related members of electoral groups), and implementing full public financing of election campaigns.

In Japan, in addition to general anti-corruption measures, reporting instances of improper (or defamatory) bribery is encouraged. Those found guilty of accepting bribes may be subject to penalties, including imprisonment for up to three years or fines. Reforms in criminal legislation have also increased the severity of penalties for official misconduct. For example, abuse of power by state or public officials may now be punished with imprisonment of up to two years, whereas previously the maximum sentence for such offenses was six months.

China. In China, institutions for combating corruption have been active since 1978. The Central Commission of the Communist Party of China is primarily responsible for overseeing these functions.

In 2007, under the leadership of Ma Wen, a State Administration for the Prevention of Corruption was established. The mandate of this administration includes identifying the root causes of corruption, analyzing methods to eliminate it, supervising officials in positions of authority, and studying gaps in legislation to improve preventive measures.

It is noteworthy that the criminal syndicate known as the “Triad” operates within China.

According to academic studies, this syndicate has brought numerous officials under its influence, and there are currently around 50 such organizations worldwide. As a preventive measure, the State Council of China has introduced programs offering well-compensated positions to officials who retire or resign, thereby reducing incentives for corrupt behavior.

Another effective anti-corruption strategy employed in China is the rotation of officials.

In addition, oversight of party and state apparatuses at the municipal level has been strengthened, while provincial elites have been subjected to restrictions aimed at limiting abuse of power and arbitrary actions.

Chinese criminal law explicitly defines specific forms of corruption, currently recognizing more than ten criminal acts as corrupt activities. Under Chinese legislation, for an act to qualify as bribery, the value of the bribe received must exceed €450, while the bribe given must be at least double that amount. Moreover, the legalization of illegally obtained income is also classified as corruption; legislation passed in 2005 aimed to prevent such practices.

According to statistical data, over \$24 billion of illicit income is legalized annually.

Reports from the “Center for Reporting Corruption and Bribery” indicate that 80% of detected corrupt activities are related to bribery².

² <http://insonvaqonun.uz/node/157>

Corruption crimes often possess a transnational character, with their primary objective being the disruption of a healthy societal environment, in other words, the erosion of society's immunity to criminal activity. Once this immunity is weakened, opportunities arise for the commission of various criminal acts. Consequently, the state's reputation at both the international and national levels deteriorates, and citizens' trust in governmental authorities is undermined.

It is of critical importance that every action taken by an investigator is conducted according to a carefully devised plan and maintained with strict confidentiality. This is especially vital because individuals involved in corrupt activities may include representatives of governmental bodies or political parties. Therefore, an investigator's reliance on fabricated or deliberately organized evidence against a particular individual is unlikely to yield valid results.

As noted above, corruption is often carried out by one or more criminal groups or organized associations. Accordingly, the actions of investigators must be strategically directed toward identifying the operational centers of these criminal actors.

South Korea. It is noteworthy that South Korea's anti-corruption programs have yielded positive results. Since 1999, the "OPEN" online system – a pioneering initiative within the national anti-corruption programs – has been in operation. This system allows citizens to submit complaints concerning public officials, which are then reviewed and processed by relevant authorities. Additionally, the "Act on Anti-Corruption" that came into effect on January 1, 2002, has gained significant recognition among international legal actors. According to this law, the initiation of a criminal case on corruption can be triggered by any citizen's complaint. The country's primary anti-corruption agency, the Audit and Inspection Committee, is responsible for conducting such investigations.

Furthermore, other countries have also achieved notable successes in combating corruption, including Finland, Denmark, New Zealand, Iceland, Singapore, Sweden, Canada, the Netherlands, Luxembourg, Norway, Australia, Switzerland, Hong Kong, Chile, Ireland, Germany, and Japan. In countries such as the Netherlands, Sweden, and Denmark, petty corruption is virtually non-existent. Public perception recognizes civil servants as individuals tasked with implementing state policies and providing services to the population, rather than serving the interests of specific persons. Their principal duty is to maintain loyalty to the state as an institution.

Analysis of international experience demonstrates that, to achieve tangible results in the fight against corruption, it is essential first to prevent corruption from taking root within national culture. Addressing this issue today requires a comprehensive, multi-dimensional approach. Such an approach entails improving legislation, enhancing the technical infrastructure of anti-corruption bodies, developing ethical codes for officials, fostering a culture among citizens of actively resisting even minor corrupt practices without compromise, and ensuring consistent and proper application of legislative innovations to protect citizens' and organizations' rights, freedoms, and lawful interests.

Conclusion

In Uzbekistan, the ongoing reforms and institutional mechanisms to combat corruption, particularly the activities of the Anti-Corruption Agency, reflect a comprehensive approach based on international best practices. The Agency's responsibilities—including systematic analysis of corruption, identification of high-risk sectors, implementation of internal control systems in both the public and private sectors, and enhancement of citizens' legal awareness –

play a crucial role in preventive measures. Experience from countries such as the United States, Singapore, South Korea, and various European states demonstrates that effective institutional and legislative mechanisms yield positive outcomes in the fight against corruption.

Moreover, scholarly analysis and international experience indicate that an effective anti-corruption strategy requires a simultaneous focus on the state's legal and institutional obligations, citizens' cultural and legal awareness, and the ethical standards of public officials. In Uzbekistan, the Agency's operations align with these principles, creating a transparent and accountable environment through asset declaration systems, internal controls, and legislative improvements. Consequently, integrating technical, legal, and cultural mechanisms represents the most effective approach to combating corruption.

As a result, Uzbekistan's systematic and effective approach to anti-corruption fosters the development of national legal and administrative mechanisms, aligns with international standards, and strengthens public trust in the state. The Agency's mandates and responsibilities play a central role in this process, enhancing both domestic and international credibility while establishing a societal culture of zero tolerance toward corruption.

Referance

1. Ageev, V.N. (2008). Countering "state corruption": foreign experience. *Sledovatel*, (8), 7-10. Retrieved from <http://insonvaqonun.uz/node/157>
2. Tereshchenko, I.A. (2010). *Corruption as a factor of national security threat in the Russian Federation: Political analysis* [Candidate of Political Sciences dissertation abstract]. Moscow, Russia.
3. Kobets, P.N. (2009). On some directions of using foreign and international experience in domestic legislation to prevent and suppress corruption in the state apparatus. *Sledovatel*, (2).
4. OECD. (2024). *Anti-Corruption and Integrity Outlook 2024: Country Notes – Netherlands*. Retrieved from https://www.oecd.org/en/publications/anti-corruption-and-integrity-outlook-2024-country-notes_684a5510-en/netherlands_06d578cd-en.html?utm_source=chatgpt.com
5. Inson va Qonun. Retrieved from <http://insonvaqonun.uz/node/157>