

The Concept of Corruption and The Conditions and Factors That Cause it

Nazarov Shavkat Nazarovich
Tashkent State University of Law, Uzbekistan



DOI : <https://doi.org/10.61796/ijblps.v2i4.307>



Sections Info

Article history:

Submitted: February 19, 2025
Final Revised: February 26, 2025
Accepted: March 05, 2025
Published: March 12, 2025

Keywords:

Signs
Causes
Corruption
Conditions
Factors
Concept
Consequences

ABSTRACT

Objective: This study aims to examine the concept of corruption, identify key factors contributing to its existence, and analyze its negative consequences on society. By understanding these aspects, the research seeks to provide a structured framework for addressing corruption effectively. **Method:** A comprehensive analysis was conducted by reviewing existing literature on corruption, focusing on its systemic, cultural, and economic causes. The study categorizes corruption's root causes and assesses its impact on governance, economic stability, and social equity. **Result:** The findings indicate that economic disparity, weak legal frameworks, lack of transparency, and institutional inefficiencies are the primary drivers of corruption. These factors collectively undermine governance, weaken public trust, and hinder economic growth. The study also highlights the far-reaching consequences of corruption, including reduced public services, increased inequality, and political instability. **Novelty:** This study offers a structured approach to analyzing corruption by systematically categorizing its causes and consequences. Unlike previous research, it provides a more integrated perspective that connects corruption's root causes to its broader socio-economic effects. The study also suggests targeted mitigation strategies, emphasizing the role of legal reforms, institutional transparency, and public awareness in combating corruption.

INTRODUCTION

Corruption is a term that is increasingly being used in national and international law. Corruption is not a new phenomenon; it has existed since the beginning of social relations.

According to the ancient Greek philosopher Aristotle said that "In any state system - through laws and other orders, the work should be organized in such a way that it should not allow illegal enrichment of officials"[1].

The French thinker Charles Montesquieu said: "It is known from centuries of experience that any person with any authority has a tendency to abuse it and walks in that direction until this official achieves a certain goal".

The head of our state Shavkat Mirziyoyev also stressed the need to take strict measures to combat corruption, various crimes, and other offenses in our society, to prevent them, and to ensure in practice the requirements of the law on the inevitability of punishment for crime [2].

According to A.F.Primov, a number of measures have been implemented in recent years to combat corruption in public administration.

On July 7th, 2008, our country ratified the United Nations Convention against Corruption (New York, October 31, 2003).

Uzbekistan signed on to the Istanbul Plan to Combat Corruption (September 10, 2003), which was adopted in March 2010 by the Organization for Economic Cooperation and Development.

In addition, on December 13th, 2011 the Oliy Majlis of the Republic of Uzbekistan agreed to join the Eurasian group on combating money laundering and terrorist financing (Moscow, June 16, 2011). Uzbekistan was among the first countries in the region to enact the Law “On combating money laundering and terrorist financing” [3].

The adoption of the Law “On Combating Corruption” on January 3rd, 2017, is important as a logical continuation of these measures.

In addition, the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated on December 2nd, 2014 №328 “On measures to introduce a system for assessing the impact of legislation on entrepreneurial activity” and the Minister of Justice of the Republic of Uzbekistan dated on December 25th, 2015 №384-mh “On the approval of the methodology of anti-corruption examination of projects” introduced a mechanism aimed at preventing the “passage” of corruptiogenic norms in the draft regulations.

In particular, Transparency International has released the Corruption Perception Index 2018. Uzbekistan scored 1 point more than last year on the 100-point index - 23 points [4].

However, the country’s rating fell one point to 158th out of 180 countries and regions. It had the same outcome as in the State of Mozambique in Africa. President Shavkat Mirziyoyev stated in this regard that “in our society, we must take strict measures to combat corruption, various crimes, and other offenses, to prevent them, and to ensure in practice the requirements of the law on the inevitability of punishments” [5].

Corruption, its essence, and development, as well as its causes and conditions, is a historical and ongoing, contentious, and topical issue in disciplines such as economics, law, philosophy, psychology, and pedagogy. The factors that contribute to corruption, in particular, are highly contentious, and the priority of identifying and studying these factors is that the fight against corruption, particularly its prevention, must first identify and eliminate the factors that cause it.

After all, the only way to reduce or eliminate corruption is to find the problems and conditions that cause it. As these countries transitioned to a market economy following the demise of the former Soviet Union, new corruption factors emerged. A.A.Amanov, in particular, noted that widespread interference in the activities of public authorities by economic authorities, an imperfect system of organization and control of the civil service, and a lack of legal regulation, as well as interference in the financial and economic activities of economic entities by the state, particularly local government bodies, all, contribute to corruption [6].

M.Sh.Shedi cites excessive interference in the economy, incomplete economic reforms, excessive taxes and levies, government weakness, the need for conciliation and access, a lack of regulation of state control, and legal flaws in a comprehensive analysis of the causes of corruption.

Analyzing the economic, institutional, and social reasons, V.G.Popov and V.N.Umnikov point to the high level of closure of government agencies, the inconvenient reporting system; the lack of transparency in the legislative system, and the weakness of the state's personnel policy.

The concept of administrative reforms in the Republic of Uzbekistan also points out that the insufficient openness and transparency of the executive branch leads to various forms of corruption [7].

According to Sh. R.Kobilov, one of the roots of corruption is the excessive preservation of the state's permitting functions. R.Klitgaard argues that a lack of control over an official's "sovereignty" over the provision of services to a business entity or the creation of certain privileges can lead to a corrupt deal.

Sh.R.Kobilov also cites imperfect laws, the bureaucratization of public life, an increase in the number of officials, organizational difficulties in business, and an increase in intermediaries as factors in the development of corruption.

According to K.I.Golovshinsky, as a result of incomplete control over the process of drafting "by-laws" in public administration, the current legislation creates corrupt, legal norms that create conditions for corruption. As a result, there may be vague and difficult-to-understand legal norms and regulations in the legislation, which create conditions for officials to intimidate citizens and take bribes. Following A.V.Vohobov, the severity and extent of corruption depend on various factors. The most important of these is the restriction of economic freedom, state interference in entrepreneurial activity, and finally, the state monopoly of natural resources [8].

Based on the foregoing, one of the primary causes of corruption in government is the huge number of administrative allowing and conciliation procedures in place, as well as their compliance with departmental interests and the legal preservation of corrupt practices.

RESEARCH METHOD

As a result, the state's inescapable impact on social life is a crucial factor in the formation of corruption. Corruption is viewed not simply as a criminal offense, but also as a poor moral act that society strongly condemns. As a result, corruption takes the form of concealment in all circumstances. Permitting, conciliation, an inspection of economic activity, application of sanctions against it, and consideration and settlement of individual and legal entity appeals in the field of public administration should all be done in a way that allows anybody to become acquainted with it at any time. It is required to implement an electronic queuing system as well as a mechanism to ensure that it is strictly followed.

As long as the administrative activities of state bodies and employees should be open to the control of anti-corruption bodies and the public at any time of acquaintance [9].

Consequently, in this regard, the head of our state Shavkat Mirziyoyev also noted the need to implement an effective decision-making system based on openness in public administration in the appeal to the Oliy Majlis.

RESULTS AND DISCUSSION

Regardless of what form of application has been made to the state bodies, it should be immediately registered and immediately displayed on the website of the relevant body, as well as the process of consideration of this application should be explained in the form of the following table.

Our analysis, based on statistical data, shows that there are a number of corruption factors in the legislation.

In particular, according to the Resolution of the Minister of Justice of the Republic of Uzbekistan dated December 25th, 2015 №384 “On approval of the methodology of anti-corruption examination of draft regulations” the lack of a procedural order of execution, the existence of norms that do not have a clear mechanism of implementation are corruption factors associated with gaps in the regulation of law. The above decision of the Ministry of Justice also identified the filling of gaps in the legislation with the help of by-laws in the absence of relevant powers as a corruption factor related to fibula in the regulation of law [10].

Resolution of the Cabinet of Ministers of May 29th, 2006 №97 “On approval of the regulation on the procedure for compensation of damages to citizens and legal entities in connection with the seizure of land for state and public needs” the grounds and procedure for the removal of a part of it and the demolition of production buildings and other structures located there in, and the removal of trees.

However, the grounds and procedures for the nationalization, confiscation, and requisition of the property of the owner belong to the category of “valuable” social relations, which, by its very nature, must be regulated by law. Article 8 of the Law of the Republic of Uzbekistan “On normative legal acts”, adopted on December 24, 2012 (new edition) also provides that the laws of the Republic of Uzbekistan regulate the most important and stable social relations.

Therefore, the grounds and procedures for the nationalization, confiscation and requisition of the owner’s property should be established by law. In this regard, V.Ergashev also believes that in strengthening the right to private property, it is important to establish the legal basis for the abolition of property rights through nationalization, requisition, and the adoption of a special law on them.

Typically, in accordance with international practice, the anti-corruption examination of legislation is carried out in two forms, namely, the examination of existing legislation and draft laws. The above decision of the Ministry of Justice of the Republic of Uzbekistan has certain shortcomings in this regard. In particular, the resolution establishes the procedure for anti-corruption examination of laws, resolutions of parliamentary chambers, presidential decrees, resolutions and orders, government

resolutions, draft resolutions of local authorities, and normative legal acts of ministries, state committees, and agencies. There is no practice of anti-corruption examination of existing laws, presidential decrees, resolutions and orders, government decisions, decisions of local authorities, and draft regulations of ministries, state committees and agencies [11].

It is necessary to widely introduce the procedure for receiving opinions and proposals on each bill from the following - citizens, local councils of people's deputies. The fact that in the process of adopting laws we must effectively use the system of a comprehensive discussion of them among the population is a clear proof of our opinion. Today, the implementation of public control is recognized as one of the most effective means of combating corruption [12]. Public control is a set of control measures carried out by the subjects of public control in accordance with the law, aimed at ensuring the legitimacy of the activities of state bodies, the state bodies and their officials to identify cases of non-compliance with the legislation ensuring the rights and freedoms of individuals [13]. The most common forms of public oversight in the world practice are public hearings, public hearings, public expertise, public analysis or monitoring, public inquiries, appeals, and public initiatives on the activities of government agencies and their officials [14].

Interactions between public oversight groups and government agencies directly involved in countering government officials' abuse of power are another prevalent manifestation, and this technique has shown to be one of the most effective ways to prevent corruption in recent years [15].

CONCLUSION

Fundamental Finding: This study identifies economic disparity, weak legal frameworks, lack of transparency, and institutional inefficiencies as the primary drivers of corruption. Addressing these issues requires a holistic approach that strengthens institutional accountability, enforces stricter regulations, and enhances public awareness. **Implication:** The findings suggest that combating corruption necessitates collaborative efforts from governments, civil society, and private institutions. Strengthening governance structures, implementing legal reforms, and promoting ethical practices can significantly reduce corruption and support sustainable development. **Limitation:** This study is limited by its reliance on existing theoretical frameworks and secondary data, which may not fully capture the complexity of corruption across different contexts. Future studies should incorporate empirical data and case-specific analyses for a more comprehensive understanding. **Future Research:** Further research should explore innovative strategies, including technological advancements such as blockchain and artificial intelligence, to improve transparency and public oversight. Additionally, comparative studies across different regions can provide deeper insights into effective anti-corruption measures.

REFERENCES

- [1] S. Mirziyoyev, "Building a Free and Prosperous, Democratic State of Uzbekistan Together with Our Brave and Noble People," 2016. [Online]. Available: <http://xs.uz>
- [2] A. A. Amanov, "Conditions and Factors Contributing to the Emergence of Corruption," in *Proceedings of the Republican Scientific and Practical Conference on Combating Corruption – A Guarantee of Society and State Security*, Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2016, p. 287.
- [3] R. Klitgaard, *Controlling Corruption*. University of California Press, 1991.
- [4] S. Rose-Ackerman and B. J. Palifka, *Corruption and Government: Causes, Consequences, and Reform*, 2nd ed. Cambridge University Press, 2018.
- [5] M. V. Shedi, "Corruption as a Social Phenomenon: Sociological Analysis," Ph.D. dissertation, Moscow, 2014.
- [6] Transparency International, "Corruption Perceptions Index 2023," 2023. [Online]. Available: <https://www.transparency.org/en/cpi/2023>
- [7] R. Fisman and E. Miguel, "Corruption, Norms, and Legal Enforcement: Evidence from Diplomatic Parking Tickets," *J. Polit. Econ.*, vol. 115, pp. 1020–1048, 2007.
- [8] K. I. Golovshinsky, *Diagnostics of the Corruption of Legislation*. Moscow, 2002.
- [9] Sh. R. Qobilov, *Economic Theory*. Tashkent, 2013.
- [10] F. A. Primov and Kh. Kh. Akhmadbekov, *Factors Contributing to the Emergence of Corruption and Certain Issues in Combating It*. Tashkent, 2020.
- [11] M. Johnston, "Keeping the Answers, Changing the Questions: Corruption Definitions Revisited," *Crime Law Soc. Change*, vol. 43, pp. 333–357, 2005.
- [12] A. V. Vohobov, *Multi-Structured Economy in the Transition to Market Relations and Its Recurrence*. Tashkent, 2002.
- [13] V. Ergashov, "Scientific and Theoretical Aspects of the Emergence and Termination of Citizens' Private Property Rights," Ph.D. dissertation, Tashkent, 2005.
- [14] S. Mirziyoyev, "Speech at the Joint Session of the Oliy Majlis of the Republic of Uzbekistan Dedicated to the Inauguration of the President," 2016. [Online]. Available: <http://www.uza.uz>
- [15] D. Treisman, "The Causes of Corruption: A Cross-National Study," *J. Public Econ.*, vol. 76, pp. 399–457, 2000.

***Nazarov Shavkat Nazarovich (Corresponding Author)**

Tashkent State University of Law, Uzbekistan

Email: savkatnazarov@gmail.com
