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Definition of The Concept of Corruption in International Documents and Its Meaning as A Social Phenomenon

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Abstract: The article highlights the issues of defining the concept of corruption in international documents and analyzing it as a social phenomenon. It also provides a comprehensive analysis of the essence, forms, and negative consequences of corruption based on sources such as UN resolutions, Council of Europe documents, and the UN Convention against Corruption. The complexity of studying corruption from legal and criminological perspectives, as well as its intrinsic connection with disruptions in society and public administration, is also revealed.

Keywords: Corruption, international documents, social phenomenon, criminology, public administration, offense.

Introduction: Corruption is not only a state of offenses of certain individuals, but also a complex social phenomenon in the system of society and the state as a whole. In the current process of globalization, corruption is becoming one of the pressing issues as a serious threat not only at the national, but also at the international level. Therefore, the international community has adopted various international documents and conventions to combat corruption and eliminate its negative consequences.

The concept of corruption is interpreted differently in various international legal documents, in which, as a general basis, corruption is assessed as a dangerous phenomenon that undermines the trust of citizens and disrupts the system of public administration.

For the first time in international documents, the concept of corruption is addressed in the "Code of Conduct for Officials to Maintain Legal Protection,"

adopted by the UN General Assembly Resolution of December 17, 1979, which defines corruption as..."the performance or inaction by an official of certain actions or inactions in exchange for remuneration in any form, in the interests of the person giving this remuneration within the limits of his official powers, in violation or without violation of the relations of the job program" [1, 12].

Also, the International Code of Ethics for Civil Servants, adopted at the UN General Assembly's Intercontinental Seminar on Corruption in Havana in 1990, states that "corruption is the improper performance of official duties in the personal or group interests of officials, as well as the illegal use of official duties by civil servants." In this form, it is shown that the core of corruption is the organization of illegal use of official powers.

At the first session of the Council of Europe Group on Corruption, held in Strasbourg on February 22-24, 1995, it was defined as "corruption is the bribery of officials of a state or private system to perform their duties in violation of their official powers." However, the concept of corruption is not limited to bribery and bribery; it also encompasses official crimes. In the UN Convention against Corruption, the shortest, but most comprehensive definition of corruption is given as follows: "Corruption is the improper exercise of state power in the interests of personal gain" [2]. A similar definition of the concept of corruption can also be found in the World Bank's report on the role of the state in the modern world [3, 26].

Usually, the term "corruption" was used in conjunction with such words as "official," "power," "for malicious purposes," and "illegal abuse."

Currently, a lot of information about corruption, its social danger, and the harm it causes is being disseminated in foreign media. Their systematic analysis is one of the important steps in the effective organization of the fight against corruption and, on this basis, the protection of the interests of society and the individual from illegal, social injustice and vices.

One of the major philosophers of medieval Europe, Niccolò Machiavelli, described corruption as "the exploitation of public opportunities for personal gain" [4, 25]. Of course, this scholar's opinion is correct in some ways. However, this opinion has a general peculiarity.

According to G.I. Bogush, one of the main difficulties in giving a legal definition of corruption is that the concept of corruption as a social phenomenon in a broad sense goes beyond the scope of legal and criminological research and is a synthetic socio-philosophical and criminological concept [5,124].

In this regard, K.R. Abdurasulova and O. Kurbanov also expressed the opinion that "corruption is more an artificial social or criminological barrier than law, therefore it should be considered not as a specific component of a crime, but as a collection of similar manifestations of a crime" [6, 37].

It should be noted that corruption is, first of all, a social phenomenon. It arises and exists in the life of society in connection with governance, mainly state governance. K.Baybulov, L.Sidikov, and A.Sidikov also expressed the opinion that "corruption, as a social phenomenon, is analyzed by the fact that a public official benefits and advantages in any form from their official status and other opportunities, as well as benefits and advantages for individuals and legal entities" [7, 124]. From a sociological point of view, corruption is assessed as a set of deviant offenses [8, 154].

The criminal-legal interpretation of corruption presents certain difficulties, since it does not yet have a sufficiently substantiated concept. However, the fact that the official only took a bribe does not yet indicate the existence of corruption. For example, an investigator or official who has received illegal remuneration for initiating a criminal case commits a bribery. If the same investigator conspired with a criminal group and provided systematic assistance (warning about high-level operations, assisting with criminal liability, assisting in the disclosure of criminal proceeds) and received payment for this, then this crime turns into not only bribery, but also corruption [9, 45].

In a broad sense, corruption is understood as the direct use by an official of their rights related to their position for personal enrichment, the sale and purchase of political figures and officials. In a narrow sense, corruption is when an official makes an unlawful decision in which party is interested (for example, a firm receives a state order in violation of the established procedure), and the official receives some kind of reward in return. Analytical signs of this situation: a decision is made contrary to the law or an unwritten social norm; partners interact; both parties receive illegal benefits (advantages), the parties to the transaction try to conceal their actions. A typical situation creates artificial barriers for an official who needs to make a decision regarding a person (for example, when issuing licenses for certain types of proceedings) to force their client to give a bribe. This situation corresponds to the traditional understanding of corruption associated with bribery and bribery.

According to Professor G.N. Borzenkov, corruption is the "destruction of the management apparatus, arising from the use of official duties by officials for selfish

purposes" [10, 30]. In this definition, the author assessed corruption based on general recommendations.

One of the scholars, B.V. Volzhenkin, writes that corruption in a broad sense is a phenomenon that disrupts the administrative apparatus of the state and society, reflected in the educational corruption of power, in the use by officials of their official position for personal gain [11, 64].

Among a number of Uzbek legal scholars, the following expression is widespread: "Corruption is criminal proceedings in the sphere of politics or public administration, reflecting the use by officials of the rights and powers granted to them for personal enrichment" [12, 258]. Also, the Legal Encyclopedia of Uzbekistan defines corruption as follows:

"Corruption is a socially dangerous phenomenon in the sphere of politics or public administration, the illegal use by persons authorized to perform state functions (or equivalent to them) of their status and related opportunities for obtaining material and other benefits, privileges, as well as the illegal acquisition of these benefits by individuals or legal entities" [13, 264].

According to R.A.Zolfarov, the word "corruption" comes from the Latin word "corruptum," meaning "broken, corrupted," and means causing harm to society's interests in the pursuit of private life and corporate profit [14, 41]. According to K.Tadjibayev, "Corruption crime arises on the basis of using the possibilities of public administration, organizing it subordinated to one's own interests" [15, 13].

According to A.K. Irkakhodzhaev, "from a criminological and socio-legal point of view of criminal behavior, corruption is a type of organized crime.

The purposes of committing this crime lie not only in the acquisition of material wealth, but also in the pursuit of power. Corruption is a social phenomenon characterized by the use by state and other employees of official powers, related levels and opportunities for personal or specific group, corporate interests, and for selfish purposes" [16, 219, 221–222].

According to B.J.Ahrorov, "The word corruption is used differently in literature. It doesn't have a single concept; it can encompass several crimes. Even from the recommendations of international organizations, it is impossible to create a unified understanding of it." According to him, official crimes against the order of governance are called "corruption." The essence of the concepts of official crimes against the order of management and corruption is different, and there are differences between them. Corruption is a set of

crimes committed by officials in pursuit of personal interests in the event of the use of their powers of state power or administration.

Corruption is understood as the illegal use of power or official powers by officials, the achievement of mass material or intangible benefits [17, 143-146].

In subsequent scientific works, R.A. Zolfarov, B.J. Akhrarov, and O.M. Mirzaev propose the following definition of the concept of corruption: "Corruption is a set of socially dangerous crimes, consisting of the use by officials and civil servants of their official rank and position, as well as the associated reputation, for personal gain or for selfish purposes in the interests of a group of persons" [18, 166].

However, this definition is also difficult to call mature. Because it leads to the conclusion that corruption crimes are committed only by officials and persons in public service. In our opinion, corruption crimes can be committed only by officials of civil servants, as well as by civil servants who are not officials, officials, and other persons who are not officials.

All countries of the world have common goals in the fight against corruption. This is due to the nature of corruption as a corruption of power, associated with the proper level of power or service of state officials for independent or other personal purposes. Despite the diversity of the state structure, the socio-economic conditions for corruption are the same for all countries - the imperfection of the mechanism for exercising power, the use of this power by entities endowed with power for personal purposes (clash of public and private interests), as well as the elimination of the causes and conditions contributing to corruption, the definition of restrictions and limitations for civil servants, and the establishment of liability for their violation [19, 116–125].

Although in general foreign and national legal literature, corruption crimes are defined in different forms, their content is close to each other. They indicate that corruption crimes are a set of crimes committed by officials of state and public organizations based on their official powers and duties. President I. Karimov, in his work "Our Path - the Path of Independent Statehood and Development," wrote: "There are closed and worst types of crime. This is corruption and bribery. These types of crimes can not only disrupt the management apparatus but also destroy the foundations of the market" [20, 21].

Corruption crimes, along with harming the country's economy, also cause moral damage to people who earn their living through honest work. The fact that socially dangerous acts committed in connection with official activities become latent (hidden) crimes serves as the

"cause" for the commission of a large number of these crimes. Usually, any corruption crime serves as a bridge to a new law violation. Another peculiarity of corruption crimes is that they are often committed by law enforcement officers and are complex. The main types (core) of corruption crime are bribery. Bribery can be defined as an illegal confidential transaction between two or more persons related to receiving or giving a bribe. The bribe-taker and the bribe-giver, as well as interested but interested third parties, society, and the state suffer losses from the transaction. According to the relevant articles of the Criminal Code, more than twenty acts of corruption, such as bribery, bribery, mediation in bribery, recruitment of an employee for a bribe, demanding remuneration through extortion, and others, are recognized as crimes.

Among Russian criminologists (G.N. Borzenkov, S.V. Vanyushkin, A.I. Dolgova, A. Zheloldkov, P.A. Kabanov, V.S. Komissarov, G.K. Misin), the concept of corruption is widely used as a "social phenomenon characterized by the sale and bribery of state and other officials and, on this basis, their use of official official powers and related authority and opportunities for personal, narrowly group, and corporate interests for independent purposes" [21, 474–483]. A number of other Russian criminologists (Ya.Kolzminov, S.V.Maksimov, I.M.Makevich, V.S.Ovshinskiy, G.F.Khokhryakov, V.E.Eminov) defined corruption as "the acquisition by persons with powers of material, other benefits and advantages from state (or equivalent) functions, their status and related opportunities, not provided for by law, as well as the granting of benefits and advantages to them by legal entities and individuals" [22].

Of course, in all of the above, an attempt was made to cover all aspects of corruption, but it is difficult to say that they are perfect. Taking into account the above, it is advisable to define the concept of corruption as follows:

"Corruption is a socially dangerous phenomenon in the sphere of politics or public administration, a criminological barrier consisting of the use by civil servants of their official rank and position, as well as the associated reputation, for personal gain or other property interests and for selfish purposes in the interests of a group of persons, as well as the illegal acquisition of these property interests and other benefits by individuals or legal entities." [23]

CONCLUSION

In conclusion, it can be said that corruption in the modern world is not only a legal threat, but also one of the pressing problems for social and political systems.

Effective combating it requires a systematic approach, a solid legal framework, and preventive measures in accordance with international standards. The interaction of state organizations and civil society institutions serves as a decisive factor in eliminating corruption.

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