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The Participation of Civil Society Institutions in Anti-Corruption Policy of Uzbekistan

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THE PARTICIPATION OF CIVIL SOCIETY INSTITUTIONS IN ANTI-CORRUPTION POLICY OF UZBEKISTAN

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1. INTRODUCTION

Corruption as a social phenomenon exists in almost all countries of the world. However, for transit countries with a transforming socio-economic system, which includes all CIS countries. It is a big problem for every state. Corruption combined with the lack of professionalism of officials is the cause of both political and socio-economic crises. Corruption is promoted by political instability, underdevelopment and imperfection of legislation, inefficiency of institutions of power, weaknesses of civil society institutions and lack of strong democratic traditions. Domestic specifics add to the above-mentioned undeveloped political culture of citizens, the weakness of the judicial system, neglect of the law for the sake of profit, and impunity for violating the law when solving political and economic issues.

Corruption has been known for a long time and is taken for granted in many countries of the world. However, as a social phenomenon, it is recognized only in the last three to four decades. As for the current decade, it is marked by a great interest in corruption. (Gorta. 1998) The nature of corruption, its causes and consequences, anti-corruption measures are the subject of heated debate and debate.

Researchers' attention to corruption was rather stimulated by the public interest in reforms, their preparation and in-depth research. (McKittrick. 1968)

The level of corruption in different countries varies. Corruption is present in various countries, it is impossible to eradicate it. At the same time, while

corruption does not replace state institutions, does not undermine the foundations of statehood, it does not penetrate into all spheres of society and does not pose a serious danger. As soon as corruption grows to the scale of the state in the state, outgrowing the critical mass, and begins to perform the functions of state institutions, it becomes dysfunctional for society. Penetrating into the culture of society, becoming a tradition, corruption thereby reduces the overall effectiveness of public administration and becomes a social problem.

In the fight against corruption, the role of civil society must be taken into account. Civil society is a barometer of the welfare of society and the state.

Ernst Gellner formulates a useful working definition of civil society as the sum of the various different non-governmental organizations that is strong enough to counterbalance the state without preventing it from fulfilling its role as the guardian of order and peace and as the arbitrator between big interests, but simultaneously preventing it from dominating and personalizing the rest of society (Gellner 1994). A strong but organically integrated civil society can be considered according to Paine as the best defense against the tendency towards corruption inherent even to the smallest state in his function as "guardian". (Powell, 2007).

In an effort to determine of the appropriate state-civil society mixture by de Tocqueville, we read that a strong civil society based on pluralistic voluntary associations, when combined with strong local governance, separation of powers, electoral processes and in any case vigilance are the most basic barriers to despotism. (Woldring 1998).

Thus, the study of corruption as a sociocultural problem, its impact on the spheres of the life of society and the development of effective anti-corruption policies are now an urgent need.

However, in the political sphere, corruption also has a strong negative impact, expressed in the displacement of the goals of politicians and the destruction of political values. Protecting electoral interests is no longer a political task. Politicians come to the forefront of personal enrichment and the achievement of their goals by corrupt methods. Political corruption has a particularly negative effect on the institution of elections. In this, bribery of officials and voters is observed. This, in particular, leads to a

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reduction in political competition, the abolition of political life in the country, the emergence of "clans" and their usurpation of state power. In other words, corruption affects both economic and non-economic development factors.

II. LITERATURE ANALYSIS

As part of the study of this problem, scientific articles by domestic researchers like Kurpayanidi K, Ziyodinova N, Tolibov I. On some issues of combating corruption in Uzbekistan were studied // Problems of Science. 2019. No 2 (135). URL: <https://cyberleninka.ru/article/n/o-nekotoryh-voprosah-protivodeystviya-korrupcii-v-uzbekistane> (accessed: 04/22/2020). Zikrillaeva N. Further improvement of the anti-corruption policy of Uzbekistan // Economics and Finance (Uzbekistan). 2017. No. 12. URL: <https://cyberleninka.ru/article/n/dalneyshee-sovershenstvovanie-antikorruptsionnoy-politiki-uzbekistana> (accessed: 04/22/2020). Ernazarov D. Analysis of the Policy of the Republic of Uzbekistan Regarding International Non-governmental Organization, Journal of Political Science and International Relations. Vol. 3, No. 1, 2020, pp. 9-15. doi: 10.11648/j.jpsir.20200301.12.

In addition, the article analyzes the opinions, positions, facts of Russian and foreign researchers. For example, Litvyak Larisa Gennadievna, Plygunov Konstantin Andreyevich, Katasonov Andrey Viktorovich Corruption in Russia: history and modernity // ISOM. 2015. No4. URL: <https://cyberleninka.ru/article/n/korrupciya-v-rossii-istoriya-i-sovremennost-2> (accessed: 04/22/2020), Shady M.V. Corruption in modern Russia: problems of counteraction // Izvestiya TulGU. Humanitarian sciences. 2011. No2. URL: <https://cyberleninka.ru/article/n/korrupciya-v-sovremennoy-rossii-problemy-protivodeystviya> (accessed: 04/22/2020).

Anne Peters, Corruption as a Violation of International Human Rights, European Journal of International Law, Volume 29, Issue 4, November 2018, Pages 1251–1287, <https://doi.org/10.1093/ejil/chy070>, Michael T. Rock (2009) Corruption and Democracy, The Journal of Development Studies, 45:1, 55-75, DOI: 10.1080/00220380802468579.

III. RESEARCH METHODOLOGY

The methodological foundations of this study are: the conceptual approach - the theory of types of development, which in this case is the most important methodological basis for studying the processes of political transformations; methods-comparative analysis, synthesis, observation, generalization, induction and deduction.

And also, the article includes information and actual data obtained by the method of content analysis of official documents, statements and speeches of officials, socio-economic indicators, statistical data, as well as the results of monitoring the media and the

Internet. In addition, materials of international scientific-practical and socio-political conferences, seminars, working groups and committees are of practical importance.

IV. ANALYSIS OF THE STATE OF THE STRUGGLE OF UZBEKISTAN AGAINST CORRUPTION

In Uzbekistan, corruption is one of the main obstacles to the development of the economy, the creation of a truly favorable business environment and investment climate. According to some estimates, the damage to the global economy from corruption is on average \$ 2.6 trillion per year. This problem has not passed our country. In the index compiled by the international organization Transparency International, Uzbekistan over the past three years has improved its position by 12 points, however, this vicious phenomenon is still far from being completely eradicated. According to experts, corruption is most widespread in Uzbekistan in the medical, educational, banking, customs, judicial systems, prosecution, internal affairs, public services, and also when hiring citizens. For example, 25-30 percent of funds in the health care system are used inefficiently. In many areas, public procurement is not transparent. The main attention should be paid to ensuring openness and transparency in employment, public procurement, issuing permits, licenses and other processes.

One important means of eradicating this evil is public control. Today in Uzbekistan there are over 10 thousand non-governmental non-profit organizations. But their role and activity could be much higher. However, there is no holistic system that expressed their interests and acted as a bridge between these organizations and the state.

The current system of interaction with the public is not able to bring to the center issues of concern to the people on the ground and in various fields, and does not allow achieving tangible results. Many non-governmental non-profit organizations carry out activities "formally". Large NGOs like Mahalla, Nuroni, and the Women's Committee do not deal with acute social issues. They managed to solve them in time.

In turn, the resulting mistrust in the ability of the authorities to effectively resist corruption cannot but affect the assessments in counteracting this evil by international rating agencies. For example, the international non-governmental organization Transparency International noted an increase in corruption in the world - in the rating "The Corruption Perceptions Index" (Corruption Perception Index). Uzbekistan in this rating from 180 countries took 158th place. According to Transparency International, the Republic of Uzbekistan has not actually changed its position in the Corruption

Perception Index for the year. So in 2017, Uzbekistan scored 26 points out of 100 possible, and in 2018, 27 points. At the same time, according to the study, our country fell to 158th place in the rating from 157th. This happened because in 2018, countries such as Tajikistan and Eritrea increased their positions in the ranking and rose one line higher than Uzbekistan.

At the legislative level, drastic measures have been taken in Uzbekistan to ensure the fight against corruption.

Firstly, the Law on Combating Corruption was adopted;

Secondly, the State Anti-Corruption Program for 2017-2018 was approved and successfully implemented;

Thirdly, a new law on public procurement has been adopted and a more transparent procedure has been established to prevent corruption in public procurement,

Fourth, the system of rendering public services has been simplified, and the openness of the activities of all state authorities, including courts and law enforcement agencies, has been ensured.

The issue of corruption is still a sensitive problem for ordinary citizens, which requires a constant and systematic approach to combating this phenomenon, not only of law enforcement agencies, but also of ordinary citizens and the whole society.

When it comes to corruption at the highest state level in Uzbekistan, it is necessary to pay special attention to two facts.

The first fact: The former Prosecutor General of the Republic of Uzbekistan Rashid Kadyrov, holding the post of Prosecutor General of Uzbekistan in 2000-2015, committed a number of crimes by prior conspiracy with a group of people who also held senior positions in law enforcement bodies and the prosecutor's office. R. Kadyrov headed the Prosecutor General's Office of Uzbekistan for 15 years. He was arrested in February 2018 on charges of extortion, bribery and abuse of power. The investigation collected lawsuits from entrepreneurs who admitted that they were forced to give bribes to Kadyrov. The total amount indicated in the statements was approximately half a billion dollars. In mid-2018, the President of Uzbekistan promised that in the coming months, Kadyrov will tell on television about his crimes.

The second fact: G. Karimova had been serving a five-year sentence in house arrest stemming from a 2017 conviction (originally for 10 years) for embezzlement and extortion. She was taken from her daughter Iman's Tashkent apartment to a prison in March 2019. The authorities claimed she had violated the terms of her house arrest. A few days later, the U.S. Department of Justice announced the unsealing of charges against G. Karimova and Bekhzod Akhmedov. Akhmedov is the

former CEO of an Uzbek subsidiary of MTS, a Russian telecom that agreed to pay a \$850 million resolution in relation to the bribery of Uzbek officials. Karimova and Akhmedov, the DOJ said, were being sought "for their participation in a bribery and money laundering scheme involving more than \$865 million in bribes from MTS, VimpelCom Limited (now VEON) and Telia Company AB (Telia) to the former Uzbek official in order to secure her assistance in entering and maintaining their business operations in Uzbekistan's telecommunications market". (RFE/RL's Uzbek Service. 2020)

These two figures were part of the country's political elite. They held high positions and unlimited privileges for many years. Some experts believe that the policy of I. Karimov is to blame, which covered all illegal cases and activities of people close to him. As a result, this led to the development of corruption in all spheres and branches of public life.

It is worth noting that civil society institutions play a significant role in the fight against corruption. This was emphasized by the President of the Russian Federation V.V. Putin, speaking about the organization of work on combating corruption, he noted: "The most important thing, we need to develop, of course, civil society institutions and control by the civil society and the media over the state apparatus and Government Administration". (Anti-corruption Committee. 2019)

Turning to the analysis of the situation with civil society in Uzbekistan, it should be emphasized that we have never had a civil society of a European standard. In all CIS countries, the state has always dominated society. On this basis, a bureaucratic tradition of political power and practice was formed: a citizen is the property of the state. And all his actions are either determined by power, or are an attempt on power. The state has become a comprehensive tool for the implementation of tasks aimed at its reproduction. All spheres of public life in this case required total control by the state. Without this, the very existence of a bureaucratic state became impossible.

The success of the fight against corruption will depend on whether civil society is able to deal more actively with these issues, whether it has sufficient technical capacity, financial resources and access to information, and whether it is provided with the political space necessary to fulfill this crucial role of oversight and protection of rights. (Rafiev. 2020)

V. COOPERATION WITH INGOS IN THE FIGHT AGAINST CORRUPTION

The most important steps taken in Uzbekistan during the years of independence were the country's accession to the UN Convention against Corruption in 2008, the signing of the Istanbul Plan of Action against Corruption of the Organization for Economic Cooperation and Development in 2010, and the

adoption of the Law on Combating Corruption in 2017 year.

The effectiveness of our reforms is largely determined by four important factors - ensuring the rule of law, effective anti-corruption, increasing institutional capacity and the formation of strong democratic institutions. It is known that digital technologies not only improve the quality of products and services, reduce costs, but are also an effective tool in the fight against corruption - the most serious problem that bothers me very much. The widespread adoption of digital technology contributes to the effectiveness of public and public administration, the development of the social sphere, in a word, a dramatic improvement in people's lives. (Mirziyoyev. 2020)

Unfortunately, corruption in various forms impedes the development of Uzbekistan. If corruption is not eradicated, then it will not be possible to create a truly favorable business and investment climate, no sphere of society will develop.

It should be noted that in Uzbekistan, entrepreneurs are still faced with corruption in such areas as the provision of land, cadastral, customs, banking services, licensing, and public procurement. This is evidenced by numerous appeals addressed to the President, messages in the press and social networks.

Until all sectors of the population and the best specialists are involved in the fight against corruption, until all members of society are in a place to fight, it is not possible to achieve their goals. Time itself requires the creation, in order to organize the systematic implementation of these tasks, a separate anti-corruption body accountable to parliament and the President. In our opinion, the president's idea of creating an anti-corruption body is important for economic and social growth and strengthening the country's positive image. However, the question remains the level of influence and the effectiveness of this body.

We believe that the state of cooperation of Uzbekistan with international non-governmental organizations is not satisfactory. Since the World Bank, Transparency International, the Funds F. Ebert and K. Adenauer, Freedom House, etc., cooperate with several international non-governmental organizations in this country in the country.

We propose in this direction it is necessary to cooperate with the following international organizations: International Anti-Corruption Academy, International Association of Anti-Corruption Authorities, International Forum of Business Representatives, Independent Anti-Corruption Commission, TRACE International.

Within the framework of the granted powers, international non-governmental organizations organize various thematic events, print various anti-corruption publications, and provide consulting services. They are

the link between civilized business and government. They make proposals to improve existing legislation and develop new projects. They conduct an anti-corruption examination of legal acts and their projects, etc.

It should be noted that, taking into account the different powers of international non-governmental organizations, they provide assistance in advising and analyzing the situation and, within the framework of the legal field, offer a solution to the problem: preparing a letter of appeal, appealing decisions and decisions of control organizations, and other options. But if there is a gross violation of the law, for example, extortion of a bribe, then it is not possible for non-state structures to resolve this situation, it is necessary to involve the authorized law enforcement agencies. Therefore, do not forget that each body and company has its rights, duties, functions, in accordance with which their work is carried out.

We adhere to such a position that if Uzbekistan will cooperate with these organizations in the future, then new opportunities to fight corruption with the help of effective mechanisms is collapsing. In addition, it contributes to the improvement of the national legislative framework and anti-corruption methods. Interaction at the international level can give a powerful impetus to the liberalization and modernization of the country.

VI. VACCINE OF HONESTY AGAINST CORRUPTION

The fight against corruption in Uzbekistan was announced back in 2016. In 2017, ten detentions of civil servants in the act of receiving or giving a bribe were reported, and from July to October 2018, almost 50 similar facts appeared in the republican media. In May 2016, Mirziyoyev approved the anti-corruption program for the coming years. According to the document, state bodies obliged to assess corruption risks and compile lists of officials most exposed to these risks.

The head of state drew particular attention to this problem, noting that corruption penetrated deeply into all sectors of the population, including education and health. "We need, each of us, "a vaccine of honesty" in order to instill all the officials and responsible leaders. The main question: where to get such a vaccine? The analysis shows that today corruption exists in all areas. At us 60% of teachers did not pass certification - how then do they work? We must confront this universal misfortune, everyone must start with himself. (Mirziyoyev. 2020)

The vaccine of honesty is needed not only by prosecutors, but also by all public servants. Since corruption occurs when the process is related to the state budget. (Artykova. 2020) However, we believe that it will be correct if a legal framework is developed in which prosecutors and lawyers can intervene in the process only if the complaint is submitted by a citizen.

We believe that in developing the “vaccine of honesty” an important part of it should be the religion of Islam. Because, through the religion of Islam, one can bring to the awareness of people how badly corruption affects the lives of people themselves, society and the state. The most important thing is that each person in his actions thinks about the Day of Judgment.

According to the Holy Quran, any misappropriation of another's property is a sin. And the more sinful is the bribery of officials. “Do not misappropriate each other's property and bribe judges with this [property] in order to intentionally appropriate part of the property of [other] people in a sinful way,” says Allah Almighty in the Holy Quran (2/188). In another ayah, Almighty Allah spoke about the corrupt practices of previous generations and warned Muslims not to make such mistakes: “You see that many of them (that is, representatives of former beliefs) try to overcome each other in sin, enmity and eating the forbidden. What they do is disgusting! (5/62, 63). (Islam-today. 2020)

Muslim theologians believe that this hadith in the form of allegory perfectly describes the essence of corruption. It seems that someone's personal interest will be realized, which, at first glance, will not affect others, but in fact we are talking about the complete collapse of the social organism.

Young independent states with transitional political and economic systems, as history shows, are becoming particularly vulnerable in terms of exposure to corruption. All due to the fact that new levers of transformation of society are still being formed. And morally obsolete social mechanisms are very difficult to eliminate from the consciousness of citizens. It is in such a difficult situation that they begin to contribute to the development of corruption.

To increase efficiency against corruption in Uzbekistan, it is necessary to pay particular attention to the following issues:

In our opinion, at the moment there is a need to strengthen public and social control by political parties, NGOs and civil society institutions.

Create a platform for discussing anti-corruption issues with the participation of experts from foreign non-governmental organizations.

Given the national mentality and centuries-old traditions of our people, it is necessary to develop a national program to combat corruption.

It is necessary to ensure transparency in the activities and work processes of state bodies through the prism of the media and Internet bloggers.

It is necessary to develop a system of complex control, providing for the development and implementation of internal anti-corruption measures.

The need for development and implementation with the involvement of foreign experts of all the organizational and legal foundations of the declaration

of property and income by state employees is being updated.

VII. DISCUSSION

The most consistent issue of the cultural conditionality of corruption is addressed by Brian Hastid. Using a statistical analysis of the correlations between the corruption index and the cultural dimensions of 50 countries, he came to the conclusion that a high level of corruption should be expected in countries with a low level of economic development, significant state control over economic life (the share of GDP controlled by the state), significant imbalances in income level between population groups, as well as with special cultural characteristics: a large distance of power, a high level of collectivism. (Husted, Wealth. 1999) The researcher reasoned correctly in this matter. As practice shows, during the reign of I. Karimov, the level of corruption in the country was high. This was facilitated by the low level of economic well-being, localism at all levels of government, social inequality, low salaries in social spheres, etc.

There are many forms (manifestations) of corruption: bribery, favoritism, protectionism, lobbyism, illegal distribution and redistribution of public resources and funds, illegal appropriation of public resources for personal purposes, illegal privatization, illegal support and financing of political structures, extortion, provision of soft loans, orders et al. (Ledeneva. 1998)

Under the conditions of Uzbekistan, the illegal distribution and redistribution of public resources and the strong influence of localism on the country's socio-political life developed covertly.

In her study, Rose-Ackerman identifies two types of societies - kleptocracy, in which corruption is organized at the top of the government and state, where corruption is the sphere of activity of a large number of bureaucrats. According to the second criterion - societies where there are a small number of major private corrupt actors and where the payment of bribes is decentralized. (Rose-Ackerman. 1975)

The American corruption researcher M. Johnston proposed distinguishing several types of corruption: bribes of trade officials; relations in state systems, including patronage on the basis of compatriot, family, party principles; friendship and nepotism. (Johnston. 1982)

Analyzing the relationship of state power in the person of officials with entrepreneurs, we can say that Uzbekistan often encounters three models of corruption:

- 1) Monopolistic- The activity of individual entities in the country. For example, the auto industry of Uzbekistan (Uzavtoprom);
- 2) Deregulated- Bureaucratic structures of regional administrative bodies of state power in the country;

- 3) Competitive- The public good is distributed by state bodies, by more than one bureaucratic structure.

VIII. CONCLUSION

Thus, at this stage of historical development, civil society in Uzbekistan cannot fully resist corruption. Since corruption exists precisely in the society in which we live, whatever it may be: "a strong civil society" or "unorganized civil society". In essence, corruption and civil society are parts of the whole that cannot exist separately. First of all, for the successful fight against corruption, an adequate assessment of the studied social phenomena: "corruption" and "civil society", their essence, internal relations and interaction with each other is necessary.

Formed civil society, firstly, will not itself encourage corruption, and secondly, it will fight hard against it. The authorities cannot fully fight corruption. But corruption will never be beneficial to citizens, and that is why they should strive to do everything to fight it. (Rafiev. 2020)

Anti-corruption by civil society institutions together with state authorities will be effective; they will work together against all threats. Coherence and consolidation of anti-corruption efforts of various structures creates significant synergy. The effect of concerted action far exceeds the result of disparate efforts of a larger quantitative and qualitative composition of participants in various anti-corruption projects and programs. It is the synergistic effect that can become the most important factor that can affect the reduction of corruption in Uzbekistan.

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