

CORRUPTION: ITS HISTORICAL ROOTS AND WAYS TO COMBAT IT

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Abstract: The problem of corruption as a transnational crime has been widely discussed by international organizations at the international level in recent years. Even some politicians define corruption as a factor provoking a global crisis. It is worth noting that this harmful phenomenon occurs in all countries, large and small, rich and poor. Although the world community is taking a number of effective actions to eradicate this harmful evil, it has not yet been eradicated.

The state consists of an integral mechanism for the realization of the highest goals set for it. Only with the proper functioning of every detail of this mechanism, the state can develop comprehensively. However, corruption is the worst evil that can lead to the failure of this mechanism.

Keywords: civil society, justice, humanism, corruption, modernization, fight against corruption.

KORRUPTSIYA: UNING TARIXIY ILDIZLARI VA UNGA QARSHI KURASH USULLARI

Annotatsiya: Korruptsiya muammosi so'ngi yillarda xalqaro miqyosda transmilliy jinoyat sifatida xalqaro tashkilotlar tomonidan keng muhokama qilinayotgan mavzu hisoblanadi. Hatto, ayrim siyosatchilar tomonidan korruptsiyaga global inqirozni keltirib chiqaruvchi omil sifatida ham ta'rif beriladi. Ta'kidlab o'tish o'rinliki, ushbu zararli hodisa katta va kichik, badavlat va kambag'al bo'lishidan qat'iy nazar, barcha mamlakatlarda uchraydi. Ushbu zararli illatni bartaraf etish bo'yicha jahon hamjamiyati tomonidan bir qator samarali ishlar amalga oshirilayotgan bo'lsada, hanuzgacha u bartaraf etilmayapti.

Davlat o'z oldiga qo'ygan oliy maqsadlarini amalga oshirish uchun yaxlit mexanizmdan tashkil topgan. Ushbu mexanizmning har bir detail to'g'ri ishlagan taqdirdagina, davlat har tomonlama rivojlana oladi. Biroq, korruptsiya ushbu mexanizmni ishdan chiqishiga olib keladigan eng yomon illatdir.

Kalit so'zlar: fuqarolik jamiyati, adolat, insonparvarlik, korruptsiya, modernizatsiya, korruptsiyaga qarshi kurash.

КОРРУПЦИЯ: ЕЕ ИСТОРИЧЕСКИЕ КОРНИ И СПОСОБЫ БОРЬБЫ С НЕЙ

Аннотация: проблема коррупции как транснационального преступления в последние годы широко обсуждается международными организациями на международном уровне. Даже некоторые политики определяют коррупцию как фактор, провоцирующий глобальный кризис. Стоит отметить, что это вредное явление встречается во всех странах, больших и малых, богатых и бедных. Хотя мировое сообщество предпринимает ряд эффективных действий по искоренению этого вредного зла, оно все еще не искоренено.

Государство состоит из целостного механизма реализации поставленных перед ним высших целей. Только при правильном функционировании каждой детали этого механизма государство может развиваться всесторонне. Однако коррупция-худшее зло, которое может привести к сбою этого механизма.

Ключевые слова: гражданское общество, справедливость, гуманизм, коррупция, модернизация, борьба с коррупцией.

INTRODUCTION

Today, in order to combat corruption, form an intolerant attitude to this vice, and prevent corruption situations, a number of measures are being implemented. Ensuring the rule of law through this is the main task of today's agenda. Indeed, when it comes to the fight against corruption, it should be emphasized that public control in this regard is very important. Most importantly, it is worth noting that the activity of young people is felt in this process.

"Every nation has its own unique and inimitable role in the history of mankind. The greatness of a state or nation is determined by a number of factors, such as, firstly, its contribution to the development of science, literature, art, culture of mankind, secondly, its socio-economic, political potential and opportunities, thirdly, its role in international relations, the region and the world"[1, 320].

We know that people are the only source of the state. In this regard, the State is an integral mechanism for the realization of the highest goals set for it. Only with the proper functioning of every detail of this mechanism, the state can develop comprehensively. However, corruption is the worst evil that can lead to the failure of this mechanism. One of the most fragile victims of this vice is undoubtedly democracy. In a democratic state, the rights, freedoms and legitimate interests of citizens must be ensured, a person must reach the level of the highest value. And Corruption is one of the main obstacles on the way to building a strong democratic state.

RESEARCH MATERIALS AND METHODOLOGY

Corruption is a terrible evil that can eradicate society in different ways. This vice undermines the foundations of democracy and the rule of law, leads to violations of human rights, impedes the functioning of markets, worsens the quality of life and creates conditions for the establishment and prosperity of organized crime, terrorism and other phenomena that threaten the security of people. Colloquially, the so-called corruption, a phenomenon that drives an axe into the root of all reforms, we need to know the cause and the countermeasures that cause it.

What is Corruption?

In the legislation, the concept of corruption is defined as follows: "Corruption is a social phenomenon, expressed in the use by employees of state bodies of their official position in order to obtain illegal personal gain, material or property."

In fact, corruption is when an official benefits from his managerial powers and rights for personal gain, contrary to legislation and morality. According to economist Berdchen, it is corruption that is the factor that contributes the greatest negative wave to the index of macroeconomic development. Its manifestations can be different.

The term "corruption" usually refers to the use by officials of the powers and rights granted to them in violation of legislation and ethics in their personal interests. In many cases, this term is used to refer to the bureaucratic apparatus in the political elite. Corruption is prosecuted by the criminal and administrative laws of many states as an illegal act.

The historical foundations of corruption go back to ancient times, and it is believed that this is due to the custom of giving gifts to tribal leaders in order to gain a certain position in the tribe. In those days, this was considered a normal phenomenon. However, the complexity and centralization of the state apparatus have shown that corruption is a serious obstacle to the development of the state. The ancient Sumerian state is recognized as the first state that fought corruption. From the sources that have come down to us, it is known that the ancient states were particularly concerned about the bribery of law enforcement agencies. Because such a state of affairs would greatly undermine the authority of the state.

Analysis of foreign practice has shown that in countries with a market economy, as one of the effective systems that ensure the functioning of economic entities in accordance with legislation and established standards, the compliance control system in the fight against corruption is considered. The concept of "compliance" means to act in accordance with the requirements and rules established by law. "Compliance control" is a service that consists in the organization of the company's activities in accordance with the established requirements and regulations. In a different way, the initial basis for the emergence of the "Compliance-control" system is due to the establishment in 1884 of the "accident prevention and Insurance Association" (Accident Prevention & Insurance Association) in Germany. But this system was officially introduced in the US State. This system was originally formed in 1906 as a result of the creation in the United States of the federal service for supervision of the activities of food and drug companies (FDA, Food and Drug Administration). The creation of companies and corporations aimed at ensuring economic security in the country's economy has made it necessary to introduce preventive measures against corruption in their activities. From the second half of the last century to the present day, Volkswagen, Daimler, Siemens (Germany) Odenbrecht, Petrobras (Brazil), Samsung Group, Hyundai Motor Co. The emergence of conflict situations with such large companies as (Republic of Korea), BAE Systems (Great Britain), Baker Hughes Inc., Panalpina World Transport (USA) and others is justified by the fact that anti-corruption mechanisms in their activities are not robust, and this necessitated a radical reform of the existing system against corruption in their time. Today, an anti-corruption "compliance-control" system has been introduced in companies in more than 100 countries. Thus, the need to prevent corruption cases and regulate the anti-corruption policy of companies (national and foreign) appeared for the first time in the world in US companies, and then in other advanced foreign countries a compliance service, which reflects the system of rules and obligations to combat aging of corruption.

As a result of the periodic formation in itself, the totality of rules for the fight against corruption in the compliance control system began to be gradually regulated by legal norms. In particular, in a number of foreign countries such as the USA, Great Britain, Germany, France, Turkey, Singapore, Malaysia, Brazil, Slovenia, Kazakhstan, this system is one of the main preventive measures in the field of anti-corruption. The introduction of the "compliance-control" system in these states, depending on the areas of activity of organizations, becomes mandatory. For example, France is obliged to introduce a "compliance-control" system at state enterprises with a capital of more than 800,000 euros. 1 billion of Great Britain. established at its enterprises with a share of more than 700 states with a pound sterling capital, this system is being used as a comprehensive measure to protect against various corruption risks. It is also important that in most foreign countries the system of "compliance-control" is regulated by a separate legislative act.

RESEARCH RESULTS AND DISCUSSION

The strengthening of this system by law in US law is largely due to the adoption of the laws "act of Foreign Corrupt Practices" (FCPA-Foreign Corrupt Practices Act, 1977) in 1977, "Sarbanes-Oxley Act" (Sarbanes-Oxley Act, 2002) in 2002, and "Dodd-frank Act" (Dodd-Frank Act, 2010) in short terms of the developed US experience of this system served to create a "model". As a result of these, it was established that any corporation and companies participating in the US market are obliged to introduce a "compliance-control" system in its structure and adopt a code of ethics of civil servants. In addition, the legislation of Great Britain also has several reasons and legal grounds for the introduction of the compliance control system in the fight against corruption. For example, the basic anti-corruption law is the "on bribery" law, which came into force on July

1, 2010. The peculiarity of this act is that its provisions apply equally to British individuals and legal entities, and its effect is also applied to crimes committed outside the UK.

At this stage, we will consider the specifics of this system using the example of the American experience. As noted above, the adoption of such laws as the "Law on Combating Corruption Abroad" (FCPA - Foreign corrupt Practices Act of 1977) and the "Sarbanes-Oxley Act of 2002" in 2002 created important prerequisites for the effective implementation and development of the compliance control system in the USA. created.

As a result of the analysis of these laws, dividing them into 2 stages, we will consider specific aspects related to the organization of the functioning of the compliance system. The first stage is the adoption of the "Anti-Corruption Act Abroad". The main requirement of the FCPA was defined as a prerequisite for the creation of a compliance service in corporations and companies[2]. This requirement mainly concerned companies with state participation, and the FCPA reflected the following:

1. Strict control rules were introduced, which included an anti-corruption policy.
2. Requirements for accounting forms and financial documentation have been introduced.
3. Strict rules have been established regarding the company's relations when entering into relations with government officials, including foreign government officials.
4. Includes relations that may lead to corruption situations aimed at creating, promising or offering any circumstances that bring material or non-material benefits to any foreign official, as well as a candidate for political office and political parties. The requirements of the law apply to every individual and company (national and foreign), regardless of the nationality of the country. At this stage, he points out the special aspects of applying the requirements of the law to the activities of foreign companies, namely, if a foreign company conducts business in the United States, if the company's shares are listed on the state stock exchange, as well as if foreign companies have entered into partnerships with a corporation or companies in the United States and act on their behalf [3] that the requirements of the law cover these aspects, so it has been shown that it is applicable to any foreign companies. In continuation of this, as provisions aimed at preventing corruption risks for companies, internal accounting control indicates that along with the creation of an effective financial reporting management system, it is necessary to exercise caution in the process of establishing partnerships with its counterparties (contracting party in civil relations) and at the same time ensure the absence of corruption offenses in FCPA prevention of cases with the purpose of comprehensive verification but notes, that preventing a company from being held accountable for bribing foreign officials and, consequently, for preserving its business reputation is of great importance.

CONCLUSION

In conclusion, we can say that today the fight against corruption remains one of the priorities of every state's policy. Building a successful anti-corruption system makes it possible to establish large-scale international cooperation in this area, study the best practices of foreign countries and critically approach it with national legislation and practice. In the fight against corruption, the law can serve as the most powerful weapon. He allows his defenders to deal with any problem, giving them adequate rights and privileges. We believe that expanding the circles of law enforcement, strengthening public control in all spheres of society, as well as strengthening propaganda work, so that all citizens living in our country have a full understanding of corruption and a deep understanding that punishment for it is inevitable.

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