

Theoretical And Practical Significance Of Digitization In Combating And Preventing Corruption

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Abstract

This article reflects the importance of digitization in combating corruption, ongoing legal reforms related to digitization, improving digitization in combating corruption, scientific and theoretical approaches determining the role of digitization in combating corruption, and proposals and considerations aimed at improving the prevention of corruption by digitization.

Keywords: Corruption, digitalization, strategy, income declaration, Internet.

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1. Introduction

Improving anti-corruption measures is a pressing issue today. Because, according to the practice of analyzing the stages of theoretical and practical development of the fight against corruption, it is clear that some anti-corruption measures do not meet today's requirements. In recent years, our country has been carrying out large-scale reforms aimed at preventing and combating corruption, curbing corruption-generating factors in all areas of state and social construction, as well as a number of works to improve the system for assessing corruption risks that arise when performing the tasks and functions assigned to state bodies, and introducing integrity standards in the civil service. At the same time, the tasks set to radically increase the effectiveness of the fight against corruption require identifying the causes and conditions of corruption cases and creating an effective system for eliminating them. Today, the use of digital

technologies to prevent corruption is a new interdisciplinary point. Today, the capabilities of information technology are rapidly entering our lives. In particular, the introduction of artificial intelligence into human life is creating new relationships. Of course, where new relationships are created, new types of offenses and crimes, as well as opportunities for corruption to be committed in new ways, are created.

The introduction of information technologies into human life, along with expanding life opportunities and simplifying lifestyles, also creates the basis for the emergence of offenses based on new approaches.

Our Head of State is setting out drastic measures to accelerate the implementation of digitization in all areas in the Republic of Uzbekistan. In particular, since the early 2000s, Uzbekistan has been giving priority to the development and digitization of information and communication technologies (ICT). In particular, the

“Comprehensive Program for the Development of the National Information and Communication System of the Republic of Uzbekistan in 2013-2020”, the “Strategy of Actions in Five Priority Areas of Development of the Republic of Uzbekistan in 2017-2021”, as well as “Digital Uzbekistan - 2030” and “Development Strategy of New Uzbekistan for 2022-2026” provide for a number of measures aimed at implementing digital transformation in the national economy, industry and society as a whole.

The most important conditions for the successful implementation of the “Digital Uzbekistan - 2030” Strategy are financial support for the sector and increasing the digital literacy of the population. Thus, in accordance with the document, the Ministry of Development of Information Technologies and Communications of the Republic of Uzbekistan, together with other relevant state bodies, will take measures to complete the digitization of preschool education, healthcare and general education schools by the end of 2022.

Also, “Digital Uzbekistan - 2030” will play a significant role in achieving the goals set out in other national strategic documents and programs, in particular, the national goals for the UN Sustainable Development Goals for the period up to 2030 and the goals set in the Development Strategy of New Uzbekistan for 2022-2026, as well as, most importantly, in preventing and combating corruption in the Republic of Uzbekistan.

According to the results of the study, S. Rakhimov and H. Turdibaev put forward the following ideas in their research: “Some researchers pay special attention to assessing the crime of theft of digital assets and legalizing crimes using cryptocurrency, but they ignore another important problem - the issue of preventing corruption.” Indeed, while agreeing with S. Rakhimov and H. Turdibaev, it should be noted that the transparency, convenience, and universality of digital technologies make them effective in detecting and preventing corruption. S. Rakhimov and H. Turdibaev note that the provision of transparency of public administration with digital technologies, when submitted to public control, on the one hand reduces the level of public distrust in the government, and on the other hand, expands the possibilities of supporting experts through a feedback system that allows for clarification of existing public services, government agencies, and official data. These researchers also put forward the idea in their

scientific works that “despite the obvious advantages of digital technologies in ensuring the transparency of the public administration system and revealing corruption-related offenses, the positive impact of these technologies is reduced by the underdevelopment of digital infrastructure.” They expressed this idea in terms of the lack of broadband Internet, the underdevelopment of online services, the digital illiteracy of the population, and others.

Indeed, agreeing with the opinions of these researchers, it should be noted that today our people do not have enough opportunities for widespread use of information technologies. S. Rakhimov and H. Turdibayev note that the financial monitoring model is also considered a highly effective model in the fight against corruption, but they note that this model does not correspond to the modern system of data collection, and the procedure for storing and protecting personal data in some cases contradicts the rules of personal life. Indeed, this model allows analyzing the financial activities of persons who may be subject to corruption and their family members during their positions. This system is based on a constantly updated database, which collects personal data and primarily processes information about these people, including financial and property, all banking transactions, fines, housing, debts, payment of taxes and other payments. It is also necessary to take into account the issue of liability for failure to report on the movement of material assets by individuals, or for reporting with incomplete information, or for providing false information. Since this information must necessarily be provided by an official and there are no measures to verify its accuracy in the future, it is necessary to consider the issue of determining appropriate penalties in cases where it is determined that the information provided is false. The Administrative Liability and Criminal Codes of the Republic of Uzbekistan do not provide specific penalties for such actions. This anti-corruption practice is widely practiced in Russia, and on December 3, 2012, the Federal Law “On Control over the Compliance of Expenditures of Persons Holding Public Offices and Other Persons with Their Income” was adopted in this country. This Federal Law establishes the legal and organizational basis for controlling the implementation of expenditures by persons holding public office (other persons) in order to combat corruption, establishes mechanisms for verifying the extent to which the expenditures of the spouse and minor children of an official correspond to the income of the official and his spouse in the cases and in the manner

established by this Federal Law, and establishes mechanisms for recognizing property acquired through illegal means as the property of the Russian state. According to the requirements of this law, every person residing in Russia and holding an official position must provide information on his monthly income and expenses.

This information is the basis for determining whether corruption crimes have been committed by government officials. However, it seems a bit odd that this law only covers the expenses of minor children. Because adult children in a family cannot always cover their own expenses. Also, in Uzbek families, in some cases, the expenses of the daughter-in-law and her children are also the responsibility of the official who is the head of the family. In this regard, the phrase “spouse and minor children” in this law should be replaced with the phrase “family members living together”. It should be noted that in some cases, the phrase “family members” also causes some controversy and debate among scholars. In particular, there are two different approaches to the concept of “family members” in the legislation. For example, according to Article 5 of the Family Code of the Republic of Uzbekistan, family members are: spouses, parents and children (adoptives and adopted children). The composition of “family members” is defined differently in the Housing Code of the Republic of Uzbekistan. That is, according to Article 32 of this Code, “family members of the owner of residential premises” are his wife (husband) and their children permanently living with him. Parents of a spouse, as well as married children permanently living with the owner and their spouses, if they did not previously have this right, may be recognized as family members of the owner only by mutual agreement.

Dependents incapable of work, as well as citizens permanently living with the owner, may be recognized as family members of the owner if they are engaged in joint household activities with the owner and are registered at his place of residence [Housing Code of the Republic of Uzbekistan. (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1999, No. 1, Article 4; 2001, No. 5, Article 89; Collection of Legislation of the Republic of Uzbekistan,] It is noted that it is advisable to define the concept of “family members” on the basis of a unified approach. Since, in the fight against corruption, it is important to determine the composition of the family members of officials and monitor their income and expenses, determining the composition of “family

members”. The concept of “family members” in both codes differs sharply from each other, and the Housing Code of the Republic of Uzbekistan provides a more detailed definition of the concept of “family members”. Since, by its content, the concept of “family members” refers to persons permanently living in the same family. We distinguish the concepts of “family” and “family members” from each other and define the concept of “family members” in a broader sense. we must understand.

Because, in some cases, in addition to the husband or wife, children, parents, in-laws, sisters, brothers, and aunts and uncles also live together in a family, it should be understood as “those who regularly run the household together and live in the same family.” However, the concept of “family” should be understood as “husband, wife and children”. Clarifying these concepts is of course important, because according to the results of the study, the content of the above concepts will be of great importance when the practice of monitoring the income of officials is established in the Republic of Uzbekistan.

Based on the above, we consider it appropriate to adopt the Law “On Control over the Compliance of Expenditures of Persons Holding Public Positions and Other Persons with Their Income” in the Republic of Uzbekistan. The declaration of officials will be an important step in the interests of ordinary people. The introduction of the declaration of property and income of officials in Uzbekistan is an important reform that will bring great benefits and positive changes not only to state control or restrictions on officials, but also to ordinary people. The effectiveness of the launch of crowd-sourcing platforms as a model for ensuring the transparency of public services is high. In this regard, the “I Paid a Bribe” portal, which is widely used in India, can be used as an example. We can consider it as follows. The portal allows you to report in Russian. Also, in the Philippines, there is a system called “Check my school” that allows parents to monitor school expenses. Of course, in the Republic of Uzbekistan, the use of the above-mentioned positive experiences is of great importance in developing the theory and practice of combating corruption.

The theoretical views of some scientists on the importance of digitization in combating and preventing corruption also serve to reveal the theoretical and practical aspects of digitization in combating corruption.

In particular, according to A.I. Ovchennikov, digitization can significantly increase the openness, openness and transparency of the activities of state power and management bodies, identify corrupt connections, schemes and relationships, optimize the activities of law enforcement agencies in combating corruption, and limit the opportunities of corrupt officials, but digitization, in turn, can create new forms of corruption. Indeed, one should fully support the opinion of A.I. Ovchennikov, because it is well known that while digitization itself creates new relationships, these relationships also create new signs of corruption.

According to G. Gref, digital technologies allow these principles to be supplemented with a new semantic structure, digitization really increases the openness and transparency of public administration. Digitization helps to combat corruption, since digital technologies increase the transparency of administrative activities, the decision of each official can be analyzed by a community of experts and assessed for its correctness. At the same time, it rightly warns against excessive haste in legalizing the process of digital evolution, as this can slow down development through "overregulation" and "overloading with rules". According to T. Andersen's research, in most countries that have implemented an e-government strategy, significant changes in anti-corruption indicators have been observed. Other foreign authors also pay attention to this and emphasize that national culture can reduce the anti-corruption effectiveness of e-government.

The state's anti-corruption legal policy depends on the achievements of scientific and technical development, which allow using the latest technologies in the fight against crime and in the fight against corruption. This is increasingly evidenced by the research of modern authors studying the issues, forms and directions of using modern information technologies in everyday (domestic) life in the fight against corruption, as well as the development of information approaches in the fight against corruption in foreign countries, anti-corruption policy in a modern information state. As is known, the "Development Strategy of New Uzbekistan for 2022-2026" is to build a people-oriented state through the enhancement of human dignity and the further development of a free civil society; to make the principles of justice and the rule of law the most basic and necessary condition for development in our country; It includes one hundred strategic goals to be achieved in the next five years within the framework of 7 priority

areas: ensuring rapid development of the national economy and high growth rates; conducting a fair social policy, developing human capital; ensuring spiritual development and bringing the sector to a new level; approaching global problems based on national interests; strengthening the security and defense potential of our country, conducting an open, pragmatic and active foreign policy. It is planned to launch the "Digital Compliance" information software complex on a trial basis from July 1, 2026, and this platform will serve to coordinate anti-corruption measures, accelerate information exchange and digitize control processes. In particular, the program will create the opportunity for rapid information exchange between participants in the corruption prevention cluster. Also, through the "E-Compliance" module, the activities of internal anti-corruption control units in state bodies and organizations will be fully digitalized. The powers of the Anti-Corruption Agency have also been expanded. Now the agency will have the right to introduce mandatory instructions and recommendations to the internal control units of the central apparatus of state bodies and organizations to prevent violations of the law. Special attention has also been paid to the issue of protecting persons who report corruption cases. In order to protect such citizens from harassment and persecution at the workplace, it is envisaged that the agency will issue a special protection order. At the same time, in order to encourage persons who actively participate in the prevention and fight against corruption, a badge called "For Contribution to the Fight against Corruption" will be established.

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